

Report to Council

Report Title: Change to Municipal Solicitors

Prepared By: Sonya Watson, Chief Administrative Officer and Fiona Hamilton, Clerk

Department: Administration

Date: July 13, 2021

Report Number: CAO2021-13 **File Number:** C11AD

Attachments: Letter from Grove-McClement and Fischer LLP

Recommendation:

That the Council of the Municipality of Brockton hereby approves Report Number CAO2021-13 - Change to Municipal Solicitors, prepared by Sonya Watson, Chief Administrative Officer and Fiona Hamilton, Clerk and provides further direction to staff: _____

Report:

Background:

The Municipality of Brockton has retained the firm of Grove-McClement and Fischer LLP (and its predecessor named firms) for many decades as the municipal solicitors. At this time, the main lawyer providing services to Brockton has been Tammy Grove-McClement, with Ms. Fischer completing some provincial offences prosecutions.

On July 5, 2021, Brockton received a letter indicating that the partnership of Grove-McClement and Fischer LLP was dissolving, as Ms. Grove-McClement was starting a new partnership with the Ross Firm (having offices throughout Bruce and Huron County) and will be practicing exclusively municipal law. Ms. Grove-McClement will be maintaining the Walkerton office and will also continue employing most of the same staff.

A letter with more information about the new partnership has been attached for Council's reference.

Analysis:

Over the past three years, Brockton has paid between approximately \$50,000-\$65,000.00 for legal services. I would also note that with the background and education of Fiona Hamilton, Clerk (who is licensed to practice law) we have benefited from a significant reduction in the amount of time required for legal advice related to Development Agreements and various agreements that arise that we must prepare, review or respond to. The legal expertise of our Clerk is a significant benefit to Brockton that has contributed to a notable reduction in contact with our solicitor.

There are benefits from remaining at the same firm, as Ms. Grove-McClement is still in possession of many historic files and has background information on many matters that help to alleviate a significant amount of staff time with providing documents and detailed explanations or meetings to start files. The knowledge is simply there. Similarly, maintaining an office in Brockton is convenient for exchanging documents and signings related to the uptake in purchases in the East Ridge Business Park. The Walkerton office location has also meant that Brockton has not been in the position of paying for travel time to and from the courthouse for prosecution or other litigation matters.

At this time, Council could choose to confirm the retainer with the new partnership between Ms. Grove-McClement Fischer LLP or direct staff to proceed by way of a Request for Proposals in determining the municipal solicitors to ensure competitive rates are being paid for services.

There is an exemption for Professional Services in the Purchasing and Procurement Policy (Appendix A. Section 2 (b) services of expert witnesses or factual witnesses used in court or legal proceedings;

Staff are seeking Council’s direction. We do recommend at a minimum keeping Ms. Grove-McClement as the solicitor for purchases or legal matters in East Ridge Business Park to ensure timely response and based on her extensive knowledge.

Staff also suggest a separate retainer for enforcement matters under the Building Code Act. The Building Code Act sets out a regime whereby those services are administered separately from Council. In order to avoid any future conflict and to preserve the legislated independence of the building department, staff recommend a separate retainer whereby the CBO would provide instructions to Counsel, along with a pre-approved budgeted amount. Any such proposal would be brought forward depending on the direction provided by Council.

We seek Council’s direction.

Sustainability Checklist:

What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

- Do the recommendations help move the Municipality closer to its Vision? N/A
- Do the recommendations contribute to achieving Cultural Vibrancy? N/A
- Do the recommendations contribute to achieving Economic Prosperity? N/A
- Do the recommendations contribute to Environmental Integrity? N/A
- Do the recommendations contribute to the Social Equity? N/A

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective?
N/A

Legal services are included in the General Government budget, as well as the East Ridge Business Park budget. When possible, legal costs are billed back to developers or applicants as appropriate and in accordance with the Fees and Charges By-Law. Furthermore, other counsel has been retained for other specialized matters,

mainly Human Resource matters or when the firm of Grove-McClement and Fischer LLP has been precluded from acting.

Reviewed By:

A handwritten signature in black ink, appearing to be 'Trish Serratore', with a stylized, cursive script.

Trish Serratore, Chief Financial Officer

Respectfully Submitted by:

A handwritten signature in black ink, appearing to be 'Sonya Watson', with a cursive script.

Sonya Watson, Chief Administrative Officer

A handwritten signature in black ink, appearing to be 'Fiona Hamilton', with a cursive script.

Fiona Hamilton, Clerk