



City of Richmond

Report to Committee

To: General Purposes Committee
From: Doug Long
Acting City Solicitor
Re: External Legal Resources for Land Development

Date: May 21, 2008
File: 01-0270-01/2008-Vol 01

Staff Recommendation

That:

- At their cost, land developers be provided the opportunity of completing the required land development agreements with the City by interfacing with external legal counsel representing the City.

Doug Long
Acting City Solicitor
(604-276-4339)

FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:	CONCURRENCE		CONCURRENCE OF GENERAL MANAGER		
Budgets	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>			
Development Applications	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>			
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> <i>DLL</i>	NO <input type="checkbox"/>	REVIEWED BY CAO (Acting)	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

May 14, 2008

Staff Report

Origin

In 2007, the Law Division processed 134 files relating to real estate development work (rezonings, subdivisions, building permits etc). Most of these files required the preparation of three or more legal agreements. Development work is becoming increasingly more complex, with some developments requiring more than 15 agreements.

Analysis

In order to provide a timelier level of service in the preparation, completion and registration of legal agreements, it is proposed that at the option of, and at the developer's expense, City legal services be performed by external legal counsel engaged by the City.

This proposed arrangement would afford the developer with the option to have their development processed more expeditiously, and would alleviate from the tax base the burden of the legal costs associated with the development. Experienced external legal counsel would be pre-approved by the City to provide the requisite legal services for the City. External counsel would be asked to provide to the City an estimate of legal fees which would typically be charged in providing the requisite legal services.

The estimate for the fees would then be provided to the developer. If the developer accepted the estimate, the developer would be required to pre-pay to the City the amount of the estimate. Upon receipt of payment from the developer, the matter would be referred to the City's external counsel with instructions to immediately proceed.

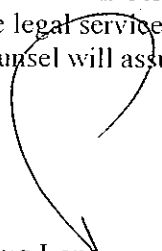
Once the legal agreements are finalised, the City's external counsel would provide to the City a reconciliation of anticipated fees based on the initial quotation and the actual fees. In cases where the actual fees exceed those anticipated then the developer would be required, prior to the enactment of the rezoning or issuance of the permit as the case may be, to pay to the City the difference. In cases when the actual fees are less than those anticipated, the developer would receive a refund.

Financial Impact

No additional cost to the City.

Conclusion

Engaging external counsel to perform the legal services described above will expedite the legal services provided on behalf of Richmond's development community and alleviate from the tax base the costs of the legal services required to complete the matter. At the same time, the engagement of experienced legal counsel will assure that the quality of the City's legal services is retained.



Doug Long
Acting City Solicitor
(604-276-4339)
DL:mw:pp