

# Department business plan update

## Legislative and Legal Services (LLS)

# Department overview

Supporting relationships among County Council, administration and citizens, Legislative and Legal Services (LLS) is charged with ensuring open and transparent government through the development of sound practices and systems for supporting effective decision-making by Council. LLS ensures that activities of the municipality are conducted within legislative provisions respecting the roles and responsibilities of local government.

# Department overview

- Manages the Council decision-making process from start to finish; creates and maintains official Council records.
- Facilitates corporate and business unit success through the provision of internal and external legal services and guidance.
- Provides assistance to departments and residents with FOIP matters.
- Provides leadership and strategic management for contract management functions, including maintaining updated contract documents, tools, templates, and training.
- Conducts a general municipal election every four years, validates petitions, and conducts municipal censuses as needed to support demographic information for the organization.
- Provides residents with “proof of life” documentation and certifies official records of the County as needed.

# Department overview

## **Our team:**

- LLS currently has 17 permanent team members, and 3 temporary team members (one member is seconded to the SCBT project).
- We have three branches, and our management team consists of: Director, Manager Legal Services, Manager Governance Services, Manager Legislative Services and Contract Management.
- We have recently expanded our legal team by adding a third lawyer, and a temporary legal assistant (2-year term).

## **Our Organization:**

- LLS undertook an Organizational Review in the fall of 2018 with MNP.
- We began implementing early 2019; however, additional positions were required to fully realize the organizational design. The significant impact of provincial budget changes in 2019 prevented full implementation. A functional design is in place until the results of the County's business transformation (SCBT) are known.

# Core business functions

- Administrative tribunals
- Boards and Committees
- Bylaw and Policy development and management
- Council/Priorities Committee/Emergency Advisory Committee/Governance Advisory Committee/ COVID-19 Recovery Task Forces support
- Census
- Elections and Petitions
- Internal legal advice and support and External legal support – retention and management
- Contract management and administration
- Freedom of Information and Protection of Privacy

# COVID-19 impacts

## **Staff impacts**

- Increased workload and need for rapid change and reprioritization.
- Adaptation to work from home, but feelings of isolation an issue for some.

## **Service impacts**

- COVID-19 has resulted in significant additional legal demand (over 60 COVID-19-related legal services requests from mid-March 2020 to end of May 2020).
- COVID-19 has meant a significant and abrupt pivot for all County governance practices (council and committee meetings, tribunal hearings, public hearings, and new three new task forces), requiring new bylaws and electronic processes.
- Since March 11 have processed more than 140 contracts.
- Since March 13, have managed 4 PCM meetings, 7 Council meetings, 4 Special Council meetings, 5 EAC meetings, and 6 Task Force meetings –26 meetings total.

## **Financial Impacts**

- Lost hearing revenue, increased legal costs, reduced training and travel costs.

# Progress on core function forecast

## **Administrative Tribunals – We do this:**

Coordinate and support appeal hearings to quasi-judicial boards, including the SDAB, ARB, BEORC, GARC, in accordance with the *MGA* and principles of natural justice.

## **Successes and challenges:**

- Hearings are often complex and may result in legal challenges (risk of high cost and potential for reputational damage).
- Recent changes to federal and provincial legislation (including legalization of cannabis), MGA changes and Court decisions have increased training requirements and resulted in a higher standard for written decisions.
- Requires the recruitment of public members with appropriate skill sets.
- Council supported the move to make Strathcona County's ARB a regional board, in line with regionalization initiatives in the province.

# Progress on core function forecast

## **Boards and Committees – We do this:**

Support and maintain Council committee structure and bylaws, manage committee processes, including development of mandates, manage elected official and public member appointment processes, coordinate support to all 8 advisory committees and provide orientation, templates, and training.

## **Successes and challenges:**

- Council established 3 new COVID-19 Recovery Task Forces.
- Typically recruitment occurs in the fall; all recruitments are now online.
- Comprehensive process review resulted in substantial changes to boards and committees, including improved service to members.
- Onboarding of all County boards and committees to electronic meeting management is progressing well.
- A number of board and committee bylaws have been revamped (e.g., Mayor's Executive Committee), and a major rewrite of the main Boards and Committees Bylaw is planned.



# Progress on core function forecast

## **Bylaw And Policy Development And Management – We do this:**

Provide legal and legislative analysis in bylaw and policy development to ensure coherent, integrated and consistent policy and legal frameworks that effectively meet the County's needs. Provide advice on related matters (administrative directives, procedures and guidelines, delegation of authority, and enforcement matters).

## **Successes and challenges:**

- Bylaw templates were recently updated to ensure consistency and compliance with policy (including plain language).
- Migration to Office 0365, while a challenge with workload, will provide opportunities to pursue the goal of a fully searchable bylaw database.
- Working with departments to develop new and updated policies and bylaws, such as the Animal Control Bylaw and Community Standards Bylaw.
- Focus is shifting from policy updates to bylaw updates over the next 18 months.
- Its happening: we are bringing bylaw prosecutions in-house.

# Progress on core function forecast

## **Council / Priorities Committee / Governance Advisory Committee Meetings – We do this:**

Coordinate and support Council, Priorities Committee, and Governance Advisory Committee meetings, including agenda creation and management, minutes, and documentation and monitoring of Council action items. We ensure all legislative requirements necessary to support effective, defensible and open/transparent decision-making are in place and provide procedural advice in meetings.

## **Successes and challenges:**

- This is a highly public-facing area.
- Support 2 Council meetings and 1 to 2 Priorities Committees per month.
- Supported Council to establish 3 new Task Forces to address the recovery from the COVID-19 Pandemic.
- The Meeting Procedures Bylaw (the "backbone" of Council's decision-making process) is undergoing a significant re-write (completion – Q4).

# Progress on core function forecast

## **Census – We do this:**

Conduct municipal censuses in accordance with the *MGA*. Census data is used corporate-wide to provide departments with demographic information to assist with future planning and program development. We require census information for election planning to ensure appropriate voting station capacity and to order sufficient ballots in a variety of types.

## **Successes and challenges:**

- In 2019 we undertook a Census Modernization Project to address challenges such as reaching residents in an era when answering your door is not the norm and encouraging greater online participation.
- The 2020 municipal census was cancelled due to COVID-19. The next census is scheduled for 2022 following the general municipal election to (among other things) facilitate the required ward boundary review.

# Progress on core function forecast

## Elections And Petitions – We do this:

Pursuant to the *Local Authorities Election Act*, the *MGA* and the *School Act*, we conduct the general municipal election and by-elections for the County, conduct the local public and separate school board trustee elections, and validate petitions.

## Successes and challenges:

- The next general municipal election will take place on **October 18, 2021**.
- Recent changes made to the *Local Authorities Election Act* affect campaign contributions, nominations, disclosure, and third-party advertising, and require development of new processes to ensure compliance.
- COVID-19 may pose additional challenges for election worker recruitment and voting, due to physical distancing and other cultural impacts. The team is monitoring other jurisdictions elections this year for potential solutions to these issues.

# Progress on core function forecast

## **Internal Legal Advice And Support & External Legal Support – Retention And Management – We do this:**

- Contract preparation, negotiation, and review; bylaw preparation and review; legal advice and opinions; manage litigation on behalf of the County.
- Ensure that the County's needs for legal services in specialized areas of law are addressed through selecting, retaining and monitoring external legal service providers.

## **Successes and challenges:**

- Requests for legal services increased 289% over a period of 2 years (2017 – 2019).
- COVID-19 has impacted the entire corporation, requiring significant additional legal support (over 60 Covid-19-related legal service requests by May 29), including legal advice, contract reviews, and contract drafting, often on an emergent basis.
- Standard form contracts will be revised and additional standard form contracts prepared in readiness for the SCBT (new ERP software).

# Progress on core function forecast

## **Contract Management – We do this:**

Provide leadership and strategic management for the contract management functions by providing role clarity, process improvements, tools for analytics and evidence-based decision-making to increase efficiency and reduce risk to the County.

## **Successes and challenges:**

- Works closely with the County's SCBT team and Procurement Services Branch.
- Confident Contracting training provided to 151 County staff members in 2019.
- Support continuous improvement for the County's contract management functions and alignment with leading public sector best practices – ultimately, this will enhance service delivery to residents and increase the value received for County dollars.
- COVID-19 has had a significant impact on how we process contracts as well as the number of contracts we have processed.

# Progress on core function forecast

## **Freedom of Information and Protection of Privacy (FOIP) – We do this:**

Assist County staff and members of the public with access to information requests (including those made under the *FOIP Act*), law enforcement disclosure requests and privacy breach complaints. We participate in mediations and investigations by the Office of the Information & Privacy Commissioner. The FOIP team reviews documents, projects and programs, and provides advice to departments to ensure the County complies with all relevant privacy legislation.

## **Successes and challenges:**

- In 2019, we responded to 122 requests from County staff, members of the public, and law enforcement.
- High volume of records related to FOIP requests has resulted in issues with the reliability of the redaction software and investigation for an alternative is underway.
- The development of a County-wide training program is underway and is planned to commence by Q3.



# Dashboard

Measure	Output
Support the County's contract preparation, negotiation and review, as well as provide legal advice and opinions to facilitate the business functions of the County.	Requests for legal services increased 289% over a period of 2 years (2017 – 2019), from 251 requests in 2017 to 726 requests in 2019. The number of legal requests from January – end of May 2020 is 409 (an increase of 62 requests for same period of 2019).
Develop and provide training on an array of standard form contracts.	Developed and delivered "Confident Contracting" ½-day training sessions in 2019; delivered 9 sessions to approximately 150 staff members from departments throughout the organization.
Support all Council, Priorities, Emergency Advisory, Governance Advisory, and Chief Commissioner Selection, and Mayor's Executive Committee meetings.	Combined total of 60 meetings since January 2020 (40 meetings for same period of 2019 or a 50% increase). Support to over 400 eSCRIBE contributors which includes training and day-to-day trouble shooting.
Support to County Tribunals and Council Committees.	Supported 3 tribunals and 6 advisory committees in 2019. Supporting 3 tribunals and 9 advisory committees in 2020 (and 3 new task forces).
Support relating to privacy legislation (FOIP) requirements.	Responded to 122 privacy-related consults, information requests from members of the public, and law enforcement disclosure requests in 2019; requests in 2020 are on par.



# Fun fact

*Through implementing electronic meeting management, LLS has saved approximately 200,000 sheets of paper per year since 2015 – the equivalent weight of more than the four African Bush Elephants pictured below in the last **4.5 years**, or savings of **23 trees per year**! Yay team!*



# Employee engagement

Engagement survey theme	Engagement initiative	People Plan focus area
Work Environment	Let's Create/Change the Conversation - "What's on Your Plate?"	Ensure we have an agreed upon approach (the conversation) when wanting to assign work, and to help staff feel safe to indicate that they are overburdened and respectfully request a collaboration on re-prioritizing or reallocating work to accommodate new or higher priorities.
Diversity and Inclusion	Inclusion Education & Awareness	Diversity is a given; for us to embrace this, we need to learn how to be more inclusive. This requires us to understand the diversity around us and what it looks like to be inclusive. This initiative will focus on helping LLS team members learn about inclusion (what it is, what it means, what it looks like), and become more aware of their own biases in order to manage them.
Values	"That's Not LLS"	This initiative focuses on ensuring we are LIVING our values and commitments to each other. It also focuses on creating a safe mechanism for team members to indicate when something has occurred that they feel is not in line with the values of the team and organization. Additionally, this mechanism is intended to open communication between team members regardless of their positional authority in a safe, non-punitive manner.

# Initiatives

- LLS supports 39 initiatives from across the organization.
- LLS does not have any initiatives reflected in the 2020-2023 Business Plan, as none of our improvement projects or programs require additional budget.
- This doesn't mean we lack initiative, by any means – here's what we are excited to work on for the future



# What the future holds

## **ESCRIBE Roll-out**

- The way we were: fully manual agenda packages until 2015, with the implementation of eSCRIBE for Council and Priorities Committee agendas.
- Where we are now: Have added GAC, tribunals, Mayor's Executive; Executive Team and pre-pandemic electronic voting for Council and PC.
- Where we are going: Soon Senior Leadership Team will be onboard.

## **Solicitation (procurement) and contract template upgrade**

- The way we were: a multiplicity of different procurement documents and only one contract – the infamous "1190."
- Where we are now: a full set of procurement templates, including negotiated and true tender formats, standardized across the corporation; and some choice of new contract templates.
- Where we are going: Updated procurement documents and an array of contracts to suit the County's needs.

# What the future holds

## Census Modernization

- The way we were: paper-based door to door collection and limited online portal
- Where we are now: signed a one-year licensing agreement with Airdrie to deliver a fully online census, including real time collection of census data.
- Where we are going: we will assess Airdrie software, along with Elections Alberta software to determine which best meets our needs for 2022.

## Legal services enhancement

- The way we were: We had one half-time lawyer to work on a standard form procurement document and contract –time was diverted to pressing matters.
- Where we are now: In Q1 of 2020 we hired a third lawyer and brought bylaw prosecutions in-house.
- Where we are going: taking a proactive approach with training, standard forms and maximizing in-house capacity to provide better service for reduced costs.

# What the future holds

## **Bylaw Overhaul Project**

- Just as with the work we undertook on the Municipal Policy Handbook, we will begin a project to update and consolidate the County's bylaws, and repeal any that are no longer required.

## **Planning for Election 2021 and Council Orientation**

- We will be hard at work from November 2020 planning for the **October 18, 2021** General Municipal Election and the mandatory Council Orientation.

# Questions?

