

Toronto 2014 BUDGET

OPERATING ANALYST NOTES



Legal Services 2014 OPERATING BUDGET OVERVIEW

What We Do

Legal Services provides the highest quality of legal services to the City of Toronto and functions as a strategic resource for Council, City Divisions and Agencies. Legal Services responds to the increasing demand for legal services and promotes risk management and various mitigation strategies.

2014 Budget Highlights

The total cost to deliver this Program for the City of Toronto in 2014 is \$47.018 million as shown below.

	Approved	Recommended	Chang	e
(In \$000s)	2013 Budget	2014 Budget	\$	%
Gross Expenditures	45,430.9	47,044.4	1,613.5	3.6%
Gross Revenue	26,077.9	27,851.3	1,773.5	6.8%
Net Expenditures	19,353.1	19,193.1	(160.0)	(0.0)

In preparation for the 2014 Budget, Legal Services was confronting a net pressure of \$1.821 million primarily the result of inflation and cost of living increases for staff. Through analysis and review of gross expenditures and revenues, the Program was able to realign the budget to offset this pressure.

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Fast Facts

- Legal Service Prosecutors held approximately 80,000 meetings with over 88% being resolved.
- Legal Services has attended approximately 89 Committee of Adjustment hearings as of October 17, 2013, and is experiencing an increase of approximately 16% hearings per year.

Trends

- With the Program facing significant retirements over the next 5 years, Legal Services recruits junior lawyers, where feasible, to replace senior lawyers resulting in a reduction in salary and benefit costs.
- Legal Services experienced an approximate decrease of 30% trial requests through 2014 primarily in response to the implementation of the Early Resolution Program.
- Legal Services has experienced a significant increase in workload associated with the Metrolinx project, with this expected to continue for the next two years.

Our Service Deliverables for 2014

Legal Services is responsible for the provision of legal services and the promotion of risk management and mitigation strategies. The 2014 Operating Budget will provide funding to:

- Conduct Arbitrations and Mediations, Pre-Trials, Hearings of Necessity and Discoveries.
- Attend Committee/Community Councils, Court, Tribunal Hearings, and City Council meetings.
- Prosecute a wide range of City by-laws and Provincial statute violations, including:
 - Sewer pollution, tree destruction, parking offences, Fire Code and Building violations, and zoning.
 - Inspector training and agreement negotiations relating to provincial offences.
- Provide strategic and legal advice in the following practice areas:
 - Municipal Law: Provide expert legal advice and opinions related to issues within City operations and corporate initiatives including negotiating and drafting contracts.
 - Planning and Tribunal Law: Provide advice to City Council and staff on the use and development of land and policy related matters.
 - Real Estate Law: Provide assistance and advice on a wide-range of diverse and sophisticated real estate transactions relating to the City's property interests.
 - Employment Law: Provide assistance and legal advice to the City and its Agencies, Boards and Commissions relating to Employment law and issues arising from collective agreements between the City and its unions.
- Represent and defend the City of Toronto at all levels of courts and tribunals which include the Ontario Municipal Board, the Alcohol and Gaming Commission, the Labour Relations Board, the Human Rights Tribunal and the Workplace Safety and the Insurance Appeals Tribunal.

Legal Services

2014 Budget Expenditures & Funding

Where the money goes:



2014 Operating Budget by Expenditure Category



Where the money comes from:



2014 Operating Budget Funding Source



Our Key Challenges and Priority Actions

- Managing increased service demands and responding to changes in legislation.
 - Maintain up to date knowledge of Provincial Legislation changes.
- Demand for attendance at Ontario Municipal Board (OMB) and Alcohol and Gaming Commission hearings.
 - Respond to all City of Toronto including City Council requests and inquiries.
- Complexities and duration of hearings have increased requiring more resources to support them.
 - Promote risk management and mitigation strategies.
- The division is expected to experience a significant increase in retirements in the next 5-10 years.
 - Enhance succession planning to maintain the core body of knowledge and staffing complement within the division.

II: RECOMMENDATIONS

Recommendations

The City Manager and Chief Financial Officer recommend that:

1. City Council approve the 2014 Recommended Operating Budget for Legal Services of \$47.044 million gross and \$19.193 million net, comprised of the following services:

	Gross	Net
Service:	<u>(\$000s)</u>	<u>(\$000s)</u>
Civil Litigation	8.482	2.984
Prosecution	7.769	(6.325)
Solicitor	30.794	22.534
Total Program Budget	47.044	19.193

- 2. City Council approve Legal Services' service levels offered on page 5 and associated staff complement of 297.0 positions.
- 3. City Council approve the inflationary adjustments to user fees listed in Appendix 6 for Legal Services and the appropriate adjustments be made to Municipal Code Chapter 441 "Fees and Charges".

III: 2014 SERVICE OVERVIEW AND PLAN

Program Map

Legal Services strives to provide quality legal services and function as a corporate strategic resource by providing the following services:



Service Customer

Solicitor

- Mayor and City Council
- City Divisions
- Agencies

Civil Litigation

- · Mayor and City Council
- City Divisions
- Agencies

Prosecution

- Mayor and City Council
- City Divisions
- Agencies
- Municipal Bylaw offender
- Provincial Statute offender

2014 Service Deliverables

The 2014 Recommended Operating Budget of \$47.044 million gross and \$19.193 million net for Legal Services will provide funding to:

- Conduct Arbitrations and Mediations, Pre-Trials, Hearings of Necessity and Discoveries.
- Attend Committee/Community Councils, Court, Tribunal Hearings, and City Council meetings.
- Prosecute a wide range of City by-laws and Provincial statute violations, including:
 - Inspector training and agreement negotiations relating to provincial offences.
- Provide strategic and legal advice in the following practice areas:
 - Municipal Law: Provide expert legal advice and opinions related to issues within City operations and corporate initiatives including contract negotiations and drafting.
 - Planning and Tribunal Law: Provide advice to City Council and staff on the use and development of land and policy related matters.
 - Real Estate Law: Provide assistance and advice on a wide-range of diverse and sophisticated real estate transactions relating to the City's property interests.
 - Employment Law: Provide assistance and legal advice to the City and its Agencies, Boards and Commissions relating to Employment law and issues arising from collective agreements between the City and its unions.
- Represent and defend the City of Toronto at all levels of courts and tribunals which include the Ontario Municipal Board, the Alcohol and Gaming Commission, the Labour Relations Board, the Human Rights Tribunal and the Workplace Safety and the Insurance Appeals Tribunal.

Service Profile: Civil Litigation

Civil Litigation

What we do

Provide legal representation to the City of Toronto in the resolution of lawsuits and claims.

Service Profile: Prosecution

Prosecution

What we do

 Prosecute a wide range of high profile offences committed under City bylaws and Provincial statues. The prosecution team fields a variety of legal issues including constitutional and Charter challenges.

Service Profile: Solicitor



What we do

- Provide legal advice and preparation and review of contracts and related documents.
- Provides full service strategic legal advice and services including municipal, environmental, labour and employment, property, contractual, planning and general law issues.

Service Performance Measures



Committee of Adjustment Hearings Statistics

 The number of Committee of Adjustment Hearings has increased for the past three years, with the trend expected to continue into 2014. The number of losses has decreased, with the number of settlements having increased. The Other category in 2011 refers to the number of hearings carried into 2012, and for 2013 refers to the number of hearings yet to take place.

2013 Committee of Adjustment Statistic Comparison between Internal Legal Staff and External Law Firms



2013 Committee of Adjustment Hearings Statistics

 The above chart illustrates the comparison between Committee of Adjustment Hearing results between internal planning staff and external planners in 2013 to date.

2012 Committee of Adjustment Statistic Comparison between Internal Legal Staff and **External Law Firms**



2012 Committee of Adjustment Hearings Statistics

The above chart illustrates the comparison between Committee of Adjustment Hearing results between internal planning staff and external planners in 2012.

2011 Committee of Adjustment Statistic Comparison between Internal Legal Staff and **External Law Firms**



2011 Committee of Adjustment Hearings Statistics

The above chart illustrates the comparison between Committee of Adjustment Hearing results between internal planning staff and external planners in 2011.

IV: 2014 Recommended Total Operating Budget

	20	13	2014 Recommended Operating Budget Incrementa								
(In \$000s)	Approved Budget	Projected Actual	2014 Rec'd Base	2014 Rec'd New/Enhanced	2014 Rec'd 2014 Rec'd		ld vs. get nanges	2015		2016	
By Service	\$	\$	\$	\$	\$	\$	%	\$	%	\$	%
Civil Litigation											
Gross Expenditures	7,945.8	8,645.1	8,088.8	392.8	8,481.7	535.9	6.7%	368.7	4.3%	346.8	3.9%
Revenue	5,057.7	5,934.1	5,255.2	242.8	5,498.0	440.2	8.7%	358.5	6.5%	488.3	8.3%
Net Expenditures	2,888.1	2,711.0	2,833.7	150.0	2,983.7	95.6	3.3%	10.3	0.3%	(141.5)	(4.7%)
Prosecution											
Gross Expenditures	7,631.5	8,303.1	7,768.9		7,768.9	137.4	1.8%	731.4	9.4%	333.1	3.9%
Revenue	13,564.6	15,914.9	14,094.1		14,094.1	529.5	3.9%	1,612.6	11.4%	1,309.5	8.3%
Net Expenditures	(5,933.1)	(7,611.8)	(6,325.2)		(6,325.2)	(392.1)	6.6%	(881.2)	13.9%	(976.4)	13.5%
Solicitor											
Gross Expenditures	29,853.6	32,481.0	30,391.1	402.7	30,793.8	940.2	3.1%	2,458.5	8.0%	1,303.0	3.9%
Revenue	7,455.5	8,747.3	7,746.5	512.7	8,259.3	803.7	10.8%	373.6	4.5%	719.8	8.3%
Net Expenditures	22,398.1	23,733.7	22,644.6	(110.0)	22,534.6	136.4	0.6%	2,084.9	9.3%	583.3	2.4%
Total											
Gross Expenditures	45,430.9	49,429.2	46,248.8	795.6	47,044.4	1,613.5	3.6%	3,558.6	7.6%	1,982.9	3.9%
Revenue	26,077.9	30,596.3	27,095.8	755.6	27,851.3	1,773.5	6.8%	2,344.7	8.4%	2,517.6	8.3%
Total Net Expenditures	19,353.1	18,832.9	19,153.1	40.0	19,193.1	(160.0)	(0.8%)	1,214.0	6.3%	(534.6)	(2.6%)
Approved Positions	294.0	291.4	292.0	5.0	297.0	3.0	1.0%	2.0	0.7%	2.0	0.7%

2014 Recommended Operating Budget (In \$000s)

The 2014 Recommended Operating Budget for Legal Services of \$45.044 million gross and \$19.193 million net is comprised of the following services:

- The *Civil Litigation service* with a 2014 Recommended Operating Budget of \$8.482 million gross and \$2.984 million net reflects a net increase of \$0.097 million or 3.3% over the 2013 Approved Budget.
 - Increases in litigation base expenditures are primarily attributable to step and progression pay in salary and benefit costs (\$0.303 million).
 - The restatement of budgeted expenditures to align with past year actual expenditures resulted in a reduction of \$0.139 million. A thorough line by line analysis with the Program was conducted to ensure service level impacts from the realignment of expenditures are negligible.
 - The 2014 Recommended Operating Budget provides funding of \$0.497 million gross, \$0 million net for the increase of 3.0 Solicitor positions and 1.0 Law Clerk which will reduce outsourcing of insurance claims related work to external law firms and assist in litigation resulting from the Transit Expansion Project. Specifics regarding New and Enhanced Services can be found on page 14.
 - The 2014 Recommended Operating Budget provides funding of \$0.099 million gross, \$0 million net for the increase of 1.0 IT Programmer positions which will address the

increase workload involving video evidence, Officer Note scanning and e-Ticketing. Specifics regarding New and Enhanced Services can be found on page 14.

- Future year incremental costs are mainly attributable to increases in salaries and benefits (\$0.275 million in 2015 and \$0.122 million in 2016).
- The 2014 Recommended Operating Budget for the Civil Litigation service provides funding for court filings, process serving, legal research and court and administrative tribunal hearings.
- The Prosecution service with a 2014 Recommended Operating Budget of \$7.769 million gross and (\$6.325 million) net reflects a net decrease of \$0.383 million or 6.5% over the 2013 Approved Budget.
 - Increases in prosecution base expenditures are primarily attributable to step and progression pay in salary and benefit costs (\$0.255 million).
 - The restatement of budgeted expenditures to align with past year actual resulted in a reduction of \$0.086 million. A thorough line by line analysis with the Program was conducted to ensure service level impacts to the realignment from expenditures are negligible.
 - The 2014 Recommended Operating Budget for the Prosecution service provides funding for the early resolution program and prosecution.
 - Future year incremental costs are mainly attributable to increases in salaries and benefits (\$0.252 million in 2015 and \$0.112 million in 2016).
- The Solicitor service with a 2014 Recommended Operating Budget of \$30.794 million gross and \$22.535 net reflects a net increase of \$0.127 million or 0.6% over the 2013 Approved Budget.
 - Increases in solicitor base expenditures are primarily attributable to step and progression pay in salary and benefit costs (\$1.009 million).
 - The restatement of budgeted expenditures to align with past year actual resulted in a reduction of \$0.139 million. A thorough line by line analysis with the Program was conducted to ensure service level impacts from the realignment of expenditures are negligible.
 - The 2014 Recommended Operating Budget provides funding of \$0.200 million gross, \$0.040 million net for Litigation Support Software which is designed to assist the Program in obtaining, reviewing, and producing relevant business records held by clients to satisfy litigation obligations. Specifics regarding New and Enhanced Services can be found on page 14.
 - Future year incremental costs are mainly attributable to increases in salaries and benefits (\$1.001 million in 2015 and \$0.443 million in 2016).

Approval of the 2014 Recommended Budget will result in a reduction of 2.0 full time equivalent positions in the Program's approved staff complement resulting in a change from 294.0 to 292.0 as highlighted in the table below:

	2014	2015	2016
Changes	Budget	Plan	Plan
Opening Complement	294.0	297.0	299.0
In-year Adjustments			
Adjusted Staff Complement	294.0	297.0	299.0
Recommended Change in Staff Complement			
- Temporary Complement - capital project delivery			
- Operating impacts of completed capital projects			
- Base Change Adjustments	(2.0)		
- New / Enhanced	5.0	2.0	2.0
Total	297.0	299.0	301.0
% Change over prior year	1.0%	1.0%	1.0%

2014 Recommended Total Staff Complement

- During the personnel expenditure planning (PEP) review of positions within Legal Services,
 2.0 full time equivalent positions were identified as duplicated in the system. As a result,
 Legal Services is adjusting the base budget by deleting 2.0 positions in 2014.
- To provide the necessary litigation support for Insurance Claims processing an increase of 2.0 positions in 2014, 2.0 positions in 2015 and 2.0 positions in 2016 is required. Details regarding the New/Enhanced recommended priorities can be found on page 13, in the 2014 Recommended New / Enhanced Service Priority Actions section of this document. These positions are fully recoverable through the Insurance Reserve.
- An additional increase of 3.0 full time equivalent positions in 2014 is recommended to
 provide support for information technology and systems (including e-ticket and red-light
 camera initiatives, etc.), the Transit Expansion Project and legal administration, fully funded
 by Metrolinx and Court Services.

	2013	2014	Cha	nge				
	Approved	Rec'd	2014 Recomm	ended Base vs.	Incremental		al Change	
(In \$000s)	Budget	Base	2013 Appro	ved Budget	2015 Plan		2016 Pla	
By Service	\$	\$	\$ %		\$	%	\$	%
Civil Litigation								
Gross Expenditures	7,945.8	8,088.8	143.0	1.8%	683.3	8.4%	364.0	4.1%
Revenue	5,057.7	5,255.2	197.4	3.9%	514.5	9.8%	506.4	8.8%
Net Expenditures	2,888.1	2,833.7	(54.4)	(1.9%)	168.8	6.0%	(142.4)	(4.7%)
Prosecution								
Gross Expenditures	7,631.5	7,768.9	137.4	1.8%	731.4	9.4%	333.1	3.9%
Revenue	13,564.6	14,094.1	529.5	3.9%	1,612.6	11.4%	1,309.5	8.3%
Net Expenditures	(5,933.1)	(6,325.2)	(392.1)	6.6%	(881.2)	13.9%	(976.4)	13.5%
Solicitor								
Gross Expenditures	29,853.6	30,391.1	537.5	1.8%	2,830.8	9.3%	1,329.1	4.0%
Revenue	7,455.5	7,746.5	291.0	3.9%	873.1	11.3%	731.8	8.5%
Net Expenditures	22,398.1	22,644.6	246.4	1.1%	1,957.7	8.6%	597.3	2.4%
Total								
Gross Expenditures	45,430.9	46,248.8	817.9	1.8%	4,245.6	9.2%	2,026.2	4.0%
Revenue	26,077.9	27,095.8	1,017.9	3.9%	3,000.3	11.1%	2,547.7	8.5%
Net Expenditures	19,353.1	19,153.1	(200.0)	(1.0%)	1,245.3	6.5%	(521.5)	(2.6%)
Approved Positions	294.0	292.0	(2.0)	(0.7%)				

2014 Recommended Base Budget (In \$000s)

The 2014 Recommended Base Budget of \$46.249 million gross and \$19.153 million net is \$0.200 million or 1.0% under the 2013 Approved Budget of \$19.353 million net and provides \$0.818 million in funding for base budget increases which have been offset by \$1.018 million in recommended service budget reductions.

Key cost drivers resulting in base budget pressures of \$1.675 million are detailed in the table below:

(In \$000s)			
	2014 Rec'd		
(In \$000s)	Base Budget		
Gross Expenditure Changes			
Economic Changes			
Cost of Living Adjustment (COLA)	554.5		
Fringe Benefit Increases	518.6		
Other Base Changes			
Progression Pay	467.4		
Total Changes	1,540.5		
Revenue Changes			
Reduction of Capital Fund Contributions	(134.9)		
Total Changes	(134.9)		
Net Expenditures	1,675.4		

Key Cost Drivers (In \$000s)

These pressures are offset by service changes, detailed on the next page.

	2014	Recommen	ded Service	e Changes	Net Incremental Impact				
				% Change	2015		2016		
	Position	Gross	Net	over 2014	Net		Net		
Description (\$000s)	Change	Exp.	Expense	Budget	Expense	Pos.	Expense	Pos.	
	#	\$	\$	%	\$	#	\$	#	
Base Changes:									
Base Expenditure Changes									
Personnel Expenditure Planning (PEP)	(2.0)	(750.0)	(750.0)	(2.0%)					
Analysis	(2.0)	(750.0)	(750.0)	(3.9%)					
Realignment of Expenditures Based on		(458.6)	(458.6)	(2 40/)					
Actual Expenditures		(458.0)	(458.0)	(2.4%)					
Base Expenditure Change	(2.0)	(1,208.6)	(1,208.6)	(6.3%)					
Base Revenue Changes									
Realignment of Revenues Based on			(60.3)	(0.2%)					
Actual Expenditures			(00.3)	(0.3%)					
Base Revenue Change			(60.3)	(0.3%)					
Total Changes	(2.0)	(1,208.6)	(1,268.9)	(6.6%)					

2014 Recommended Service Change Summary by Program (In \$000s)

The 2014 recommended service changes consist of base expenditure and base revenue changes of \$1.269 million net, bringing the 2014 Recommended Base Budget to \$0.200 million or 1.0% under the 2013 Approved Budget of \$19.353 million.

There is no net incremental impact on the 2015 and 2016 Operating Budgets as a result of these changes. The 2014 recommended service changes are discussed below:

Base Expenditure Changes: (Savings of \$1.209 million gross, \$1.209 million net)

Personnel Expenditure Planning (PEP) Analysis

 As part of the mandatory FPARS project's work on establishing a new complement management review of the Program's complement data, and the resultant integration of complement data with the Public Budget Formulation (PBF) tool, a thorough analysis of salaries and benefits was conducted along with a staffing complement review. This review resulted in \$0.750 million of expenditure savings and the deleting of 2.0 positions.

Realignment of Expenditures Based on Actual Experience

 A line by line review of all expenditures including prior year actual expenditures resulted in an additional savings primarily attributable to equipment (\$0.191 million), services and rents (\$0.123 million) and replacing more senior lawyers with junior lawyers (\$0.139 million).

Base Revenue Changes: (\$0 million gross, Decrease of \$0.060 million net)

Realignment of Revenues Based on Actual Experience

 The analysis of budgeted and actual revenues consisted of the realignment of recoveries resulting in an overall net impact of (\$0.060 million).

	2014	Recommende	d	N	ntal Impact	al Impact		
		2015 Plan 20			2016 P	lan		
	Gross	Net	New	Net	#	Net	#	
Description	Expenditures	Expenditures	Positions	Expenditures	Positions	Expenditures	Positions	
Enhanced Services Priorities								
Increase legal insurance claims support	242.8		2.0		2.0		2.0	
Additional IT support for Court Services and	00.5							
Transit Expansion	98.5		1.0					
Additional legal support for the Transit	254.2		2.0					
Expansion Project	254.2		2.0					
Sub-Total	595.6		5.0		2.0		2.0	
New Service Priorities								
(a) New Services	200.0	40.0				7.5		
Litigation Document Management Software								
Sub-Total	200.0	40.0				7.5		
Total	795.6	40.0	5.0			7.5	2.0	

2014 Recommended New / Enhanced Service Priority Actions

(In \$000s)

Recommended Enhanced Service Priorities

Increase legal insurance claims support

- The Program received a request from Insurance and Risk Management to increase the complement of lawyers to reduce the outsourcing of insurance claims related work to external law firms. The recommended increase of two solicitor positions in 2014 for this purpose will result in an increase of \$0.243 million gross and zero net, funded through the Insurance Reserve.
- Preliminary financial analysis indicates that approximately \$0.320 million in savings in insurance claims legal work is anticipated to be realized reducing the draw from the Insurance Reserve in 2014 if the work is performed internally instead of through a private law firm. The savings will be appropriately captured in the Non-Program Expenditure Budget through reduction in contributions to the Insurance Reserve.

Additional IT support for Court Services and Transit Expansion

 The Program requires a permanent IT programmer to address the demands from Court Services and Transit Expansion. The use of technology and solutions such as video evidence (In car camera), Officer Note scanning and e-Ticketing requires applications, databases and user interfaces be created and maintained. The additional Programmer will result in an increase of \$0.098 million gross and zero net, funded equally by Court Services and Metrolinx.

Additional legal support for the Transit Expansion Project

 The addition of one temporary Solicitor position and one temporary Law Clerk position is recommended to assist with expropriations, title searches, and solicitor work for the Transit Expansion Project. This will result in an increase of \$0.254 million gross and zero net, to be funded by Metrolinx.

Recommended New Service Priorities

Litigation Software for Document Management

In order for the Program to maintain current service levels and respond to high volume litigation files within prescribed time periods, \$0.200 million gross, \$0.040 million net is recommended for a Litigation Document Management Program. This investment will provide litigators with the ability to sift through many different documents and extract and cross reference required information to support depositions, settlements, motions or trials. The majority of litigation firms use a document management tool for litigation files. This tool is required by the Courts to manage the volume of materials submitted as evidence.

		2015 - Incremental Increase					2016 - Incremental Increase				
	Gross		Net	%	#	Gross		Net	%	#	
Description (\$000s)	Expense	Revenue	Expense	Change Positions		Expense Revenue		Expense	Change	Positions	
Karana lana atau											
Known Impacts:											
Progression Pay	487.7		487.7	2.5%		493.4		493.4	1.0%		
Step Increases	6.1		6.1	0.0%		1.5		1.5	0.0%		
COLA and Fringe Benefits	1,033.9		1,033.9	5.4%		181.7		181.7	0.4%		
Sub-Total	1,527.7		1,527.7	8.0%		676.6		676.6	1.3%		
Total Incremental Impact	1,527.7		1,527.7	8.0%		676.6		676.6	1.3%		

2015 and 2016 Plan (In \$000s)

Note COLA is excluded in 2016

Approval of the 2014 Recommended Budget for Legal Services will result incremental costs of \$1.528 million in 2015 and \$0.677 in 2016 to maintain the 2014 level of service.

Future year incremental costs are primarily attributable to the following:

Known Impacts

- For 2015, the incremental expenditures are projected to be \$1.528 million. This includes step, progression pay, cost of living and fringe benefit increases.
- For 2016, the incremental expenditures are projected to be \$0.677 million. This includes step, progression pay and fringe benefit increases. The cost of living adjustment for management and non-union staff is not included for 2016 as this decision will be made by City Council at a later date.

V: ISSUES FOR DISCUSSION

2014 Issues

Early Resolution Process

- The Government of Ontario amended the Provincial Offences Act, 1990 to provide a new Early Resolution Procedure.
- In response to legislative amendments, City Council at its meeting on January 15 and 16, 2013, approved the 2013 Legal Services Operating Budget which included the recommendation to temporarily institute an Early Resolution Program, which it did.
- To date, the Program has significantly reduced the backlog of municipal by-law offenses, freeing up court time for more serious offences. As Early Resolution is a provincially legislated requirement, Legal Services is determining the appropriate permanent staffing complement to maintain current service levels.

Transit Expansion Project

- Legal Services has recently witnessed an increase of workload associated with the Metrolinx project. Future year estimates indicate that the expansion of the Transit Expansion Project will exert further workload demands pressure, potentially resulting in the need for additional staffing.
- All costs associated with the Transit Expansion Project are 100% recoverable through Metrolinx. Delays in hiring solicitors to respond to this increasing workload demand will result in significant delays to the Transit Expansion Project in the City, and will impact the arrangement between the City of Toronto and Metrolinx. Legal Services in collaboration with Metrolinx are currently determining the most effective steps to resolve the increases in workload.

Appendix 1

2013 Service Performance

2013 Key Accomplishments

In 2013, Legal Services achieved the following results:

- ✓ Implemented the Early Resolution Program leading to significant time savings and freeing up court time.
- ✓ Provided strategic legal advice and services related to:
 - Court challenges to the 2010 municipal election and appeals of Compliance Audit decisions.
 - Court of Appeal decisions with respect to cell phone usage while driving and definition of usage.
 - Litigation with Titan Outdoor Canada dealing with signs resolved on favourable terms to the City.
 - Downtown Casino.
 - > The elephants transfer to PAWS Sanctuary.
 - > The Metrolinx Master Agreement and Eglinton Crosstown LRT.
 - > The National Energy Board hearing on Enbridge Proposal (re: Line 9B).
- ✓ Represented the City's interests at the Elliott Lake Judicial Inquiry.
- ✓ Represented the City's interests at the Supreme Court of Canada in the Antrim appeal dealing with injurious affection claims.
- ✓ Revised Harmonized Zoning By-law and representing the City's interests in any appeals before the Ontario Municipal Board.

2013 Financial Performance

	(11 \$0005)												
	2011 Actuals	2012 Actuals	2013 Approved Budget	2013 Projected Actuals*	2013 Approve Projected Act	•							
(\$000s)	\$	\$	\$	\$	\$	%							
Gross Expenditures	43,645.0	46,030.8	45,430.9	49,429.2	3,998.3	8.8							
Revenues	25,743.4	28,159.5	26,077.9	30,596.3	4,518.4	17.3							
Net Expenditures	17,901.6	17,871.4	19,353.1	18,832.9	(520.2)	(2.7)							
Approved Positions	287.0	285.0	294.0	291.4	(2.6)	(0.9)							

2013 Budget Variance Analysis (In \$000s)

* Based on the 3rd Quarter Operating Budget Variance Report

2013 Experience

- The third quarter variance for Legal Services projects that the Program will be \$0.520 million or 2.7% below the 2013 Approved Operating Budget of \$19.353 million net by year end.
- The projected favourable year-end variance is primarily due to unanticipated additional work related to insurance claims undertaken by the Program. Additional work associated with insurance claims increases Legal Services' recoveries from the Insurance Reserve fund without increasing gross expenditures.

Impact of 2013 Operating Variance on the 2014 Recommended Budget

- As a result of insurance claims related work, the 2014 Recommended Operating Budget for Legal Services encompasses the addition of 2.0 Solicitor positions in 2014, 1.0 Solicitor position and 1.0 Law Clerk position in 2015 and 2.0 Solicitor positions in 2016. All positions will be fully funded through the insurance reserve.
 - It is estimated that approximately \$0.160 million per year will be saved for each full time equivalent Solicitor dedicated to insurance claims by reducing the work performed through a private law firm.

Appendix 2

2014 Recommended Total Operating Budget by Expenditure Category

Program Summary by Expenditure Category (In \$000s)

				2013	2014	2014 Cha	nge from		
	2011	2012	2013	Projected	Rec'd		proved	2015	2016
Category of Expense	Actual	Actual	Budget	Actual	Budget		lget	Plan	Plan
	\$	\$	\$	\$	\$	\$	%	\$	\$
Salaries and Benefits	33,927.2	34,734.6	36,879.8	35,723.5	38,002.9	1,123.0	3.0%	41,510.2	43,453.9
Materials and Supplies	342.2	383.3	336.7	404.8	407.3	70.7	21.0%	415.5	423.8
Equipment	57.4	37.4	64.5	114.7	105.5	41.0	63.6%	107.6	107.6
Services & Rents	1,737.2	1,802.0	1,395.5	1,831.0	1,415.8	20.3	1.5%	1,456.9	1,487.7
Contributions to Capital									
Contributions to Reserve/Res Funds	58.1	58.9	58.9	58.9	58.9		0.0%	58.9	58.9
Other Expenditures	0.2	0.1							
Interdivisional Charges	7,522.7	9,014.5	6,695.6	11,296.3	7,054.0	358.4	5.4%	7,054.0	7,054.0
Total Gross Expenditures	43,645.0	46,030.8	45,430.9	49,429.2	47,044.4	1,613.5	3.6%	50,603.0	52,585.9
Interdivisional Recoveries	20,318.1	22,414.1	20,340.1	25,078.1	21,795.3	1,455.2	7.2%	24,029.4	26,492.4
Provincial Subsidies									
Federal Subsidies									
Other Subsidies									
User Fees & Donations	2,254.8	2,377.0	2,425.4	2,485.1	2,473.9	48.5	2.0%	2,523.4	2,573.9
Transfers from Capital Fund	683.3	945.2	606.3	628.9	808.0	201.7	33.3%	808.0	808.0
Contribution from Reserve Funds	88.7	278.2	443.7	223.3	300.0	(143.7)	(32.4%)	300.0	300.0
Contribution from Reserve									
Sundry Revenues	2,398.5	2,144.9	2,262.3	2,180.9	2,474.1	211.8	9.4%	2,535.3	2,539.4
Total Revenues	25,743.4	28,159.5	26,077.9	30,596.3	27,851.3	1,773.5	6.8%	30,196.0	32,713.6
Total Net Expenditures	17,901.6	17,871.4	19,353.1	18,832.9	19,193.1	(160.0)	(0.8%)	20,407.0	19,872.4
Approved Positions	287.0	285.0	294.0	291.4	297.0	3.0	1.0%	297.0	297.0

2014 Key Cost Drivers

Salaries and Benefits is the largest expenditure category and accounts for 80.8% of the total expenditures, followed by Interdivisional Charges at 15.0% and Services and Rents at 3.0%.

Approximately \$21.769 million or 46.3% of the Program's gross operating budget is funded through interdivisional recoveries.

Salaries and Benefits

- The 2014 Recommended Budget for Salaries and Benefits of \$38.003 million is \$1.123 million or 3.0% higher than the 2013 Approved Operating Budget.
 - This increase is partially attributable to progression pay (\$0.467 million), cost of living adjustments (\$0.555 million), maintaining fringe benefits rate (\$0.101 million).
 - In addition, Legal Services staff complement is recommended to be increased by 5.0 positions, 2.0 permanent Solicitors, 1.0 permanent IT Programmer, 1.0 temporary Solicitor and 1.0 temporary Law Clerk. The increase in staff complement will increase salaries and benefit costs by \$0.596 million.

A personnel expenditure planning review conducted effectively reduced the salary and benefit amount by \$0.750 million, and the staffing complement by 2.0 full time equivalent positions. The reduction in salaries and benefits is attributable to savings resulting from the hiring of junior lawyers.

Services and Rents

- The 2014 Recommended Budget for Services and Rents of \$1.416 million is \$0.020 million or 3.0% higher than the 2013 Approved Operating Budget.
 - > This increase is attributable to the alignment of expenditures to past experience.

Interdivisional Charges

- The 2014 Recommended Budget for interdivisional charges of \$7.054 million is \$0.358 million or 5.4% higher than the 2013 Approved Operating Budget.
 - This is attributable to an alignment of the 2014 budgeted amount to actual experience with the Toronto Police Service (\$0.358 million).

Interdivisional Recoveries

- The 2014 Recommended Budget for interdivisional recoveries of \$21.795 million is \$1.455 million or 5.6% higher than the 2013 Approved Operating Budget.
 - In 2014, the Program will be increasing the legal services provided to various divisions, with the largest recovery increases from Court Services (\$0.691 million), Insurance Claims (\$0.243 million) and Information Technology (\$0.160 million).

User Fees

 User fees accounts for \$2.474 million or 0.2% of the 2014 Recommended Budget and reflects an increase of \$0.049 million; due to increases for full cost recovery for the Development Application Review Process (\$0.031 million) and an inflationary adjustment (\$0.018 million).

Sundry Revenue

 The changes in sundry revenues (\$0.212 million) reflect projected increases for legal fees reimbursed (i.e. photocopies, transcripts, courier, etc.), restitution repayments, and insurance recoveries for damage claims on City property.

Appendix 2 - Continued

2014 Organization Chart



2013 Full and Part Time Staff

Category	Senior Management	Management	Exempt Professional & Clerical	Union	Total
Full-Time	9.0	9.0	141.0	132.0	291.0
Part-Time			1.0		1.0
Total	9.0	9.0	142.0	132.0	292.0

Appendix 4

Summary of 2014 Recommended New / Enhanced Service Changes



2014 Operating Budget - Staff Recommended New and Enhanced Services

Summary by Service

(\$000s)

Form ID		Adjust	ments				
Other City Programs Program: Legal Services	Gross Expenditure	Revenue	Net	Approved Positions	2015 Plan Net Change	2016 Plan Net Change	

2656 **New Solicitors for Insurance Claims**

72 1 Description:

Over the last few years, the City of Toronto has been building internal capacity within Legal Services for greater involvement with insurance claims litigation defence files. Given the cost savings between salaries and benefits for in-house lawyers and retainer fees paid to external firms, there would be significant costs savings to the City's insurance program and Toronto taxpayers if the number of files assigned to internal staff increased. To achieve this, it is recommended that Legal Services increase their staffing complement by 6.0 permanent solicitors to be phased in beginning with 2.0 positions in 2014.

Service Level Impact:

To maintain the current service level and respond to an increase in insurance claim related work, Legal Services requires the addition of 2.0 permanent solicitors in 2014. Currently some insurance claim related work is contracted to third party law firms. The savings attributed to brining this work to internal Legal Services is estimated at \$0.320 million.

Service: Civil Litigation						
Total Staff Recommended:	242.8	242.8	0.0	2.0	0.0	0.0
Staff Recommended New/Enhanced Services:	242.8	242.8	0.0	2.0	0.0	0.0

71 - Operating Impact of New Capital Projects

72 - Enhanced Services-Service Expansion

74 - New Services



2014 Operating Budget - Staff Recommended New and Enhanced Services

Summary by Service

(\$000s)

Form ID	Adjus	tments			
Category Dright City Program Program: Legal Ser	Revenue	Net	Approved Positions	2015 Plan Net Change	2016 Plan Net Change

2662 Litigation Document Management Software

74 1 Description:

The City of Toronto deals with a large volume of litigation each year, as either a plaintiff or defendant. In every civil action, the City is required by law to produce business records relevant to the issues in the litigation. Relevant business records are defined to include electronic records, including email, photographs, letters, memoranda, and other records. The delivery of paper copies of electronic records, the practice the City has largely followed to date, does not satisfy the obligation to produce electronic records. At present, the City's practice is not to produce electronic records in litigation because it is extremely cumbersome. This is a significant problem because this practice is not compliant with current with common legal practice. When that occurs, the City will face the prospect of an adverse decision as a result of its failure to produce electronic records or the City will be required to deal with the issue on an ad hoc basis. Without a process in place to proactively manage these requirements, the City is at potentially greater financial and legal risk. It is recommended that funding of \$0.200 million gross, \$0.040 million net be provided for litigation support software be instated that will assist the City in managing litigation files more efficiently in three ways:1. Increase efficiency in finding and reviewing an increasing volume of relevant records; 2. Improve the integrity of the City's efforts to find relevant records in particular files; and 3. Facilitate the exchange of records with other counsel, experts, and colleagues.

Service Level Impact:

Litigation support software is designed to assist organizations in obtaining, reviewing, and producing relevant business records held by clients so that the organization can satisfy its legal obligations when the organization is involved in litigation. Software tools to assist in the review of potentially relevant records can be employed to reduce the volume of records to be reviewed by eliminating duplicate or near duplicate records or managing email "threads" and allowing lawyers to more easily sort and classify records. Copies of the relevant electronic records can be provided other parties, the client, expert witnesses, and the court in a neutral format (like a pdf) to facilitate their exchange and review.

Service: Civil Litigation

Category:

71 - Operating Impact of New Capital Projects

- 72 Enhanced Services-Service Expansion
- 74 New Services
- 75 New Revenues



2014 Operating Budget - Staff Recommended New and Enhanced Services Summary by Service

(\$000s)

Form ID							
Category Priority	Other City Programs Program: Legal Services	Gross Expenditure	Revenue	Net	Approved Positions	2015 Plan Net Change	2016 Plan Net Change
L	Total Staff Recommended:	150.0	0.0	150.0	0.0	(270.0)	5.0
	Service: Solicitor						
	Total Staff Recommended:	50.0	160.0	(110.0)	0.0	230.0	2.5
	Staff Recommended New/Enhanced Services:	200.0	160.0	40.0	0.0	(40.0)	7.5

Category:

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71 - Operating Impact of New Capital Projects

72 - Enhanced Services-Service Expansion

74 - New Services



2014 Operating Budget - Staff Recommended New and Enhanced Services

Summary by Service

(\$000s)

Form ID		Adjust	ments			
Category Drigram: Legal Services	Gross Expenditure	Revenue	Net	Approved Positions	2015 Plan Net Change	2016 Plan Net Change

2663 Transit Expansion Project Staff Hirings

72 1 Description:

At its meeting on October 30, 31 and November 1, 2012, City Council approved the Master Agreement which states that the City will provide staff for property acquisition services. All services provided by Legal Services are recovered through Metrolinx. The acquisition and expropriation of approximately 350 properties by March 2015 for the Transit Expansion Project requires the addition of a minimum of six (6.0) temporary lawyers. It is recommended that the increase of 6.0 lawyers be phased in as required over the next few years, including two (2.0) lawyers be hired in 2014 to assist with the current workload increase.

Service Level Impact:

To maintain the current service level, Legal Services requires additional lawyers to respond to an increasing workload (primarily in civil litigation) related to the Transit Expansion Project.

Service:	Solicitor
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Total Staff Recommended:	254.2	254.2	0.0	2.0	0.0	0.0
Staff Recommended New/Enhanced Services:	254.2	254.2	0.0	2.0	0.0	0.0

71 - Operating Impact of New Capital Projects

72 - Enhanced Services-Service Expansion

74 - New Services



2014 Operating Budget - Staff Recommended New and Enhanced Services

Summary by Service

(\$000s)

Form ID			Adjust	ments			
Category Priority	Other City Programs Program: Legal Services	Gross Expenditure	Revenue	Net	Approved Positions	2015 Plan Net Change	2016 Plan Net Change

2667 e-ticketing I&T Support Staff_Courts

72 1 Description:

Over the past few years advances in technology have emerged to support litigation. Solutions Legal Services has taken advantage of include video evidence (in car cameras), officer note scanning and now e-Ticketing. Legal Services requires that applications, databases and user interfaces be created and maintained. In order to meet increasing demands on capacity it is recommended that a permanent IT Programmer position be instated. Court Services and Metrolinx will equally share the costs associated with the position for Legal Services to meet this increasing workload.

Service Level Impact:

Legal Services will be better able to sustain the current civil litigation support provided to both Court Services and Metrolinx through efficiency increases.

Staff Recommended New/Enhanced Ser	vices: 98.5	98.5	0.0	1.0	0.0	0.0
Total Staff Recommended:	98.5	98.5	0.0	0.0	0.0	0.0
Service: Solicitor						
Total Staff Recommended:	0.0	0.0	0.0	1.0	0.0	0.0
Service: Prosecution						

Category:

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71 - Operating Impact of New Capital Projects

72 - Enhanced Services-Service Expansion

74 - New Services



2014 Operating Budget - Staff Recommended New and Enhanced Services Summary by Service

(\$000s)

Form ID			Adjustm				
Category Priority	Other City Programs Program: Legal Services	Gross Expenditure	Revenue	Net	Approved Positions	2015 Plan Net Change	2016 Plan Net Change
Summary:							
Staff	Recommended New/Enhanced Services:	795.6	755.6	40.0	5.0	(40.0)	7.5

Category:

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71 - Operating Impact of New Capital Projects

72 - Enhanced Services-Service Expansion

74 - New Services

Appendix 5

Inflows/Outflows to/from Reserves & Reserve Funds

Program Specific Reserve / Reserve Funds (In \$000s)

		Projected	Proposed Withdrawals (-) / Contributions (+)				
	Reserve / Reserve Fund	Balance as of Dec. 31, 2013	2014	2015	2016		
Reserve / Reserve Fund Name (In \$000s)	Number	\$	\$	\$	\$		
Projected Beginning Balance		1,774.2	1,774.2	1,474.2	1,174.2		
Arbitration & Legal Awards	XQ1079		(300.0)	(300.0)	(300.0)		
Total Reserve / Reserve Fund Draws / Contributions		1,774.2	1,474.2	1,174.2	874.2		
Other program / Agency Net Withdrawals 8	Contributions						
Balance at Year-End	1,774.2	1,474.2	1,174.2	874.2			

Corporate Reserve / Reserve Funds (In \$000s)

	Reserve / Reserve Fund Number	Projected	Proposed Withdrawals (-) / Contributions (+)				
Percerve / Percerve Fund Name		Balance as of Dec. 31, 2013	2014	2015	2016 \$		
Reserve / Reserve Fund Name		Ş	Ş	Ş			
Projected Beginning Balance		2,061.1	2,061.1	1,960.0	2,018.9		
Insurance Reserve Fund	XR1010		58.9	58.9	58.9		
IT Equipment Reserve	XQ1508		(160.0)				
Total Reserve / Reserve Fund Draws / Contr	2,061.1	1,960.0	2,018.9	2,077.8			
Other program / Agency Net Withdrawals &	& Contributions						
Balance at Year-End	2,061.1	1,960.0	2,018.9	2,077.8			

		Projected	Proposed With	ed Withdrawals (-) / Contributions (+		
	Reserve /	Balance as of				
	Reserve Fund	Dec. 31, 2013	2014	2015	2016	
Reserve / Reserve Fund Name	Number	\$	\$	\$	\$	
Projected Beginning Balance		28,183.0	28,183.0	28,023.0	28,023.0	
IT Equipment Reserve	XQ1508		(160.0)			
Total Reserve / Reserve Fund Draws / Contributions		28,183.0	28,023.0	28,023.0	28,023.0	
Other program / Agency Net Withdrawals & Contributions						
Balance at Year-End	28,183.0	28,023.0	28,023.0	28,023.0		

Appendix 6

2014 User Fee Rate Changes

Inflation and Other Adjustment

						2013 2014						2016
Rate ID	Rate Description	Service	Fee Category	Fee Basis	Approved Rate	Inflationary Adjusted Rate	Other Adjustme nt	Budget Rate	Budget Volume	Incremental Revenue	Plan Rate	Plan Rate
	Surrender, Discharge,		, in the second se									
LL001	Release or Assumption documentation	Solicitor	Full Cost Recovery	per document	230.64	235.25	0.00	235.25	0.00	0.00	239.96	244.76
LL002	Discharge of Mortgage	Solicitor	Full Cost Recovery	per discharge	230.64	235.25	0.00	235.25	0.00	0.00	239.96	244.76
LL003	Consent to document registration	Solicitor	Full Cost Recovery	per consent	230.64	235.25	0.00	235.25	0.00	0.00	239.96	244.76
LL004	Correcting Deed	Solicitor	Full Cost Recovery	per deed	230.64	235.25	0.00	235.25	0.00	0.00	239.96	244.76
LL005	Compliance Request	Solicitor	Full Cost Recovery	per property	230.64	235.25	0.00	235.25	0.00	0.00	239.96	244.76
LL006	Due Diligence Request by Purchasers of Municipal Property	Solicitor	Full Cost Recovery	per request	230.64	235.25	0.00	235.25	0.00	0.00	239.96	244.76
LL007	Review Tenant's Notice of Lease	Solicitor	Full Cost Recovery	per notice	230.64	235.25	0.00	235.25	0.00	0.00	239.96	244.76
LL008	Renewal of Lease/Licence	Solicitor	Full Cost Recovery	per renewal	462.34	471.59	0.00	471.59	0.00	0.00	481.02	490.64
LL009	Lease/Licence Amending Agreement	Solicitor	Full Cost Recovery	per agreement	462.34	471.59	0.00	471.59	0.00	0.00	481.02	490.64
LL010	Response to Applications for First Registration in Land Titles	Solicitor	Full Cost Recovery	per application	462.34	471.59	0.00	471.59	0.00	0.00	481.02	490.64
LL011	Encroachment Agreement	Solicitor	Full Cost Recovery	per agreement	577.14	588.68	0.00	588.68	0.00	0.00	600.46	612.46
LL012	Easement Agreement	Solicitor	Full Cost Recovery	per agreement	577.14	588.68	0.00	588.68	0.00	0.00	600.46	612.46
LL013	Preparation of Nominal Sum Lease or Licence	Solicitor	Full Cost Recovery	per document	577.14	588.68	0.00	588.68	0.00	0.00	600.46	612.46
LL014	Consent to Applications Where City is Interested Party	Solicitor	Full Cost Recovery	per consent	577.14	588.68	0.00	588.68	0.00	0.00	600.46	612.46
LL015	Landlord's or Tenant's Lease Acknowledgement (a) routine	Solicitor	Full Cost Recovery	per aknowledgme nt	346.49	353.42	0.00	353.42	0.00	0.00	360.49	367.70
LL016	Landlord's or Tenant's Lease Acknowledgement (b) complex	Solicitor	Full Cost Recovery	per acknowledgm ent	1,154.28	1,177.37	0.00	1,177.37	0.00	0.00	1,200.91	1,224.92
LL017	Consent to Assignment or Sublet of Lease/Licence (a) routine	Solicitor	Full Cost Recovery	per consent	577.14	235.25	0.00	235.25	0.00	0.00	239.96	244.76
LL018	Consent to Assignment or Sublet of Lease/Licence (b) complex	Solicitor	Full Cost Recovery	per consent	2,309.62	2,355.81	0.00	2,355.81	0.00	0.00	2,402.93	2,450.97
LL019	Consent to Security Documents or a refinancing (a) routine	Solicitor	Full Cost Recovery	per consent	577.14	588.68	0.00	588.68	0.00	0.00	600.46	612.46
LL020	Consent to Security Documents or a refinancing (b) complex	Solicitor	Full Cost Recovery	per consent	2,309.62	2,355.81	0.00	2,355.81	0.00	0.00	2,402.93	2,450.97