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The Regional Municipality of Durham Information Report

From: Chief Administrative Officer
Report: #2025-INFO-42
Date: May 24, 2025

Subject:

Legal Services Organizational Changes

Recommendation:

Receive for information

Report:

1. Purpose

- 1.1 To advise Regional Council that effective June 1, 2025, the Chief Administrative Officer has determined that the Legal Services Division will become a Legal Department, with the Regional Solicitor as Commissioner of Legal Services and two Senior Solicitors as Directors.
- 1.2 This change recognizes growth in the volume and complexity of legal work, will improve the effectiveness of Legal Services and is consistent with comparators.

2. Background

- 2.1 In 2015, the Legal Department was changed to a Division of Corporate Services and the position of Director of Legal Services was created. As part of this change, the Director of Legal Services reported to the Commissioner of Corporate Services who happened to be a lawyer and therefore could act as General Counsel for the corporation and Regional Council. Without a lawyer in the role, this structure has presented challenges for the Legal Services division in meeting its mandate.
- 2.2 The CAO has worked with Corporate Services and the Regional Solicitor to ensure Legal Services continues to meet the needs of the Region. It has become clear that a Legal Services Department is the most effective model for the Corporation and Regional Council.

3. Rationale

3.1 There are three main reasons why this change is happening:

- (a) To enable Legal Services to provide effective leadership, advice, and guidance on increasingly complex legal issues and projects.
- (b) To provide leadership capacity for growth in Legal Services and the Region as a whole
- (c) To ensure Durham attracts talented lawyers and provides opportunities for growth and succession planning.

Complexity

- 3.2 Legal Services has always been involved in significant Regional projects and challenges, including the Seaton and West Whitby developments, major water, sewer and waste management infrastructure projects, Regional Broadband investments, COVID-19, affordable housing and homelessness, and tariffs and trade.
- 3.3 Durham Region is increasingly leading new and innovative approaches to problems facing our residents. That leadership role means more complicated legal issues requiring support, advice and decisions. It also means that legal strategies play a more significant role in these projects. That legal advice and the decisions that result should be supported by a Department Head.
- 3.4 The role of the Regional Solicitor is to support all departments in meeting legal requirements, following legal principles and advice relevant to their projects, and protecting the legal interests of the Corporation. These important functions are best served with the Regional Solicitor acting as a Department Head providing legal oversight and direction across the Corporation.

Growth

- 3.5 Durham is a growing community. Legal Services has grown across all three programs in the past decade. The Solicitors group now has 26 positions including lawyers, paralegals, law clerks, legal assistants and operational manager. The scope of legal services has expanded significantly as the Region has developed more legal expertise in-house which allows Legal Services to provide high-quality, low cost legal advice to the Corporation and Regional Council while reducing reliance on external counsel retainers.

- 3.6 The Region's lawyers are valued and recognized leaders within their fields of expertise and frequently provide Continuing Legal Education to other lawyers. Legal Services has shared this expertise through external retainers for DRPS and local tiers on a cost recovery basis allowing for dramatic reductions in the cost of external counsel for our municipal partners.
- 3.7 POA Courts and Prosecutions has experienced similar growth. Charge volumes for Courts and Prosecutions has grown to 174% of 2015 levels. Prosecutions has also expanded to provide prosecutions on a cost recovery basis for 4 local tier municipalities as well as CLOCA. This program has reduced the cost of prosecutions for taxpayers and improved the effectiveness and efficiency of these operations.
- 3.8 POA Courts has added new responsibilities and virtual service levels adding to the level of complexity and volume of work. In addition, in 2025 POA Courts are evaluating adding a new program for Administrative Penalty Systems allowing camera-based offences to be taken out of the POA Courts and administered by a more convenient and flexible adjudication panel.
- 3.9 Together POA Courts and Prosecutions have resolution rates, time to early resolution and time to trial timelines that are shorter than any other comparable Court operation.

Legal Leadership

- 3.10 Legal Services has attracted and developed lawyers who are leaders in their field with leadership roles in the Ontario Bar Association, Durham Region Lawyers Association, Durham College, Community Legal Aid Clinic, Ontario Good Roads Association, Municipal Legal Departments Association of Ontario and International Municipal Lawyers Association. Durham's lawyers lead collaborative work through the establishment and leadership of Regional Solicitors and Area and Regional Municipal Solicitors groups.
- 3.11 Legal Services must continue to provide the leadership and direction needed to develop lawyers and legal professionals who are or aspire to be leaders in their field. This requires an organizational structure with opportunities for professional development and advancement. Client departments will benefit from the continuity, institutional knowledge and specialized in-house expertise that comes from a dynamic legal team.

4. Financial Impact

- 4.1 The estimated 2025 impact of this change is \$50,100 and can be covered through projected gapping savings. The annual impact of this change is \$85,900 and will need to be included in the 2026 Business Plans and Budget.

5. Relationship to Strategic Plan

5.1 This report aligns with/addresses the following Strategic Direction(s) and Pathway(s) in Durham Region's 2025–2035 Strategic Plan:

(a) Connected and Vibrant Communities

- C4. Improve road safety, including the expansion and connection of active transportation networks to enhance the range of safe mobility options.

(b) Environmental Sustainability and Climate Action

- E4. Lead the transition to sustainable living through waste management, diversion, and the circular economy.

(c) Healthy People, Caring Communities

- H2. Collaborate with partners to respond to complex social issues that improve community safety and well-being, including mental health and addictions.
- H3. Integrate and co-ordinate service delivery for positive life outcomes, including investments in poverty prevention, housing solutions, and homelessness supports.

(d) Strong Relationships

- S1. Enhance inclusive opportunities for community engagement and meaningful collaboration.
- S3. Collaborate across local area municipalities, with agencies, non-profits, and community partners to deliver co-ordinated and efficient services.
- S4. Advocate to the federal and provincial government and agencies to advance regional priorities.
- S5. Ensure accountable and transparent decision-making to serve community needs, while responsibly managing available resources.

5.2 This report aligns with/addresses the following Foundation(s) in Durham Region's 2025–2035 Strategic Plan:

(a) People: Making the Region of Durham a great place to work, attracting, and retaining talent.

(b) Processes: Continuously improving processes to ensure we are responsive to community needs.

6. Conclusion

- 6.1 Re-establishing the Legal Department creates a more effective Legal Services for the Corporation and Council. This change responds to growth and increasing complexity in legal matters and will attract and retain the leadership required to serve the legal needs of the Region.

Respectfully submitted,

Original signed by

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Chief Administrative Officer