

Bill No. 269
2019

By-law No. CPOL.-_____ - _____

A by-law to enact a new Council policy entitled
“Contracting for Legal Services”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Council of The Corporation of the City of London wishes to enact a new Council Policy entitled “Contracting for Legal Services”;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The policy entitled “Contracting for Legal Services”, attached hereto as Schedule “A” is hereby adopted.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on July 30, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – July 30, 2019
Second Reading – July 30, 2019
Third Reading – July 30, 2019

Schedule “A”

Contracting for Legal Services

Policy Name: Contracting for Legal Services

Legislative History: Enacted July 30, 2019 (By-law No. CPOL.-_____)

Last Review Date: July 23, 2019

Service Area Lead: Managing Director, Corporate Services & City Solicitor

1. Policy Statement

The objective of this Policy is to identify the circumstances under which outside counsel may be engaged to assist with the delivery of legal services.

Contracting for legal services is intended to respect the spirit of the budget process and the City's Procurement of Goods and Services Policy, while considering the practical realities of the legal system and the environment in which the City operates.

The Policy intends that the City be able to contract for legal services with knowledgeable, skilled and motivated private sector law firms and law practitioners, in a manner that effectively and efficiently meets the City's operational requirements.

2. Applicability

This Policy applies whenever a contract for services is contemplated with a law firm, practicing lawyer or paralegal, whether or not the intention is to contract for conventional legal services.

This Policy applies to all contracts for legal services between the City and private sector law firms and law practitioners, unless the Council directs otherwise.

3. The Policy

3.1 Role of City Solicitor

- a) This Policy requires that the City Solicitor determine whether any request by a Service Area for the outsourcing of legal services should be approved.
- b) No Service Area is permitted to enter into a contract with a law firm, practicing lawyer or paralegal, without first having obtained the approval of the City Solicitor.

3.2 Decision Concerning Outsourcing Request

- a) The City Solicitor, in consultation with the Service Area that bears responsibility for payment of the expense of contracted legal services, is to decide whether such work should be outsourced.
- b) The decision to outsource must be duly justified on the basis of the following factors, as applicable:
 - capacity within the City Solicitor's Office
 - timelines and level of urgency
 - level and impact of risk to the City
 - experience and expertise requirements
 - whether funding for the expenditure has been approved
 - statutory requirements
 - security considerations
 - conflict of interest considerations
 - public interest considerations; and
 - unique considerations associated with the work

3.3 Appointment and Contracting

Once the outside legal work is approved, the authority to formalize the appointment and enter into a contract with the approved firm or practitioner is exercised by the City Solicitor.

3.4 Instructing, Monitoring and Assessment of Accounts

The City Solicitor instructs the firm or practitioner and monitors the work performance in light of the requirements of the contract for legal services. Assessment may be required at the discretion of the City Solicitor.

3.5 Accountabilities

The City Solicitor is accountable to Council for contracting for legal services with private sector law firms and law practitioners.

Service Area Leads are accountable to Council for ensuring that contracting for legal services with private sector law firms and law practitioners is referred to the City Solicitor for sourcing, selection, appointment and contracting of Legal Services, in accordance with this policy.

Service Area Leads are also responsible for ensuring that all accounts for legal services are funded through an approved source.