

Section: <b>Administration</b>	Policy Number: <b>1.31</b>
Policy: <b>Retention of Legal Counsel</b>	Effective Date: <b>05/15/2012</b>
Date Last Revised:	Current Revision Date:



**Policy  
Town of Minto  
Retention of Legal Counsel**

**Policy Statement:**

Senior staff from time to time shall request legal counsel secured by contract to provide advice or act for the Town of Minto with respect to specified legislative responsibilities of the Town.

**Purpose:**

To set out the authority and process for the obtaining legal advice from contracted counsel.

**Actions:**

1. The Clerk's Department shall manage the contract for the Town's approved legal counsel.
2. Senior Staff members may, with the approval of the Chief Administrative Officer/Clerk or Mayor, seek advice from legal counsel as per the contract on file with the Clerk's Department. Members of Council requesting a legal opinion shall do so by resolution of Council except in special or unique situations in which case the CAO/Clerk and Mayor and/or Deputy Mayor shall be consulted.
3. Staff will provide the Clerk's Department with a copy of all opinions received from legal counsel whether provided in written or electronic format.
4. If a verbal opinion is given, legal counsel will provide written confirmation of the opinion.
5. The Clerk's Department will review the opinion and forward a copy to Council if the opinion is required for Council deliberations. Legal opinions involving the following shall be considered by Council in closed session:
  - a) litigation, potential litigation, matters before the Ontario Municipal Board or other tribunal
  - b) advice subject to solicitor client privilege
 Legal opinions sent to Council should be accompanied by a report explaining circumstances surrounding the legal opinion.
6. Invoices for legal services shall be submitted directly to the Treasury and shall be signed off by the CAO/Clerk's Department and the Senior Manager who requested the service.
7. Prior to seeking legal advice the Senior Manager shall research the requirements of any relevant legislation or Act so as to gain a generally familiar with the matter at hand so as to ensure conversations with legal counsel are effective and efficient. The following section summarizes generally when legal advice might be sought on certain matters:

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- a) Assistance interpreting the Municipal Act, Municipal Freedom of Information Act, Municipal Conflict of Interest Act, Ontario Municipal Board Act, Municipal Affairs Act, Line Fences, Drainage Act and similar legislation.
- b) Advice and assistance regarding the Environmental Protection Act, environmental Assessment Act, Building Code Act, Fire Prevention and Protection Act, and Planning Act as it pertains to Committee of Adjustment, the subdivision of land, and site plan approval in concert with review and advice from the County of Wellington Planning Department. With respect to legislation respecting contaminated sites, legal advice should be considered in along with advice from registered professional consulting engineers.
- c) Review and commenting on draft contracts, leases and agreements that pertain to the procurement of goods, use and/or sale of municipal lands, employment, consulting and similar. On complicated matters where there are no standard form agreements that apply, legal counsel shall be obtained prior to any agreement being presented to Council for approval. Where an agreement is to be registered on title, legal counsel shall be consulted in reviewing less complicated and standard form agreements prior to registration, and shall be requested to register the agreement and report back to the Clerk.
- d) Assistance where deemed necessary in prosecuting Town regulatory by-laws, the Building Code Act and similar, including representing the Town at tribunals and hearings where legal counsel has been appointed to represent the Town by resolution of Council.
- e) Real estate transactions, road closures, easements, title searches, municipal taxation, drafting of by-laws where necessary, issues of liability

**Responsibility:**

Chief Administrative Officer/Clerk, Mayor and/or Deputy Mayor, Senior Managers, Clerk's Department, Legal Counsel under contract.