
Development Technologist

Executive Summary:

The 2022 Budget process has been modified this year to include the requirement that a report to Council be prepared for all new levy funded budget initiatives.

Environmental and Infrastructure Services is bringing forward this report to Council to recommend that an additional full time equivalent position be added to recruit an additional Development Technologist within the Engineering department.

Discussion:

In the fall of 2020 internal and cross divisional restructuring occurred to create a more efficient and effective organization by eliminating overlap functions of various divisions as well as fostering new working groups and teams.

Prior to the restructuring, Development Engineering was part of the Planning and Development Division. The department consisted of; a Director of Development Engineering and three Development Technologists. The restructuring moved the development engineering team to Environmental and Infrastructure Services under the Engineering department. The new development group consisted of a Project Manager Development Engineering as well as three Development Technologists.

During the 2021 Budget process, Council directed staff to look at potential staff reductions across the board to provide levy relief. At the time of the budget process there was one Development Technologist vacancy that was targeted to be reduced.

Therefore in 2021 the approved development engineering complement is three full time equivalents; One Project Manager and Two Development Technologists. The second Development Technologist position has been vacant since May of 2021, staff have gone through the recruitment process three times and hope to have the existing vacancy filled by mid-October

Development Engineering is a vital part of the development process, providing Engineering expertise and review of numerous development applications such as Official Plan Amendments, Zoning By-law Amendments, Committee of Adjustment Applications, Subdivision Draft Plan and Detailed Engineering review, Subdivision Agreement review and approvals, Site Plan reviews, attending and providing Engineering specific comments for Pre Consultation meetings, review all Lot Grading Exemptions on behalf of the Building Department, review and provide recommendations for security reduction requests, perform onsite inspections for completed works prior to assumption or acceptance and provide all other General duties such as customer and interdepartmental inquires.

The table below gives an overview of the development engineering workflow for 2021 as well as 3-year averages and anticipated 2022 staffing hours required.

Staff anticipate that over 5600 staff hours at the Development Technologist level will be required to address the anticipated 2022 development related applications

One FTE Development Technologist position can address around 1760 hours. This is based on 44 weeks at 40 hours per week. The other 8 calendar weeks are taken up by vacation, statutory holidays, training, and sick days. Therefore, to address the anticipated 2022 workflow 3.2 FTEs are required at the Development Technologist level. The current FTE is 2.0

Assignment / Application	# of Applications per year				Estimated Staff Hours per Application		
	3yr Avg	2021 YTD	2021 (Projected)	2022 Projected Based on 3yr AVG	Est Staff Hrs	Total Annual Staff Hrs	
OPA	10	5	8	10	40	400	
ZBA	30	20	34	25	25	625	
Severences	75	51	76	72	4	288	
Variances	71	44	66	60	3	180	
Subdivisions		3	5	6	106	636	
Site Plans	19	28	37	20	46	920	
Pre Consultations	51	67	94	108	6.67	720	
Lot Grading Exemptions	100	152	220	120	0.75	90	
Securities reduction requests		11	15	15	5	75	
Complete / Incomplete Deeming				41	4	164	
Site Inspections	NOTE: Site Inspections Based on 3 days per month.						288
General Duties						924	
Customer and interdepartmental inquires, background research, Priority tracking system							
Special Projects							
Development Manual		1	1	1	98	98	
Water Allocation Chart		1	1	1	60	60	
Planning Intiatives		1	1	1	96	96	
Asset Management		0	1	1	68	68	
Total Annual Staff Hours						5632	
Available working hours per Development Technologist annually - 1760hrs						1760	
Number of Technologist required (5632hours/ 1760hrs per Technologist) -						3.20	

In addition to the review of development applications and technical studies, the Development Technologist is responsible for reviewing and clearing several technical drawings such as site grading, servicing, stormwater management, etc. at different points throughout the development process – including critical clearances for registrations that would allow new subdivisions and site plans to start construction and move to building permit.

Further to the primary focus on development review, the Development Engineering team is also responsible for a work program that contains several strategic initiatives and projects such as the design criteria/development standards review, assumption

policy, and a number of policy updates and process enhancements. With a lack of resources, these projects – which are aimed at making it more clear and easier for proponents of development – are behind or on hold.

Currently Development Engineering is not able to meet the required timelines for review of development applications. Unfortunately, since earlier in 2021, the service level has reduced by at least 25-50%. In some cases, lot grading reviews/clearances have gone from weeks to months; comments on pre-consultations from weeks to up to 4 months and clearances for construction and registration are significantly extended. This impacts the ability of proponents to move forward with their development and investment in Norfolk County. Under the Ontario Planning Act there are legislated timelines for each type of development application. Failure to achieve a decision within the timelines opens up the ability for the applicant to appeal to the Ontario Land Tribunal. Recently, it was identified that up to 90% of the files that are awaiting engineering have exceeded the legislated timelines (note: may not all be due to this one factor). This is a risk for the County and could add to potential additional costs and delays.

The Project Manager has had to perform both as a Project Manager and reviewer in order to keep development applications moving along in some fashion. This does not always allow for a detailed review of the comments to ensure they align with Norfolk policies and procedures as there is significant pressure to get comments back. Although development engineering staff are working long hours and completing many files, developers have voiced their concern and frustration in the past months on how slow the process and response times have been.

Development Engineering staff have also had to deal with numerous applications which have been going on over a few years and have had multiple submissions and revisions which require staff to dig deeper into the history of these developments to ensure that process is being followed and that past comments or conditions are being adequately addressed.

The role of the Project Manager should be mainly to review comments by Development Engineering staff to ensure that they align with Norfolk policies, specifications and good Engineering practices. The Project Manager should also work with Developers to ensure that the submissions and information that they are providing is what is required and therefore will in effect speed up the review and approval process, resulting in fewer revisions and submissions to get approvals.

The Project Manager is also tasked with the update of the Design Criteria, Servicing Allocation spreadsheet, take an active role and participate in Planning initiatives such as Growth Management Plan, Port Dover Secondary Plan, Servicing Allocation Policy and Integrated Sustainable Master Plan updates and review.

Staff have seen an uptick on development applications in Waterford, Simcoe, and Delhi. It is anticipated that development applications will increase significantly over the next couple of years as water capacity issues in Port Dover and Simcoe are addressed.

Norfolk will also realize above normal growth over the next 10 years based on the preliminary findings in the growth management study. Not only are application numbers increasing but so is the complexity which will continue as more land is redeveloped in the future. Therefore, it is vital that staffing levels are set at appropriate levels to ensure that we are responsive to our development community and are able to meet required timelines for review and approvals.

Financial Implications:

This initiative has an estimated total cost for the first year, including capital requirements, of approximately \$107,000. Currently this would be a direct impact on the tax levy for 2022 if included in the Proposed 2022 Levy Supported Operating Budget.

It should be noted that staff have indicated there is some willingness from the development community to bear these costs. Financial Management & Planning Staff recommend that if this initiative is supported to be included in the Proposed 2022 Levy Supported Operating Budget for the Budget Committee's consideration, that a review of the associated fees be included in order to ensure full cost recovery of adding the additional FTE.

Interdepartmental Implications:

Community Development Division relies on the professional expertise and knowledge of the Development Engineering team to provide technical reviews and comments on a spectrum of development applications, from Committee of Adjustment applications through to complex draft plan of subdivision and site plans. The submission of comments in relation to Planning Act applications are subject to statutory timeframes for Council decisions, in addition to internal goals to provide timely comment and input to development applications.

Through 2021, planning applications and building permits have increased between 10 and 20%, the complexity of each file is growing and the outlook with a new water system is that development will continue to increase in the coming decade. The labour reduction decision as part of the 2021 budget process for the development engineering group has led to a higher-than-expected service level reduction, more significant stakeholder issues, and a much longer timeframe for new growth and development to move to construction. There is a "bottleneck" issue in the development process. Monitoring has indicated that Lot Grading Reviews/Exemptions as part of a complete Building Permit have increased from on average of 2-3 weeks to 6-12 weeks. Planning application review and clearances have experienced some volatility throughout 2021. While current Development Technologist staff have attempted to maintain normal completion timelines for Committee of Adjustment and Pre consultations this has resulted in delays in other Planning applications with some timelines doubling or tripling in review time with some taking 4+ months. Additionally current staffing due to vacancies have further resulted in delays with some functions such as Site inspections and security reductions being postponed temporarily.

There is a significant backlog in review and clearances, along with a reduced level of service for internal assistance with strategic initiatives or participation in projects led by others. While those within the business unit are spending significant hours beyond a typical workday to accomplish as much as possible, within the average month approximately 60% of the issues received via senior management and politicians about development files has relation to this issue.

Additional strategies are being deployed to assist with the issue, including:

- Decisions to streamline certain application types or processes
- A process review (LEAN) is now underway of streamlining certain application types such as site plan review and the overall pre-consultation process amongst others
- Review of Lot Grading / Exemption process prior to building permits
- Review / reducing requirements of certain technical studies (and design criteria review)
- Efficiencies via technology
- Potential for using contracted services/peer reviews
- Other tactics

These strategies would be coupled with the appropriate resourcing level. The push is to increase the amount of pre-consultations and development numbers are rising which is difficult with limited resources.

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Focus on Service".

Explanation:

The Development Engineering Team needs to be structured with adequate resources to be able to provide service to other departments in Norfolk as well as the development community. Norfolk County will experience above average growth over the next few years and adequate staffing levels are required to meet review and approval legislated requirements.

Conclusion:

The municipality has statutory timelines for the review and decisions on development applications. This applies to all planning application types and building permits, including a deadline for deeming files as "complete". Currently, the consistently high number of applications and permits combined with the limited staffing level equates to significant challenges and an inability in many circumstances to achieve the required timelines. This has a direct impact on customers and stakeholders, such as the development industry, individual property owners, consultants, etc. and impacts the ability for the municipality to deliver on new growth, development, assessment and

revenue timing. The resourcing within this business unit has a direct impact on overall development timing which can be an issue for our reputation and overall economic development within Norfolk.

Staff recommend that one additional full time equivalent for a Development Engineering Technologist be added to the 2022 budget for discussion. The additional position is required to ensure that staffing resources are set according to the needs of the development community.

DRAFT

Drainage Technologist

Executive Summary:

The 2022 Budget process has been modified this year to include the requirement that a report to Council be prepared for all new levy funded budget initiatives.

Environmental and Infrastructure Services is bringing forward this report to Council to recommend that an additional full time equivalent position be added to recruit a temporary full-time Drainage Technologist contract position for a period of three (3) years within the Engineering department.

Discussion:

The Municipal Drainage Services program within Norfolk County currently is managed by the Director Engineering, Two (2) Drainage Superintendents (East/West), One (1) Drainage Program Coordinator, One (1) Drainage Operator, One (1) Truck Driver – Drainage (Shared position with Roads, works from Drainage from April 15th-November 15th), and a Drainage Clerk (relocated to Financial Services in 2021). Two Drainage Superintendents manage the various programs (Construction, Maintenance, and Wetland Restoration) for their respective area and share available resources including staff and equipment to schedule and coordinate the work necessary to serve all of Norfolk County.

The Drainage Superintendents have been delegated overall responsibility from Council to administer and oversee all activities within the municipality as they relate to the *Drainage Act (the Act)*. This includes the overall administration and operational needs for new construction projects and maintenance work carried out on our existing systems.

The Drainage Program Coordinator position is responsible for obtaining the permits and approvals necessary to complete our construction and maintenance work on municipal drains. This also includes any monitoring required by the approval agencies once our work is complete. As an example, in 2020, we obtained permits and approvals for 118 drainage projects. The other key component of this job is to review the work we are completing and modifying our work plans to avoid the need to apply for permits, if possible. These streamlines work plans and gets work done in the timeliest manner possible. As of 2021, we are looking to start recovering costs associated with the applicable time spent by the Drainage Program Coordinator position on municipal drains. If the municipality did not apply for the necessary permits, it places a significant risk for non-compliance fines up to \$1,000,000 for the Fisheries Act, \$1,000,000 for the Species at Risk Act, and \$1,000,000 for the Endangered Species Act for first offences as a corporation, with second offence fines being significantly more. There also is additional personal fines that could be applied to the Drainage Superintendent

overseeing the work. Any work completed without necessary permits and approvals is not eligible for grant through OMAFRA.

The Drainage Clerk position is responsible for performing a variety of statutory, financial and administrative duties pursuant to the *Act*. This work includes but is not limited to being the frontline staff for all drainage related inquiries, creating work orders and purchase orders relating to drainage works while maintaining inventory records for drain maintenance. This position also prepares, analyses and processes all documentation pertaining to all drain maintenance and construction projects, for provincial/federal grants, landowner billing, quotes, tenders, agreements, tile loans, apportionment agreements, by-laws, coordinates appeal bodies and provides overall administrative support to the Drainage Superintendents for work carried out under the *Act*. If any of these tasks are completed by a Superintendent, their time is not eligible for grant through OMAFRA in accordance with the ADIP Policies and Procedures.

The Drainage Operator/Drainage Truck Driver positions are our boots on the ground and are responsible for completing physical work on our existing drainage systems. These positions are responsible for maintaining over 120kms of open ditch drains each year as part of our Annual Drain Maintenance Program, in addition to dealing with unscheduled maintenance requests that arise throughout the year. As an example, in 2020 we received 172 unscheduled maintenance requests, and processed 325 work orders in total. Time spent on our municipal drains completing physical work is chargeable to the drain and eligible for grant through OMAFRA.

In recent years a significant backlog has been realized by Staff and Council. The majority of the current backlog relates to older construction projects that need to be finalized. Staff have been working to resolve this backlog; however, it has proven to be a difficult challenge with the staffing resources available. Almost all staff are putting in significant overtime both paid and unpaid. This is further being compounded by staff not utilizing their vacation time effectively throughout the year. While this may be acceptable in the short term, long term negative impacts are being realized with reduced response times, project backlog, and drain system failures. This is being further compounded by an increase in landowner requests and inquiries. Staff are currently struggling to meet the day to day operational and administrative needs of Drainage Services. Further, staff are being consulted for stormwater related issues throughout Norfolk County. For example the majority of development applications today also struggle with obtaining a legal and adequate outlet for stormwater. This has led to a significant amount of our Superintendents time being dedicated to developing and explaining available solutions relating to new development applications. This is leaving limited staff time to address the backlog of existing projects and does not provide staff with the time necessary to create and effectively manage the high level processes and procedures required to ensure we are on the best path forward.

In an attempt to resolve the backlog and create a sustainable plan moving forward, staff are requesting Council approve a temporary full-time Drainage Technologist position for a period of three (3) years. In order to minimize the impact to the Levy, staff have reached out to OMAFRA in advance of this report in order to see if the Province would approve this position with up to 60% of their time being dedicated to Drainage Superintendent Responsibilities. The time allocated to completing Drainage

Superintendent Activities would be eligible for grant through OMAFRA, if approved; and the remaining time would be spent assisting the Engineering Department with necessary tasks, assignments and reviews which are currently being deferred or postponed.

The core responsibilities of this position would be to assist the current Drainage Superintendents with administering the contract administration for active construction projects. In 2022, there is a possibility of at least fourteen (14) drainage projects valued at approximately \$7.5 million dollars that will be required to be constructed. All of these projects are required to be overseen and managed by a Drainage Superintendent. Within the 2022 Capital Construction budget for drains, Financial Services staff have noted that if we continue on the same path forward, we will need an additional four (4) years to get through the current backlog. With Staff and Council pushing the Engineering firms to finalize older projects, more staff time will be required to coordinate this work and get these projects through the regulatory process. The new position will also be tasked to deal with the simpler landowner requests, and time consuming projects in the field as it relates to Drain Maintenance. We are also looking to have the position temporarily take on completing the requests for locates for all drain maintenance activities. This is currently being undertaken by the Drainage Operator position. This takes a significant amount of staff time to complete and would provide our operations staff with significant relief and allow us to allocate more time to completing necessary physical work.

Currently, Norfolk County does not have a staff member dedicated to managing Norfolk County's stormwater infrastructure. Recently, one of the Drainage Superintendents has been tasked with coordinating the review of the majority of our Stormwater Management Facilities within Norfolk County. Through that review, it was identified that two (2) of our facilities were recommended for cleanout in 2022, with another recommended in 2023. These cleanouts will require dedication of staff to prepare the contracts, facilitate the contracts throughout the project, and to provide communication and outreach to the public during these projects. Further, this position would coordinate and review all road culverts included in our annual asphalt resurfacing program. All of the time spent on these projects is consuming time that should be being spent conducting Drainage Superintendent Duties and is not eligible for grant through OMAFRA. In 2020, approximately 30% of one superintendent's duties and 15% of the other was dedicated to non-grantable activities which was realized in the funding received from OMAFRA. Any time spent completing non-grantable time has a negative impact on the levy as there is less funding available to cover the costs of employing the Drainage Superintendents.

If this position is approved, it will provide the current Drainage Superintendents the time needed to complete a high level review of our current programs, procedures and practices within Municipal Drainage Services, while returning to 100% drain related activities. This would also provide us the time necessary to work with our Financial Services team to develop a sustainable budgeting strategy that would position us to be on a stable financial footing as it relates to municipal drains. It would further provide our current Superintendents the additional time needed to deal with our more difficult and complex projects and to devote more time to keep the engineers focus here in Norfolk

County. Staff are of the opinion that once we have overcome the hurdles of dealing with past projects, we will have more time to allocate to keep current projects moving forward. It would also provide some staffing resources dedicated to managing our stormwater infrastructure that is currently being neglected.

Some current projects the team is working towards include a digitization strategy for all physical files relating to municipal drains, equipment roster specific to municipal drains, looking to develop an public inquiry tool for tracking complaints, a budgeting strategy for Norfolk County drain assessments (construction/maintenance), completing a culvert inventory and condition assessment on all existing drains, updating our website as it relates to municipal drain and creating an interactive portal for our active construction projects.

Financial Implications:

This initiative has an estimated total cost for the first year, including capital requirements, of approximately \$130,000. Currently this would be a direct impact on the tax levy for 2022 if included in the Proposed 2022 Levy Supported Operating Budget.

While staff have reached out to OMAFRA for comment on the applicability of grant funding for this position, it is important to note that a review by OMAFRA would not be completed until the following has been met:

- The position is approved and filled;
- The specific individual is appointed by by-law;
- The specific individual has the necessary surveying experience/training, and;
- The specific individual has completed the Drainage Superintendents course.

As demonstrated, there is significant risk that grant funding may not be approved. As such, no allocation for grant funding is recommended to be included in an NBI, should Council wish for this initiative to be included in the Proposed 2022 Levy Supported Operating Budget.

Interdepartmental Implications:

If this position is approved, it will help secure a solid financial foundation with how we budget for municipal drains in the future. It will also assist with managing the current projects and the future procurement of additional projects in the future. Overall, this position will allow us to provide an improved service to many Norfolk County Departments, Council, and the ratepayers on municipal drains.

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Focus on Service".

Explanation:

The Drainage Services Engineering Team needs to be structured with adequate resources to be able to provide service to Norfolk County and the public. This will also allow the team to build a more sustainable foundation for municipal drainage services in future years.

Conclusion:

Staff recommend that one additional temporary full time equivalent for a Drainage Technologist contract position for a period of three years be added to the 2022 budget for discussion. The additional position is required to ensure that staffing resources are set according to the needs and goals for the department.

DRAFT

From: [Jason Godby](#)
To: [Chris Everets](#); [Kathy Laplante](#)
Subject: FW: Technical Support on Drains
Date: Tuesday, October 26, 2021 12:39:38 PM

As discussed during the Drainage NBI

Jason Godby, B.A., C.E.T.

General Manager

Environmental and Infrastructure Services Division

185 Robinson Street, Suite 200, Simcoe, Ontario, Canada, N3Y 5L6

519-426-5870 x. 1200

Working together with our community

From: Brook, Timothy (OMAFRA) <Timothy.Brook@ontario.ca>
Sent: Thursday, September 23, 2021 1:53 PM
To: Bill Mayes <Bill.Mayes@norfolkcounty.ca>
Cc: Jason Godby <Jason.Godby@norfolkcounty.ca>; Chris Dunn <Chris.Dunn@norfolkcounty.ca>; Mike King <Mike.King@norfolkcounty.ca>; Mitchell, James (OMAFRA) <james.mitchell@ontario.ca>
Subject: RE: Technical Support on Drains

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Bill:

Thank you for the letter that highlights the County's tentative plans for an additional staff member for drainage related work. I have reviewed your letter asking about grant applicability and approval and I have also discussed it with my manager. We note that the County is experiencing work load pressures with respect to the drainage systems that you manage and that is expected to be present for the next 2 to 3 years.

While we are unable to commit to any formal approval at this point in time, we would be happy to review and advance to the Director, a future approval request subject to the following:

- the specific individual is appointed by-law,
- has the necessary surveying experience/training, and
- has completed the Drainage Superintendents Course.

It is important to note that any potential approval could also include limited time frame for the approval (e.g. 1 year, 2 years, etc.) and could include an upper limit on the dollar amount of the grant approved.

I trust that this is helpful for the County's budgetary planning purposes.

Please let me know if you have any questions or concerns.

Sincerely,
Tim

Tim Brook

Timothy R. Brook, M.Sc., P.Eng.
Ministry of Agriculture, Food and Rural Affairs
Drainage Program Coordinator
519-766-3651

From: Bill Mayes <Bill.Mayes@norfolkcounty.ca>
Sent: Wednesday, September 15, 2021 1:10 PM
To: Brook, Timothy (OMAFRA) <Timothy.Brook@ontario.ca>
Cc: Jason Godby <Jason.Godby@norfolkcounty.ca>; Chris Dunn <Chris.Dunn@norfolkcounty.ca>;
Mike King <Mike.King@norfolkcounty.ca>
Subject: Technical Support on Drains

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Tim

We are seeking a written response to the attached letter.

I have noted a response date of next Friday but just heard our managers are meeting Wednesday to discuss this.

I know this does not give much time.

Please contact me to discuss if you have any questions.

Bill Mayes
Drainage Superintendent
Robinson Administration Building
Engineering
Environmental and Infrastructure Services Division
185 Robinson Street, Suite 200, Simcoe, Ontario, Canada, N3Y 5L6
[519-426-5870](tel:519-426-5870) x. 8018

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Inventory Controller

Executive Summary:

When COVID19 was declared a global pandemic in March of 2020 Norfolk County quickly established a Personal Protective Equipment (PPE) inventory and began to assess what the organization had and what it would need to safely sustain the County's operations. Through this process a corporate inventory was established and staffed by employees who had been redeployed from other areas of the organization. In order to effectively monitor inventory levels the following items were completed:

- A template was built in Excel to track incoming inventory and usage against forecasted demand and a form was established corporately for departments to request inventory items for delivery.
- A staff committee was organized on PPE Standardization in order to ensure that the items being sourced were consistent and would meet the needs of each department and division as laid out by various Provincial ministries.
- Spending authority was delegated to the Sector Chiefs of the Emergency Control Group and upon approval the Purchasing team worked tirelessly to procure the required items.
- In the face of a potential shortage of N95 masks the County also procured a mask cleaning machine which can sanitize N95 masks so that they can be re-used safely and effectively. This machine is currently being run by PPE inventory staff.
- As the need to purchase additional PPE began to slow the PPE inventory staff also took over some procurement duties related inventory items.
- A new email address was established to track PPE items which could be checked by multiple staff.

Having a central method for storing and tracking items has benefited the organization in a number of ways:

- Inventory items have been consistently available to all applicable staff throughout the pandemic, which means that Norfolk County staff have been protected at or above required levels.
- Inventory items have been tracked and compared to forecasted need, meaning that even during peak time periods such as outbreaks, inventory levels were stable.
- Norfolk County received better pricing and more reliable supply due to strategic procurement efforts.
- Inventory was stored properly ensuring that there was no spoilage or expiration of items.
- Staff have been delivering inventory to the County's departments and divisions as requested reducing the amount of down time for operational areas waiting for goods to arrive.

- It is anticipated that PPE will be an ongoing requirement for many staff in various capacities after the pandemic has ended and Norfolk will be well positioned to meet that ongoing need.

Given the experiences and benefits noted above, staff are requesting Council's consideration on implementing an expanded inventory control program to go beyond PPE and include various commonly used goods that are currently being purchased for use by all Departments across the Corporation.

Discussion:

Across the organization employees are purchasing common items for use in operations on a regular basis. These items might include things such as paper towel, toilet paper, facial tissue, soap, garbage bags etc.

The result of this practice leads to:

- Non-standardized or inconsistent items being procured for use in County facilities,
- Ineffective use of staff time sourcing and procuring commonly required items through multiple orders across multiple vendors
- Increased freight/delivery costs
- The purchase of varying quality of goods at potentially higher prices,
- Higher potential for items to run out / not be available or inability for delivery to occur within the timelines required,
- Inability to track and monitor items to ensure they are being used as intended and do not go missing,
- Mileage costs and the cost to the organization of staff going to the store to pick something up instead of being focused on their core job duties.

Implementation of a centralized inventory with effective oversight and control of these commonly procured items will:

- Minimize excess spend
- Maximize value for the Corporation through consolidated order processing and payment processing
- Maximize return on investment by ensuring order placement for only the goods required and within their useful life cycle
- Promote efficiency and economy in the areas of purchasing through economies of scale
- Optimize the availability of resources for all operations across the Corporation
- Ensure goods and materials are being handled efficiently, effectively and in a safe manner
- Provide services to internal customers by faster warehousing turn around compared to individual order placement and delivery times
- Promote waste reduction (ie: large order packaging vs several small package orders; ensuring goods are used prior to the expiration dates, etc.)

- Provide for asset control measures

Given the current situation with the pandemic and the anticipation that PPE will be an ongoing requirement for many staff in various capacities after the pandemic has ended, we are well positioned to implement expanded inventory alongside the current PPE inventory program both effectively and efficiently. The current inventory process would remain in place, while current processes would be reviewed for efficiency/effectiveness, with the expansion of additional commonly procured items across the organization.

Financial Implications:

Based on analysis of the cost associated with commonly procured items such as garbage bags, soap, toilet paper, paper towel and safety supplies staff estimate that it is possible to add an FTE to manage procure, track, and store these items along with the currently established PPE inventory without having an impact on the budget.

Materials and Supplies budgets across the organization will be reduced by approximately \$95,000 in order to allocate that budget the salary and benefits of a permanent Inventory Controller, along with various additional costs such as software licenses, cell phone, and vehicle rental.

Interdepartmental Implications:

More thorough sourcing practices will lead to better pricing, less waste, and products being available for staff when they need them. In addition staff will be better able to focus on their core job duties, rather than spending time acquiring common goods.

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Build Solid Foundations".

Explanation:

This fits with the noted priority as this will help the County to reduce costs, and therefore improve the financial sustainability of the organization.

Conclusion:

Staff recommend the creation of a permanent Inventory Controller position, and expanded inventory control program.

CADLink

Executive Summary:

CADLink is a mobile data terminal and data integration tool that gives Paramedic Services the opportunity to reduce response times, improve accuracy in reporting and realize operational efficiencies. It instantly provides crews with call information from the dispatch center, populates the patient care report with available data and plots the fastest route to the emergency destination. In addition, the integrated platform provides the leadership team with a situational awareness dashboard of every vehicle, crew and call details, in real time.

Discussion:

CADLink is an integrated system that works with our current ePCR (electronic patient care report) to provide pre-alerting, automated routing and pre-population of patient documentation to the paramedics. The paramedics immediately have call information, hazards on scene, patient information, mapping of recommended route for response, and all of this data automatically populated in their electronic call report. The time saved at the beginning of each call results in decreased response time, and the time saved at the end of call, as it eliminates the need to review all call information and times on the phone with dispatch, results in shorter time on calls, and more time available to the community.

On the administrative side, it amalgamates all data into a situational awareness dashboard that the service can view to make evidence-based decisions on resource allocation and vehicle response, both in real time and in strategic long-term planning. Currently 12 of 53 services in Ontario have implemented CADLink as part of their Paramedic Services operations. In Windsor-Essex, the system resulted in decreased offload delays and response times, resulting in over 2000 staff hours being returned to service in 2019. Oxford County has shown an almost 20% decrease in patient care report completion time, and 79% decrease in triggered compliance rules for correction. This means less time on task for paramedic crews, greater legislative compliance, reduction in liability to the service and corporation, and significant time savings in administrative form review, compliance audits and performance review processes.

Initial Installation Costs:

CADLink installation \$29,700

Vehicle Laptop Mount Systems \$3,000 per vehicle (16 total) = \$48,000

ERV cradle point installation \$7,000

TOTAL: \$84,700

Ongoing annual operational costs:

CADLink annual fees: \$21,500
CADLink mapping fees: \$6,000
TOTAL: \$27,500

These eligible expenses under the Land Ambulance Services Grant system.

Financial Implications:

This initiative is expected to have a net levy impact of \$112,200 in 2022. While operating costs are funded up to 50% through the Land Ambulance Services Grant, historically Norfolk County has been able to receive the 50% funding based on the prior year's budgeted operating expenditures, creating a timing delay for new items.

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Focus on Service".

Explanation:

Improving service to the community, increasing time available for responses by both Paramedics and management staff, and potentially improving compliance with response time standards.

Conclusion:

The investment into CADLink for Paramedic Services will improve data reliability, regulatory compliance and reduce time on task and response times. In addition, it will provide greater transparency of data, allowing strategic planning and resource allocation in both real time and ongoing constructs and reduce liability to the service and corporation.

Legal Services

Executive Summary:

Prosecutions have historically been underbudgeted for the period reviewed (2015 to present). Prosecution costs are expected to cost in the range of \$150,000 for the 2022 fiscal year. Given the increasing costs related to prosecutions, as detailed in the report, this proposal seeks to reorganize legal services such that the bulk of legal services for prosecutions and other work that can be completed by a full-time paralegal be in-house. This will also support a key strategic priority: modernizing Norfolk County's approach to by-law development and enforcement.

In addition, the proposal also seeks to make permanent the position of Law Clerk to properly support all litigation, including prosecutions, and management of legal services.

Funding of these FTEs comes from a shift in expenditures from external legal services to internal legal services, and does not require additional resources. Depending on who the prosecutor is, those savings would be realized either very nearly immediately or over the course of a few months through a transition. This would be in addition to the savings realized so far from in-sourcing, which indicate a reduction in external legal expenses in the range of approximately \$120,000 (or more) annually since bringing a County Solicitor in-house.

The County Solicitor anticipates enough for full-time work, through a combination of prosecutions, updating/drafting by-laws to modernize our by-laws and better support enforcement, in line with a key strategic purpose. To round out the time, the paralegal could also assist with tribunal work currently being handled by the County Solicitor, like the Human Rights Tribunal and the Agricultural, Food and Rural Affairs Tribunals, and possibly small claims work. This position could also provide significant support to more complex litigation being managed by the County Solicitor.

Having two legal professionals on-staff with an administrator and/or clerk, is in-line with other municipalities similar to Norfolk County, including those that recently chose to move towards in-house legal services, as described more fully in the discussion.

Every opportunity to manage more work in-house also means less administrative oversight and administrative burden related to external counsel. This includes the monthly review/approval of external legal billings. Currently this is a significant monthly administrative burden being managed by the Law Clerk, formerly done by Corporate Services staff. This involves many staff to review/approve/pay/track the bills for the various external counsel/files, and finally, the finance staff time to enter the expenses into our accounts.

In sum, the Law Clerk position is recommended to become full time permanent and the County Solicitor also recommends bringing on a permanent paralegal. In house legal services are barely sustainable with the Law Clerk alone and the position will not, by itself, result in the savings that could be realized with the addition of a paralegal.

Discussion:

Costs of External Legal Services 2015 to Present

Legal costs to the corporation were reviewed between 2015 to August 31, 2021, which captures three years prior to a County Solicitor and three and a half years after it. A County Solicitor was first employed in January 2018. Other than a staffing gap of about two months in 2019, that position has been continuously in place since 2018.

Figure 1. Legal costs for all firms with more than \$5000 in total billings from January 2015 to August 2021.*

Legal Firm Name	2015	2016	2017	2018	2019	2020	2021 - August	Total
Abramsky, Randi H		\$ 2,113.75	\$ 7,125.77					\$ 9,239.52
Bandhu Lakhani Campea, Employment & Labour Law				\$ 25,060.20	\$ 20,742.90			\$ 45,803.10
Borden Ladner Gervais LLP	\$ 7,780.05							\$ 7,780.05
Hicks Morley Hamilton Stewart Storie Llp	\$ 113,383.16	\$126,788.05	\$114,566.51	\$ 31,119.78	\$ 57,846.26	\$ 59,441.84	\$ 35,871.84	\$ 539,017.44
Jordan Sewell, Barrister and Solicitor						\$ 9,831.00	\$ 452.00	\$ 10,283.00
LMB Investigations						\$ 9,393.13	\$ 16,281.45	\$ 25,674.58
Ross & McBride	\$ 376,647.96	\$504,273.29	\$ 542,166.19	\$ 203,737.36	\$291,960.29	\$232,419.05	\$ 169,355.98	\$ 2,320,560.12
Schmidt Dispute Resolution	\$ 5,149.61			\$ 3,430.04				\$ 8,579.65
Singh Lamarche LLP	\$ 6,662.25							\$ 6,662.25
Torkin Manes LLP		\$ 956.32	\$ 11,419.52	\$ 7,450.00				\$ 19,825.84
Turnpenny Milne Workplace Lawyers	\$ 4,580.46	\$ 26,634.91						\$ 31,215.37
Total	\$ 514,203.49	\$660,766.32	\$ 675,277.99	\$ 270,797.38	\$ 370,549.45	\$ 311,085.02	\$ 221,961.27	\$ 3,024,640.92

* Extraordinary litigation conducted in 2020 related to COVID-19 is not included in the above. This permits an “apples to apples” comparison for year over year routine corporate business.

Of the costs during this period, at least \$72,000 in expenses is related to external third-party investigators. This kind of expense will arise from time-to-time and continue to be directed to external providers. However, this will now be addressed through the human resources budget and not the legal budget for 2022, as they are more properly a human resources expenditure, not a legal one.

Excluding Ross & McBride fees, most other external counsel was and is used for work related to employment/personnel matters, with a small amount going to other areas of law. Ross & McBride has for many years handled a wide variety of other work, including litigation and prosecutions, but not employment law.

External counsel fees dropped significantly after the introduction of in-house services in January 2018 (see particularly the line items related to Hicks Morley and Ross & McBride). The total average cost of external legal services from 2015 to 2017 was \$616,912 per year. Excluding the COVID-19 litigation in 2020, the average costs of legal services between 2018 and 2020 was \$318,000 per year. This is a reduction in external costs of about \$300,000. Factoring in the in-house County Solicitor salary, including all benefits, the County has realized a \$120,000 (or more) in annual reduction in legal fees with the introduction of in-house counsel. However, remaining with one in-house lawyer, and no support, does not permit full realization of the savings that can be

realized through moving most litigation/prosecutions (in particular) in house; which costs can be significant and are virtually uncontrollable as an external service cost.

Moreover, notwithstanding an extraordinary demand for internal legal services related to the pandemic in 2020, including significant additional litigation at the Health Services Review & Appeal Board that was not handled by external counsel, external costs for work regularly handled by the County Solicitor not only did not increase in 2020, but instead, general corporate costs were reduced by \$50,000 over the prior year. This is notwithstanding that most of the regular business of the corporation continued, except for trials in Provincial Offences Court, and on top of the extraordinary demands from the health unit. There was a reduction in prosecution expenses for the 2020 year (\$60,000 rather than the budgeted \$100,000) owing only to court closures.

The County Solicitor notes that in terms of litigation handled by her office, in April one significant piece of litigation was managed that, had it gone to external counsel, would have cost \$70,000 in external fees. All planning appeals and less complex civil matters are now fully managed by the County Solicitor.

In sum, in-sourcing legal services has resulted in significant savings to the County.

A review of external legal costs to date for 2021 indicates expenses in the range of \$7,000 per month for costs related to contracts/realty/employment matters. Another \$8,300 per month on average is currently being spent on one civil litigation file, with the two most recent monthly bills on that file at \$13,000 and \$18,500 (the matter has not gone to cross-examinations or a hearing yet). Finally, about \$10,000 or more per month is spent on prosecutions. This reflects about 60 hours per month, split between a paralegal and a lawyer (this results in an average rate of \$170.49 including net HST). Remarkably, this cost is in the absence of any trial work, due to disruptions caused by COVID-19.

The prosecutions budget has been overbudget for every year since 2015, except 2019. 2019 was the only year where the budget and expenditures matched. The only year it was underbudget was in 2020, resulting from COVID-19 closures. In 2021, even without trials, we are on track to spend \$20,000 over the \$100,000 budget in POA Court. The County Solicitor intends to budget \$150,000 for 2022, in the absence of a decision to in-source this function.

Figure 1. POA Municipal Prosecutions

POA Municipal Prosecutions							
	2015	2016	2017	2018	2019	2020	2021
Actuals	61,844	88,351	111,019	83,794	99,505	60,028	71,907*
Budget	45,000	50,000	75,000	73,000	95,000	96,900	101,900

*YTD at Aug 31, 2021

In 2022, prosecution costs will go up for three reasons:

1. Council, in 2018, determined it would assign one officer to full-time cannabis prosecution work as a priority area of enforcement. This has borne fruit. In the coming weeks, the County anticipates will lay about 45 new charges for cannabis processing and producing facilities, with 11 of those coming before the courts shortly. This will bring our active by-law prosecutions to about 75. It is critical to develop internal expertise at the cannabis files at this juncture to ensure the most efficient management of these prosecutions.
2. Related to this, regular calls for service to by-law are significantly increasing year over year (see **Appendix A**). This will translate into more charges being laid and court time in prosecutions, whether as pleas or full trials.
3. The Provincial Offences Court is also now scheduling trials again, which means a backlog of cases delayed by the pandemic will now go to trial, if they are not otherwise resolved, pending sufficient judicial resources. Trials will mean additional days of hearings are booked, meaning the usual one to two days of prosecutions work will increase to three or more days at least occasionally.

The Business Case

The most expensive type of work – specifically litigation, including prosecutions – cannot be controlled without bringing it in-house. To properly do this, it also requires in-house administration and law clerk support. The addition of a paralegal will also increase capacity for civil litigation managed by the County Solicitor and other work that is currently not well serviced, including for the key strategic area of modernizing by-laws related to enforcement activity. By example, it took the County Solicitor and key staff eight months to finalize a new proposed Property Standards By-Law. By that rate it will take us about a year per by-law to update. We have identified about a half a dozen by-laws to update.

The rates of external legal resources, per hour, across the firms who are or will be on our roster, have rates ranging from \$75/hour for administrative support to \$420 per hour for partners in the firm. Clerks, paralegals, and articling law students are \$150 or \$175/hour, depending on the firm. Some of our firms have an escalation rate over the life of their contract (every two years, six years total) as well. Therefore, our rates will increase for some of our roster firms. These costs are also subject to HST, a portion of which is rebated to the County. The cost analysis related to an in-house paralegal was based on a conservative cost of \$162.64 inclusive of net HST to reflect historical clerk costs (this work can be assigned to assistants, law clerks, articling students, and associate lawyers; rates will vary accordingly).

Law firms work on a model of having less expensive staff conduct work that is more research based or which requires less experience. With one in-house lawyer it is impossible to use legal counsel efficiently as no other staff are available to share the

workload in efficient ways. As a result, the time of senior counsel is not used well. This is especially problematic in a situation without any administrative or clerk support.

The financial analysis indicates that the proposal to bring in a paralegal and keep a law clerk will have a net-zero levy impact on budget, while supporting more legal services. For the purposes of the analysis, it is based on a conservative estimate that only 70 hours per month of prosecutions work will be required. The County Solicitor considers this to be an underestimate in light of prosecutions and trials coming on board.

Approximately 60 hours of work per month is estimated for “billable” time for the law Clerk, versus administration time. This would support both the paralegal, County Solicitor, and other business units. On occasion we can also charge external parties for the Law Clerk’s time, related to court orders requiring document disclosure. Those orders typically also permit for reasonable fees associated with our efforts to organize and arrange those documents and will be charged at \$120 per hour. We have estimated a small revenue line related to this item, as well.

Paralegal

The County Solicitor undertook a review of publicly available salary information for paralegals. The average paralegal “base salary” is about \$48,000. Upon reviewing salary ranges in the Hamilton Niagara area, and also considering the rated salary already in place for the Law Clerk, the cost estimates for this position are based at the top rate for the rated Law Clerk salary, at \$86,236 with benefits, or \$47.38 per hour.

Some incidental costs would arise for continuing education and professional fees and office requirements. The primary function, as described, is for prosecutions and assisting in the modernizing our by-laws and enforcement practices. When additional time is available, as it will be most weeks, other work will be done by the paralegal that is currently done by the County Solicitor. This will free up the County Solicitor to keep more work in-house, reducing our external legal demands.

The costing analysis assumes a paralegal will be hired. However, in Ontario a municipal prosecutor need not be a paralegal. It is possible that others are experienced prosecutors without being paralegals. This may be an option and cost less as well, but would mean other kinds of work (e.g. tribunal appearances) are not an option. However, there is other work that could easily be done to round out a full-time position.

Law Clerk/Administrator Position

The proposal to bring on a paralegal relies on the continuation of one FTE law clerk/administrator to assist with prosecution briefs and related needs. The position also would continue to support court/tribunal documentation preparation and filings and the management of legal files and invoices for the Legal Services Department. At the top of the rate for this position, the cost is \$47.38 per hour, inclusive of benefits. Fewer

incidental costs are associated with this position than the paralegal, though neither has significant incidental costs.

Currently this position is a pilot, for one year. This position has only been in place since mid-May, we have only a few months' worth of work to report. In addition, the major litigation ongoing now started prior to the Law Clerk being onboarded and was outsourced to our external provider (this occurred approximately one year ago). This includes the following:

- Review and recommendation for legal management software, expected to be implemented by January 2021, with the able assistance of Information Technology staff
- Learning FileHold and developing a process of document retention and storage for legal files that are closed
- Taking over the opening/closing of files from Corporate Services; this also involves reviewing many old files for which work had been completed, but were not reported as closed; this work is ongoing
- Assistance in the launch of a new online form for legal services request to better manage and track requests, also completed with the able assistance of Information Technology staff
- Expanding the function of opening files to ensuring all the correct documentation is obtained and arranging initial meetings with appropriate client representatives
- Taking over the management and payment of monthly invoices for external legal counsel billings from Corporate Services
- Assistance with one insurance litigation matter, specifically assisting assigned counsel and internal staff to conclude outstanding obligations related to answering undertakings following discoveries
- Assistance to planning and Clerks for the referral of Ontario Land Tribunal appeals, including the development of an operations procedure for this purpose and filing of same with the Tribunal
- Assistance related to document review and delivery when court orders arrive requiring document disclosure (three of these have arisen in the last two months)
- Assistance with civil litigation matters transferred to the County Solicitor and/or addressed through the County Solicitor's office
- Assistance with Ontario Land Tribunal work
- Drafting of by-laws and policies, particularly in conjunction with the Clerk's department

Ultimately, establishing robust litigation in-house services cannot proceed without this position. At the same time, even without robust in-house litigation services, legal services are not efficiently managed without an administrator, hurting client service and using in-house counsel poorly.

The continuation of this position, by itself, however, will not result in substantial cost savings, in part because of the demand of managing administration related to high external law firm use.

Staffing Levels in other municipalities

The County Solicitor has reached out to other municipal departments (through the Municipal Law Department Association of Ontario) and can advise as follows:

- Brant County (single tier, population approx. 37,000) established in-house services with one lawyer in 2018. There are now two lawyers with two law clerks and one administrator.
- Leamington (single tier, population approximately 28,000) has two lawyers. There is one administrator.
- Grey County (upper tier, population approx. 94,000) established in-house services in 2018. It has two lawyers and a full-time prosecutor (paralegal). They do not have an administrator/clerk yet, but are taking steps to acquire same.
- Lakeshore (single tier, population approximately 37,000) recently approved hiring a second lawyer. There is an administrator/law clerk.
- Elgin County (upper tier, population of 50,000) currently has two in-house solicitors.

Municipalities with in-house services generally have their legal staff directly managing some of the corporation's business units, e.g., clerks/licensing, by-law, human resources, realty, insurance/risk. It is quite variable how this is managed, and many models and options are viable. The key goal is robust integration of information and co-ordination of work, to achieve efficient service delivery, superior decision-making, and ultimately more confident, knowledgeable, and independent staff.

Intangible Savings and Benefits to In-house Counsel

Knowing the Client, Access to the Client, and Client Access to Legal Counsel

It is difficult to quantify some of the savings that come with in-house counsel. These intangible benefits include developing a robust understanding of the needs of the various internal clients, institutional knowledge, and easy, efficient access to highly skilled and knowledgeable staff. This is difficult to measure in terms of dollars saved, but undoubtedly results in more efficient and effective services responsive to client needs.

Other intangible benefits are simply that with internal legal resources available, people will feel more comfortable seeking guidance they might otherwise forgo, given the cost and effort of arranging time to speak with external counsel. Risks will therefore decrease and everyone's knowledge base increases. Ideally, the need to ask questions will become less frequent, as the client representatives become more confident and knowledgeable in their skill set.

Logistically, it is sometimes more difficult to coordinate external services, for the simple reason that it can take time to arrange meetings and calls with external counsel compared to accessing in-house counsel.

With the new, highly efficient Legal Service request process, the Law Clerk is responsible for ensuring all the relevant documentation is provided and a meeting is booked shortly after to ensure timely movement of the file. The prior method involved emailing requests and a paper form, which requests were at least occasionally simply lost in e-mail. Previously, there was no good system in place for ensuring that internal clients had properly organized the required information. This too is now improved with the Law Clerk's assistance.

Finally, moving files to external counsel can require a significant amount of education. Because they are not embedded, they will lack insight into the corporation or will require internal staff to bring them "up to speed", in ways internal counsel either will not need at all or much less so.

We are now in the process of adding new external law firms to our roster, following last year's requests for proposals. While this will allow for better management of conflicts and choice of external counsel when in-house counsel cannot support the work, it also means less efficient service with each of the new firms having to learn the client representative/department. Because our roster is increasing from two to five firms (three new firms), each firm will likely have less frequent contact with the corporation, meaning they will "know the client" less well. It has taken the County Solicitor some time to learn the client groups in the corporation, made up of various instructing entities, divisions and their departments, and individuals within them. And this is with the benefit of a fully immersed position in the corporation's day-to-day functions. The County is a complex organization, with complex dynamics.

The Pandemic: managing the unexpected

External counsel could not have handled the work that the County Solicitor handled during the initial months of the pandemic, either in terms of enforcement activity, under the emergency framework of the province, or health unit support related to the *Health Protection and Promotion Act*. Nor would the County have wanted that, given the cost that would have entailed. For one month's assistance from external counsel in April, 2021, when the County Solicitor was unavailable, the County paid over \$9,000 with HST.

It is unclear how the health unit or corporation would have handled this without embedded counsel and the wider benefit of access to other in-house municipal lawyers, who were in constant contact with one another as each new regulation and order was issued. This is simply not work that could functionally have been handled by external counsel: it was full-time 7-day a week work for many months. The County Solicitor's work also supported Haldimand's by-law team, through regular contact with their by-law supervisor, as part of our weekly, and for a time, twice weekly, enforcement meetings, and through e-mail communications.

Further, these areas of law – health unit and emergency rules - are not work that private law firms have experience with. The emergency regime is rarely used. In private practice, “health law” means personal injury, medical malpractice, or discipline hearings by regulatory colleges; it does not mean experience with or knowledge of the *Health Protection and Promotion Act*. Municipal lawyers supporting health units, by contrast, are quite knowledgeable and familiar with the framework. Our in-house municipal lawyer contacts were invaluable during this period.

Insurance Claims: a possible other way to save costs

One area that remains unexplored is potential cost savings in the management of claims that are currently handled through our insurer. The original report seeking to justify the position of a County Solicitor (see **Appendix B**) noted that their expenditure analysis excluded monies spent on handling claims under the County’s program of insurance. The reported stated the following:

The significance of this caveat is that it is highly likely that a staff lawyer could handle, at a minimum, the small claims court files initiated by or against the County. Further, it is possible that adjustments could be made to the County’s program of insurance so that claims which fall under the County’s deductible might be handled by the proposed staff lawyer. This approach has been successfully undertaken by a number of similar municipalities (Chatham-Kent, City of London, County of Lambton, and Middlesex County), each of which uses the same insurance company as Norfolk County. An exact amount of savings cannot be quantified at this time, however this figure could very easily be tens of thousands of dollars per year (all levy dollars).

The costing of insurance remains significant and is increasing. In sourcing of some matters could be explored to determine if it will result in any savings.

Sustainability for Current Staffing

The County Solicitor currently has about 8 weeks’ worth of “unpaid overtime”, which is probably under-estimated and likely to increase through the rest of the year. This is almost two months’ worth of work, accumulated over the last two years.

It is very difficult to take vacation. “Flex Time” to account for extra time is not a useful approach, as this simply means vacation time is not used. At this juncture, almost all extra time is therefore allocated to “unpaid overtime” by the County Solicitor. Approximately four weeks of unused vacation plus one day’s worth of Flex Time remains in the final quarter of the year.

For the purposes of back-up, we have attempted to use external counsel during longer breaks. What this means is that urgent matters are handled in the absence of the County Solicitor, and work continues to back-log, otherwise. In addition, at least on one occasion, work was directed externally for which we already knew the answer and could

have handled it quickly, internally. Because the County Solicitor was absent, this could not be explored prior to the file being directed to external counsel.

The addition of a law clerk/administrator has significantly improved the management of legal files and reduced the overwhelming flow of e-mail.

In sum, the approach of a single internal lawyer is not a sustainable model and/or does not serve the client groups as well or the corporation as efficiently as redirecting our external costs to internal resources. It is also not uncommon that when work goes external, the County Solicitor is not fully “free” of that work and is frequently consulted and involved or occasionally completes the work. Without oversight by the County Solicitor, the work may languish with external counsel, if County staff become less available to respond to inquiries; or it returns to the County Solicitor where it may languish as lower priority work.

Finally, proper management of external counsel involves performance evaluation, which will take considerable time, if done correctly, and will fall to the County Solicitor and those who use the services most. A system for this evaluation does not yet exist, but is expected to be done in the future.

Bringing in a paralegal will help to alleviate some of these issues.

Financial Implications:

Based on the information presented in this report, additional annual staffing costs attributable to the two positions being requested would be approximately \$177,200, with one-time IT capital costs of \$2,500 to support the new positions.

Staff have conservatively estimated that an in-house prosecutor could absorb approximately 70 hours of work per month (840 hours annually) which would otherwise be outsourced to external legal counsel at an average rate of \$162.64 (as outlined in the body of this report), resulting in approximately \$96,800 of offsetting cost savings annually.

Similarly, by in-sourcing approximately 60 hours per month (720 hours annually) of prosecutions and litigation support work that can be performed by a law clerk based on an average external rate of \$152.64 (as outlined in the body of this report), staff feel that an additional \$75,800 of cost savings could realistically be achieved on an annual basis.

Additionally, internal law clerk time could realistically be recovered from external parties related to court orders requiring document disclosure at the appropriate rate resulting in approximately \$2,400 of additional revenue annually.

The calculated 2022 impact based on the assumptions outlined above would be approximately \$4,600 with an ongoing impact of approximately \$2,200. However, as these costs are immaterial in the overall scope of the project and are based on what staff feel are conservative estimates which ignore potential administrative efficiencies

and intangible benefits that could be achieved, the net impact can effectively be assessed to be zero.

It should be noted that a potential risk factor is that demand for external legal services for prosecutions may increase beyond the capacity of these additional positions to provide offsetting savings which would result in a levy impact overall. This risk would still be partially mitigated in absolute terms by reducing reliance on more expensive external legal services.

Interdepartmental Implications:

Continued improved support to Divisions and more efficient, cost-effective delivery of services.

Strategic Plan Linkage:

4. Focus on Service. Modernize Norfolk County's approach to by-law development and enforcement.
5. Solid Foundations. Assure oversight and accountability for the County's finances through strategies that include multi-year operating budgets.

Conclusion:

The County Solicitor proposes that the pilot for a law clerk/administrator become full-time permanent and that a full-time paralegal join the legal department on a full-time permanent basis. This proposal has a net-zero levy impact, to be financed through the redirection of the external budget to internal resources, while simultaneously achieving greater service for less cost. Further, this meets a key strategic initiative related to modernization of by-law development and enforcement, with the main driver being to contain external litigation and prosecution costs. Reduced use of external counsel will also reduce administrative burden in the management of invoicing/bill payments to external counsel and oversight of external counsel. This will free up the clerk to do more skilled work. Ultimately, costs should continue to decline.