



## City of Richmond

## Report to Committee

**To:** Finance Select Committee

**Date:** July 8, 2002

**From:** Paul Kendrick  
City Solicitor

**File:** -

**Re:** LEVELS OF SERVICE - LAW DEPARTMENT AND LAND AGENT

### Staff Recommendation

That the attached report of the City Solicitor, dated July 8, 2002 be received for information.



Paul Kendrick  
City Solicitor

Att. 2

**FOR ORIGINATING DIVISION USE ONLY**

**CONCURRENCE OF GENERAL MANAGER**



## **Staff Report**

### **Origin**

The Law Department consists of 2 lawyers and the Manager, Lands and Properties and 3 support staff.

A chart showing a comparison of level of service with other jurisdictions which have on staff solicitors is attached to this report.

Also attached is a breakdown of the services provided, showing the cost of the services, accompanied by a short summary of each of the services.

### **Conclusion**

The Law Department and Land Agent provide a high level of professional service to the City of Richmond at a reasonable cost.

A handwritten signature in black ink, appearing to read 'Paul Kendrick', with a long, sweeping horizontal line extending to the right.

Paul Kendrick  
City Solicitor

PK:pk

## COMPARISON OF JURISDICTIONS WITH SOLICITORS ON STAFF

The following table sets out the levels of service provided by other comparable municipalities:

City	Lawyers	Land Agents	Support Staff	Budget for Outside Legal
<b>Richmond</b> <ul style="list-style-type: none"> <li>• Litigation and bylaw prosecution out-sourced</li> <li>• In-house land agent with some work out-sourced</li> </ul>	2	1	3  (1 legal asst. 1 admin. asst. 1 conveyance clerk)	\$125,000
<b>Burnaby</b>	1	2	2	\$107,150
<b>Coquitlam</b> <ul style="list-style-type: none"> <li>• no land agents – contracted out</li> </ul>	2	[contracted out]	1	Not available
<b>Surrey</b> <ul style="list-style-type: none"> <li>• most legal work done in-house, but still some out-sourcing</li> </ul>	5	13  (5 land agents, 6 property negotiators, 2 appraisers)	8½  (1 legal asst., 1½ admin. asst., 3 conveyance clerks, 1 rt-of-way clerk 1 receptionist)	Not available
<b>Delta</b> <ul style="list-style-type: none"> <li>• Council recently approved the hiring of an in-house City Solicitor</li> <li>• Some land work contracted out; considering hiring full-time assistant to land agent and reducing amount of contracting out</li> </ul>	1  (to be hired)	1	1½  (assistant to in-house lawyer to be hired; land agent currently has part-time assistant)	Not available

Delta's total budget for legal services for the year 2001 was \$771,047 after taking into account revenues.

Burnaby reports that it regularly exceeds its budget for outside legal services.

## **LAW DEPARTMENT AND LAND AGENT DIVISION SERVICE LEVELS**

**The Law Department and the Land Agent provide a broad range of services to the Council, other staff and the public.**

### **Opinions**

The Law Department's main function is to provide opinions to staff and Council on a broad range of legal issues. Much of the advice is given in an informal manner, such as reviewing correspondence and giving verbal advice to staff. The quick and easy access to legal advice enables the City to avoid potential legal problems.

### **Claims Administration**

The City receives many claims for property damages and personal injuries. These can result from such things as flay mowing, sidewalk imperfections, sewer back ups, and play ground injuries. The Law Department reviews all claims brought against the City as part of an ongoing risk management program, and acts as adjuster on the smaller claims, which fall below the deductible on the City's insurance policy (Currently \$100,000). The Law Department is the contact for the Municipal Insurance Association of British Columbia, and its adjusters and solicitors for the purpose of gathering evidence, interviewing staff and arranging for representatives of the City to be examined for discovery.

### **Development Documentation**

Most new developments in the City require legal documents, such as Statutory Rights of Way, covenants and servicing agreements. The Law Department has the mandate of preparing the necessary documents and arranging for filing in the Land Title Office where necessary.

### **Real Property Matters**

The Land Agent essentially manages the City's real estate holdings and oversees the administration of leases. The Land Agent provides a wide variety of services to Council and staff, including doing evaluations of properties, negotiating sales and purchases of real property, and negotiating leases for both City-owned land and being leased by the City from others.

The Land Agent also keeps an up to date inventory of all City-owned land.

### Liason with Outside Counsel

The Law Department instructs Counsel when hired to defend challenges to City's bylaws or actions along with those cases where the City is the plaintiff or applicant attempting to enforce a bylaw or contract. During the course of any law suits there are many decision points which require instruction from the City's solicitors and as well the solicitors ensure that witnesses and documents are available as required.

### Drafting Bylaws

The Law Department drafts a wide range of original and annual bylaws as needed and assists other departments in completing specialized bylaws.

### Tax Sales

The Law Department is responsible for carrying out the administrative requirements following the annual tax sale including:

- searching all delinquent properties in the Land Title Office
- filing a notice of tax sale against the title of each property
- ensuring the registered owner and all charge holders received notice of the tax sale
- filing redemptions as the property taxes are redeemed

### Comfort Letters

The Law Department prepares responses to 'comfort letter' requests. Information is gathered regarding zoning, current development applications, bylaw violations, building and fire code violations, environmental and heritage designations, and future City land requirement in the event the land is redeveloped.

These are the letters that lawyers and notaries obtain as part of their "due diligence" when acting for a purchaser or mortgagee. to see whether complies with City bylaws and other requirements.

The fee for these letters was recently doubled.

CITY OF RICHMOND  
2002 BUDGET - SERVICE LEVEL REVIEW REPORT  
DEPARTMENT:

Service Levels/Programs	Amount	Priority	Impact
Administration and corporate initiatives	\$ 21,163	1	staff could not take part in corporate initiatives
Negotiations with outside agencies	\$ 28,911	2	would have to be done by other staff or outside negotiator
Administration of leases	\$ 30,208	3	would have to expand duties of outside property manager
Administration of licences of occupation	\$ 28,976	4	rent would be uncollected and not raised as required
Real Property Evaluations	\$ 26,536	5	Council would lack sufficient info to make land decisions
Buying and selling City Property	\$ 74,968	6	not buy or sell or hire outside notary or lawyer
Preparation of Documents for Developers	\$ 103,941	7	developer or urban staff would prepare documents
Comfort letters - research and preparation (est. revenue \$39,000*)	\$ 49,497	8	indiv. Depts. Would have to deal with requests
Claims Administration	\$ 55,061	9	claims handling would lack consistent approach
Drafting Bylaws	\$ 37,590	10	no new bylaws - or each dept. does their own
Informal Opinions - external	\$ 19,262	11	a valuable customer service would be eliminated
Informal Opinions - internal	\$ 30,833	12	staff would not have comfort of legal advise before actions
Formal Opinions to Council and Staff	\$ 41,829	13	do without with risks of mistakes and illegal actions
Managing Court Cases	\$ 47,221	14	would mean other staff doing this function
Tax Sale Notices	\$ 24,205	15	would have to be done by other staff
	\$ -	16	
	\$ -	17	
	\$ -	18	
	\$ -	19	
	\$ -	20	
<b>TOTAL</b>	<b>\$ 620,200</b>		
* Fees for comfort level letters doubled in May revenue estimate based on old rates			