

HALIFAX

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Item No. 7
Budget Committee
February 3, 2021

TO: Chair and Members of Budget Committee (Standing Committee of the Whole on Budget)

SUBMITTED BY: Original Signed by 
Jacques Dubé, Chief Administrative Officer

DATE: December 29, 2020

SUBJECT: Proposed 2021/22 Legal & Legislative Services Budget and Business Plan

ORIGIN

As per Administrative Order 1 and the Budget and Business Plan consultation schedule presented to Regional Council on December 1, 2020, staff is required to present the draft 2021/22 Business Unit Budget and Business Plans to the Budget Committee for review and discussion prior to consideration by Regional Council.

LEGISLATIVE AUTHORITY

Halifax Charter, section 35 (1) The Chief Administrative Officer shall (b) ensure that an annual budget is prepared and submitted to the Council.

RECOMMENDATION

It is recommended that the Budget Committee direct the CAO to incorporate the Legal & Legislative Services proposed 2021/22 Budget and Business Plan, as set out and discussed in the December 29, 2020 staff report and supporting presentation by staff, into the Draft 2021/22 Operating Budget.

BACKGROUND

At the Dec 1, 2020 Budget Committee meeting, Regional Council confirmed the 2021- 2025 Strategic Priorities Plan and directed the CAO to proceed to prepare the 2021/22 Budget and Business Plan in support of Council's Priority Outcomes.

As part of the design of the 2021/22 Budget and Business Plan development process, the Budget Committee is reviewing each business unit's budget and proposed plans, in advance of completing detailed HRM Budget and Business Plan preparation.

DISCUSSION

Staff has prepared the proposed 2021/22 Legal & Legislative Services Budget and Business Plan consistent with the 2021- 2025 Strategic Priorities Plan approved on December 1, 2020 as well as fiscal direction provided on January 13, 2021.

Following direction from the Budget Committee, staff will proceed to prepare the detailed Budget and Business Plan for inclusion in the proposed 2021/22 HRM Budget and Business Plan documents to be presented to Regional Council's Committee of the Whole, as per the process and schedule approved on Dec 1st 2020.

As part of the budget process, Regional Council will be provided with a list of possible service increases and decreases that will allow them to more fully direct changes to the budget.

FINANCIAL IMPLICATIONS

The recommendations in this report will lead to the development of a proposed 2021/22 Budget. There are no immediate financial implications from this recommendation. The broader financial implications will be discussed and debated as the budget is developed in more detail.

RISK CONSIDERATION

Although there is no immediate risk related to financial decisions, there may be risks associated with individual decisions during the budget debate that could favour short- term results over longer term strategic outcomes. Individual decisions made during budget debate will however, be considered for both short- and long-term impacts to levels of service, asset condition, and cost.

In addition, the administration seeks to reduce these risks in three ways: by providing Regional Council with several fiscal options to assist in the achievement of longer-term strategic outcomes, by assessing both corporate and capital project risk, and by providing the opportunity to draw Regional Council's attention to project or program related risks when reports are presented for consideration.

HRM implemented Enterprise Risk Management in 2015. Corporate and operational risks are evaluated annually during the business planning process and mitigating strategies are implemented to reduce the overall risk to the organization. Project related risk is evaluated during the capital planning process. Project managers use the same risk assessment tools as those used to assess corporate risk to rate each discrete project.

COMMUNITY ENGAGEMENT

The 2021/22 Municipal Budget Engagement Survey was conducted from November 5, 2020 – Dec 14, 2020. This on-line survey was available to all HRM residents and received 4,312 responses to a variety of budget, planning, and priorities questions. The results of the 2020 Municipal Budget Survey were provided in an information report presented to Reginal Council on January 26, 2021.

The 2021/22 budget consultation process also seeks to solicit public comment by inviting members of the public to provide feedback following each business unit budget and business plan presentation

ENVIRONMENTAL IMPLICATIONS

None.

ALTERNATIVES

The Budget Committee can choose to amend the Budget and Business Plan as proposed in the accompanying presentation through specific motion, and direct staff to proceed to prepare the Budget and Business Plan for inclusion in the proposed 2021/22 HRM Budget and Business Plan documents.

ATTACHMENTS

Attachment 1 – Legal & Legislative Services 2021/22 Draft Budget and Business Plan

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Karen Marr, Coordinator, Legal & Legislative Services, 902.490.1353

Financial Approval by: Original Signed
Jane Fraser, CFO, Executive Director of Finance and Asset Management & ICT,
902.717.0443

Report Approved by: Original Signed
John Traves, Q.C., Executive Director, Legal & Legislative Services, 902.490.4219

LEGAL & LEGISLATIVE SERVICES

2021/22 BUDGET AND BUSINESS PLAN

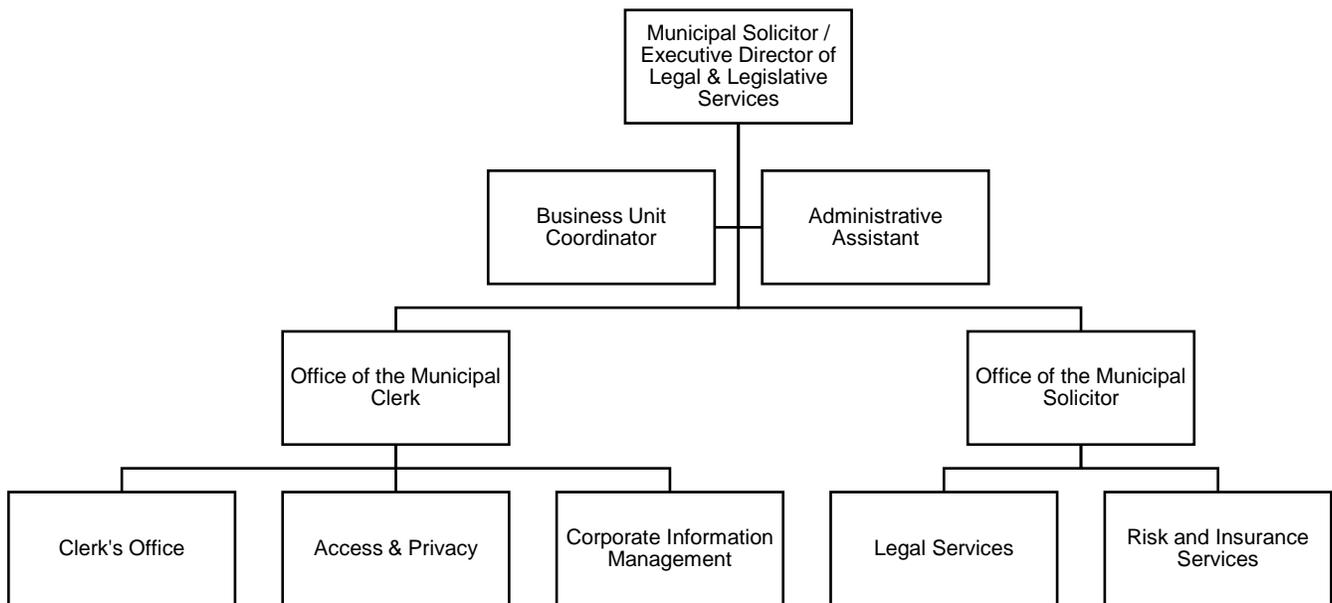
MISSION TO PROVIDE HIGH QUALITY PROFESSIONAL SERVICES TO THE MUNICIPALITY IN KEEPING WITH HRM'S CORE VALUES AND COUNCIL PRIORITIES.

WE MAKE A DIFFERENCE.

LEGAL & LEGISLATIVE SERVICES OVERVIEW

Reporting to the CAO, the Municipal Solicitor/Executive Director leads the Legal & Legislative Services Business Unit that is committed to advancing Regional Council and administrative priority outcomes. This is achieved through delivery of professional support to Halifax Regional Municipality through the provision of legal, risk and insurance services as well as administrative and legislative support.

LEGAL & LEGISLATIVE SERVICES ORG CHART



FUNDED FULL TIME EQUIVALENTS (FTES)

Full time Equivalent	2020/21 Approved	2021/22 Planned Change (+/-)	2021/22 Planned
Full Time	67.6	+3.0	70.6
Seasonal, Casual and Term	5.1	-0.3	4.8
Total	72.7	2.7	75.4

Includes full, part-time, and permanent positions - calculated value based on the normal working hours of each position.

The Full-Time change includes two new administrative positions for Access & Privacy and one full time Senior Digital Information Management Analyst in Corporate Information Management (Records Centre).

STRATEGIC INITIATIVES (2021/22)

INITIATIVES SUPPORTING REGIONAL COUNCIL & ADMINISTRATIVE PRIORITIES

Risk Management Framework

Risk & Insurance Services will be assuming responsibility for the Risk Management Framework from the Corporate Planning Office. In an effort to better anticipate and manage risks, the Municipality will complete the development of a risk management framework to anticipate, manage, and mitigate enterprise and corporate risks. Across the organization risks are evaluated and appropriate risk mitigation plans and responses are developed and included in business and strategic plans. This year, Risk & Insurance Services will reorganize staffing and begin to build their internal framework to take on this important role.

Legal & Legislative Services will continue to support all HRM Business Units in the delivery of their Regional Council and Administrative Priorities through the provision of legal, risk and insurance services as well as administrative and legislative support.

LEGAL & LEGISLATIVE SERVICES BUDGET

OPERATING - BUDGET BY SERVICE AREA

Service Area	2019/20 Actual	2020/21 March Budget	2020/21 June Budget	2020/21 Projections	2021/22 Budget	2021/22 Δ 20/21 June Budget	June Budget Δ %	March Budget Δ %
Director's Office	\$ 464,227	\$ 454,400	\$ 454,400	\$ 456,500	\$ 472,800	\$ 18,400	4.0	4.0
Legal Services	3,621,280	4,197,600	3,716,200	3,701,400	4,397,100	680,900	18.3	4.8
Office of the Municipal Clerk	2,416,041	3,087,600	2,978,100	2,948,450	3,157,500	179,400	6.0	2.3
Risk & Insurance Services	562,451	682,000	670,500	670,500	672,600	2,100	0.3	(1.4)
Net Total	\$ 7,063,999	\$ 8,421,600	\$ 7,819,200	\$ 7,776,850	\$ 8,700,000	\$ 880,800	11.3	3.3

Note: "March Budget" is the pre COVID budget presented to Council and was not adopted. "June Budget" is the recast budget for COVID that Regional Council approved as the 2020/21 budget.

OPERATING - SUMMARY OF CHANGES

Change Description / Service Impact	Amount
Approved 2020/21 (June) Budget	\$ 7,819,200
Compensation Changes:	
New Positions and Salary Adjustments	751,900
Other Budget Adjustments:	
Increase for Election (transfer from reserves)	176,200
Increase for COVID 19 related costs	29,200
Miscellaneous adjustments	9,400
Adjustment to Balance	(85,900)
Total Proposed Changes	\$ 880,800
Proposed 2021/22 Budget	\$ 8,700,000

OPERATING- SUMMARY OF EXPENDITURE & REVENUE

Expenditures	2019/20	2020/21	2020/21	2020/21	2021/22	2021/22	June	March
	Actual	March Budget	June Budget	Projections	Budget	Δ 2020/21 June Budget	Budget Δ %	Budget Δ %
Compensation and Benefits	\$ 6,420,476	\$ 7,271,900	\$ 7,031,300	\$ 6,968,000	\$ 7,408,800	\$ 377,500	5.4	1.9
Office	156,449	543,900	530,100	532,200	116,900	(413,200)	(77.9)	(78.5)
External Services	447,669	1,573,900	1,468,100	1,451,700	355,900	(1,112,200)	(75.8)	(77.4)
Supplies	3,441	8,400	8,400	6,550	7,800	(600)	(7.1)	(7.1)
Materials	90	-	-	-	-	-	-	-
Building Costs	-	21,600	21,600	21,600	-	(21,600)	(100.0)	(100.0)
Equipment & Communications	4,978	120,400	120,400	120,600	3,500	(116,900)	(97.1)	(97.1)
Vehicle Expense	397	-	-	-	-	-	-	-
Other Goods & Services	329,569	558,700	509,700	520,100	314,600	(195,100)	(38.3)	(43.7)
Interdepartmental	(162,282)	(33,700)	(76,200)	(33,700)	11,200	87,400	(114.7)	(133.2)
Other Fiscal	222,143	(1,395,000)	(1,395,000)	(1,391,000)	740,000	2,135,000	(153.0)	(153.0)
Total Expenditures	7,422,930	8,670,100	8,218,400	8,196,050	8,958,700	740,300	9.0	3.3

Revenues	2019/20	2020/21	2020/21	2020/21	2021/22	2021/22	June	March
	Actual	March Budget	June Budget	Projections	Budget	Δ 20/21 June Budget	Budget Δ %	Budget Δ %
Fee Revenues	\$ (209,335)	\$ (196,700)	\$ (196,700)	\$ (196,700)	\$ (204,200)	\$ (7,500)	3.8	3.8
Other Revenue	(149,596)	(51,800)	(202,500)	(222,500)	(54,500)	148,000	(73.1)	5.2
Total Revenues	(358,931)	(248,500)	(399,200)	(419,200)	(258,700)	140,500	(35.2)	4.1
Net Total	\$ 7,063,999	\$ 8,421,600	\$ 7,819,200	\$ 7,776,850	\$ 8,700,000	\$ 880,800	11.3	3.3

LEGAL & LEGISLATIVE SERVICES SERVICE AREA PLANS (2021/22)

LEGAL SERVICES

Legal Services is committed to supporting Regional Council priorities through the delivery of quality legal services that support Regional Council, its agencies, boards, commissions, and committees and the municipal business units.

SERVICES DELIVERED

Solicitor Services

Provides legal advice to Regional Council, Committees of Regional Council, Agencies, Boards and Commissions, in respect of the conduct of the business of the Municipality; provides advice to management and staff on a wide range of topics, including related research for HRM. Works with business units to develop, amend, and consolidate By-laws for the Municipality as well as working with business units to draft a wide array of legal agreements, leases, policies and MOU's and assist in negotiations where required. Further, Solicitor Services completes property transactions for land acquisitions and disposals, title migrations and investigations, reviews and approves documents regarding encroachments, easements, and rights-of way, prepares conveyance documents for tax sales as well as provides ongoing advice to Real Estate on any number of issues.

Litigation Services

Advises and represents HRM in dispute resolution matters including proceedings involving the Municipality and its employees before diverse provincial and federal courts and administrative tribunals at all levels (up to and including the Supreme Court of Canada) as well as in various alternative dispute resolution forums.

Prosecution Services

Provides training to Halifax Regional Police and HRM staff, and prosecutes violations under the *Motor Vehicle Act*, *Liquor Control Act*, *Fire Safety Act*, *Protection of Property Act*, *911 Act*, *Off Highway Vehicle Act*, *Smoke Free Places Act*, Building Code, Land use violations, Development Agreement violations, violations of municipal by-laws, and various regulatory infractions as well as HRM-issued parking tickets, including all related applications and appeals.

SERVICE DELIVERY MEASURES

Performance Measures	2018/19 Actual	2019/20 Actual	2020/21 Projected	2021/22 Planned
Number of Legal Files Opened	785	839	721	-
Number of Prosecution Files Opened	96	117	76	-

NUMBER OF LEGAL FILES OPENED

Legal Services provides cost effective support to the Municipality while minimizing the contracting out of legal services at substantially higher cost. As of January 2020, Legal Services will have opened 621 files, reviewed approximately 310 reports going to Regional Council, standing committees and other committees of Council as well as award reports for the CAO.

While the overall number of files is reduced this year, primarily due to Covid-19 related issues, workloads were not reduced. Dealing with more significant issues, such as supporting business units through labour issues, legislative requirements affecting Regional Council, Community Councils, Standing and Advisory Committees and in-person meetings, and Covid-19 protocols occupied much of Legal Services' time this year.

LEGAL SERVICES KEY DELIVERABLES (2021/22)

Governance and Engagement - Municipal Governance
<p>Refresh/Review Councillor Code of Conduct (Target: Q4, 2021/2022)</p> <p>After awaiting response from the Federation of Nova Scotia Municipalities in 2019-20, and in an effort to fairly and effectively deal with public and councillor complaints, Legal Services will continue their review the Councillor's Code of Conduct as well as work with Councillors to develop recommendations on Service Guidelines for Constituents that would be appended to the Code of Conduct.</p>
Service Excellence - Performance Excellence
<p>Improved Performance Reporting (Target: Q4, 2021/2022)</p> <p>Develop and implement improved Legal Services management and business unit reporting outlining file statistics, report review statistics and "approved as to form" statistics to assist priority setting for legal work.</p>

OFFICE OF THE MUNICIPAL CLERK

The Office of the Municipal Clerk is a legislated office under the *Halifax Regional Municipality Charter*. The Municipal Clerk is committed to supporting Regional Council priorities, and is tasked with facilitating and supporting Regional Council, Community Councils, as well as the official Boards, Committees and Commissions of Regional Council. The Office of the Municipal Clerk is also tasked with ensuring consistent and transparent access to local government and the maintenance and integrity of the Municipality's public records.

SERVICES DELIVERED

Council Support

This service is responsible for coordinating and facilitating the council meeting process and coordination of civic appointments to boards, committees and commissions in accordance with the Halifax Regional Municipal Charter and applicable administrative orders and policies for:

- Regional Council;
- Community Council, Standing Committees, other Committees of Council, and Board Meetings; and
- Civic Appointments.

Records Management

Carry out the responsibilities of the Municipal Clerk; ensure accurate, transparent, and secure storage for municipal records, as well as development of policies and standards regarding record management and retention; coordination of municipal legislation (By-laws and Administrative Orders) for the Municipality in accordance with applicable legislation and Administrative Orders through:

- Office of the Municipal Clerk;
- Access and Privacy Office;
- By-Law and Administrative Order Legislative Support; and
- Corporate Information Management Office (HRM Records Centre and Municipal Archives),

Municipal Elections

This service is responsible for preparing for and conducting general and by-elections for the Mayor, Council and CSAP Board Members in accordance with the provincial *Municipal Elections Act* and *Education Act*. Elections can also include plebiscites as directed by Regional Council. The Municipal Clerk's office successfully completed the 2020 Municipal Election in spite of obstacles created by the pandemic.

SERVICE DELIVERY MEASURES

Performance Measures	2018/19 Actual	2019/20 Actual	2020/2021 Planned	2021/22 Planned
Access and Privacy Program Operating Cost per Formal Request	\$569	\$317	\$554	N/A
Number of Formal Freedom of Information (as per Legislated FOI Program) Requests	631	924	684*	N/A
Percent of Regular Formal Freedom of Information Requests Completed Within 30 Days	88%	93%	79%	N/A
Percent of Regular Formal Freedom of Information Requests, Extensions and 3rd Party Notices Completed Within Legislated Timelines	98%	98%	88%	N/A

*Covid-19 Pandemic affected numerous programs and processes throughout the Municipality as well as the application and processing of FOIPOP requests.

ACCESS & PRIVACY

Performance has been negatively impacted this year due to business units having to prioritize operational requirements surrounding Covid-19 responses. All applicants were kept informed of progress and, in general, have been supportive.

OFFICE OF THE MUNICIPAL CLERK KEY DELIVERABLES (2021/22)

Responsible Administration – Well Managed

AO19 Review – Corporate Logos (Target: Q4, 2021/2022)

To deter unauthorized use of HRM specific corporate marks and logos, the Municipal Clerk will lead a review of Administrative Order 19 (Respecting the Corporate Coat of Arms, and HALIFAX Brand) as well as other legal methods to protect the reputation of HRM.

Diversity on Boards and Committees (Target: Q4, 2022/2023)

The Municipality will increase diversity on our Boards and Committees so that these bodies reflect the communities served. This will involve moving forward with updates to the Public Appointment Policy, improving the reach of recruitment efforts, improved training provided to new Committee members, and addressing barriers to participation.

Our People – Engaged and Skilled People

Development of Online Training (Target: March 31, 2022)

In order to achieve compliance with HRM's AO 2015-001-GOV Respecting Information Management and Part XX of the MGA, Access & Privacy and Corporate Information Management will investigate new virtual learning technologies for the delivery of updated education and training programs on behalf of the Clerk's Office.

Service Excellence – Innovative Performance Excellence

Election Process & Procedures Manual (Target: Q4, 2022/2023)

The Municipal Clerk's Office in cooperation with Organizational Performance Excellence will assess lessons learned from the 2020 Municipal Election in order to develop detailed process documentation to be implemented for future general and special elections.

RISK AND INSURANCE SERVICES

Risk and Insurance Services is committed to supporting Regional Council and administrative priorities through:

- the provision of hazard based operational risk management advice;
- the management of claims made against or by HRM; and
- the management of financing of HRM risk through insurance and a reserve.

This is accomplished by applying sound risk management processes to identify, analyze, and mitigate loss exposures to the Municipality and the design and management of the Municipal insurance portfolio for HRM, Halifax Water, the Library Commission and other Agencies, Boards and Commissions.

SERVICE DELIVERED

Risk Management

This service provides the application of sound operational risk management strategies and processes to identify, analyze, mitigate, respond to or avoid exposures, claims, and other risks to the HRM, its entities, and the public in the most risk aware, cost effective manner. It is responsible for the acquisition and maintenance of insurance coverage for the Mayor, Regional Council, municipal operations, property, assets, boards and commissions, including Halifax Water, Halifax Public Libraries and others for which HRM is contractually obligated to provide insurance.

Contractual Risk Management

Review and provide insurance and risk management language, advice and protocols.

Claims Management

This service provides adjusting, investigation, and settlement of claims against and for the HRM including Halifax Water, Halifax Public Libraries, and Agencies, Boards and Commissions.

SERVICE DELIVERY MEASURES

Performance Measures	2018/19 Actual	2019/20 Actual	2020/21 Projected	2021/22 Planned
Claims received by fiscal year	2,331	2209	1324	NA

CLAIMS RECEIVED BY FISCAL YEAR

Over the last five fiscal years, claims handled by the Risk team have varied from 1553 to 2331. The volatility of claims is due to uncertainty due the number of severe weather events that occur in any given year and the number of kilometres covered by HRM vehicles.

Figures for 2020-2021 are reduced due to the pandemic, in that there was a significant reduction in pedestrian and vehicular traffic, particularly during the winter months.

RISK AND INSURANCE SERVICES KEY DELIVERABLES (2021/22)

Responsible Administration – Well Managed

ERM Transfer to Risk & Insurance Services (Target: March 31, 2022)

Risk & Insurance Services will work with the Corporate Planning Office to transfer responsibility for Enterprise Risk Management, including the Risk Register and supporting documentation to Risk & Insurance Services.