



File #: PM-26-001, **Version:** 1

TAMRMS#: B05

Business Case - Solicitor

Notice given by: Councillor Joly

BUDGET POSTPONED MOTION:

That the following postponed motion be approved:

PM-26-001

That \$88,100 be added to the 2026 base operating budget for the annualized funding for the Solicitor offset by a reduction in external legal counsel dollars, to be funded through 2026 assessment growth revenue.

Refer to April 1, 2025 Council AR-25-180 - copy of AR attached

Report Date: April 1, 2025

Author(s): Marta Caufield

Department: Legal, Legislative & Records Services

Department Director: Marta Caufield

Chief Administrative Officer: William Fletcher



File #: AR-25-180, Version: 1

TAMRMS#: B06

10.4

REQUEST FOR DECISION

Business Case - Solicitor

Presented by: Marta Caufield, Director, Legal, Legislative & Records Services

RECOMMENDED MOTION(S)

1. That 1.0 FTE be added in 2025 to the Legal, Legislative & Records Services department for a Solicitor position.
2. That the following postponed motion be approved:

PM-26-001

That \$88,100 be added to the 2026 base operating budget for the annualized funding for the Solicitor offset by a reduction in external legal counsel dollars, to be funded through 2026 assessment growth revenue.

SUMMARY

This report explains the rationale for the request to add 1.0 FTE to the Legal, Legislative & Records Services department for a Solicitor ahead of the 2026 budget cycle.

ALIGNMENT TO COUNCIL DIRECTION OR MANDATORY STATUTORY PROVISION

N/A

BACKGROUND AND DISCUSSION

The Legal Services branch is part of the Legal, Legislative & Records Services department. The Director of the department serves as the City Solicitor, City Clerk, and FOIP Head pursuant to the *Freedom of Information and Protection of Privacy Act*. The Legal Services branch consists of the City Solicitor, a Solicitor, and a Paralegal.

The Solicitor is responsible for assisting the City Solicitor in providing the full range of legal services for the City of St. Albert. This includes providing verbal and written advice and opinions on diverse legal matters to members of administration and City Council, drafting bylaws, drafting, negotiating

and reviewing various agreements, policies, and leases, acting as a liaison between external counsel retained by the City and administration, and representing the City as required to outside agencies, in order to guide municipal policies, decisions, and activities. The Solicitor is also responsible for keeping the City Solicitor advised of emerging legal issues, and provides coverage for the City Solicitor as required.

The current Solicitor will be taking a leave of absence in the near future. In an attempt to backfill the Solicitor position for the duration of the term, the following avenues were pursued:

- A recruitment was conducted for a term Solicitor. Some applications were received and interviews were conducted. Offers were made, and the feedback received from the applicants was that it was too risky to agree to a term position at this time at the expense of giving up permanent employment elsewhere.
- A law firm was approached regarding whether they would be interested in seconding a lawyer to the City to gain in-house experience for the duration of the leave. While interested, the law firm did not have enough associates to be able to consider this at this time.
- A regional municipality was approached regarding whether they would be interested in seconding a lawyer to the City of St. Albert to gain different in-house experience for the duration of the leave. While interested, the municipality provided feedback that during this time of instability, the timing was not right to proceed with such a secondment.

Administration considered these challenges in recruitment for the term Solicitor position; however, it has become clear over the course of the recruitment that the small pool of qualified candidates, combined with the temporary nature of the position, is proving to be a challenge.

Given this, Administration is requesting that a 1.0 FTE be added to the Legal Services branch, in addition to the current Solicitor position, to enable Administration to proceed to recruit for a permanent Solicitor in advance of the 2026 budget process. Administration does not require additional funding for 2025 as the incumbent will be funded through the temporary leave of absence until approximately April 2026.

This is a high-priority position for Administration. Due to the consistent increase in the volume and complexity of legal requests, Administration has been planning to bring this position forward as a high-priority request during the 2026 budget process. However, due to the unanticipated challenges in recruitment for a term position, the request is being made in advance of the 2026 budget process.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

Not applicable.

IMPACTS OF RECOMMENDATION(S)

Financial:

No financial implications in 2025, as the funds for this position currently exist in the department. The 2026 base budget would increase by \$88,100, due to an increase of \$123,100 for a full-time Solicitor offset by a reduction of \$35,000 in external legal counsel dollars, funded from assessment growth.

Compliance & Legal:

None at this time.

Program or Service:

If approved, Legal Services would be able to recruit a permanent Solicitor immediately and maintain current service levels during the duration of the leave. Upon the return of the current Solicitor from their leave, the complement of Solicitors would consist of two, in addition to the paralegal and the City Solicitor which will address capacity issues due to the increase in both number and complexity of legal requests.

Organizational:

If approved, 1.0 FTE would be added to the Solicitor complement in Legal Services in 2025, enabling administration to recruit for another permanent Solicitor immediately (instead of recruiting for a term).

The term position would remain vacant for the duration of the leave; however, the workload of the Legal Services branch would be covered by the new permanent Solicitor for the duration of the current Solicitor's leave. Upon the return of the current Solicitor from their leave, the Legal Services complement will consist of the City Solicitor, two Solicitors, and a paralegal. This additional resource will positively impact the ability of the Legal Services branch to provide proactive, legal advice to the corporation and City Council. This structure will reduce risk for the City, and provide appropriate coverage, in the event of future leaves or turnover.

Risks

None at this time.

ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN

Initiative aligned with Strategic Plan:
Not Applicable

ALIGNMENT TO LEVELS OF SERVICE DELIVERY

Legal Advice - Provision of legal advice for clients in all departments and City Council, pursuant to the legal rights and interests of the City. Legal advice is provided on all aspects of municipal business operations and program areas and is provided in the context of the applicable statutory and regulatory framework, including applicable policies.

Legal Review and Drafting - All manner of legal review and drafting for agreements, bylaws and policies. Legal drafting is done within the context of the statutory and regulatory framework applicable to the City's operations.

IMPACTS OF ALTERNATIVES CONSIDERED

If Council does not wish to support the recommendation, the following alternatives could be considered:

ALTERNATIVE 1: Do nothing.

Financial:

None anticipated.

Compliance & Legal:

If the Solicitor position remains unfilled during the duration of the leave, the City will be unable to fully consider the legal implications of intended actions and decisions. This could put the City in a position of non-compliance with legislation or contract terms, and could increase the risk of legal challenges to the City.

Program or Service:

If the Solicitor position cannot be backfilled during the duration of the upcoming leave, the amount and nature of legal requests that will be able to be handled within the Legal Services branch will decrease. Members of administration and City Council will not be able to receive legal advice as needed. Work would have to be undertaken in order to triage the requests that come in and those which pose highest risk to the organization would be prioritized above others.

Organizational:

The workload of the Legal Services branch has been steadily increasing in volume and complexity over the last 5 years. If the Solicitor position cannot be backfilled, organizational priority would be assessed. Work related to Council meetings and the election would likely be prioritized by Legal Services over other requests from the remainder of administration.

Furthermore, if the Solicitor position remains vacant for the duration of the leave, there would be no “bench strength” in the Legal Services branch and there would be exposure to the City in the event the City Solicitor was unable to fulfill their duties, potentially leaving the City without any in-house legal counsel.

The City continues to have this need, and not approving now would still result in Administration advancing a business case for a Solicitor for 2026.

Risks

Employee wellness would suffer due to increased workload.

With increased workload, there is also an increased risk of something being missed and the City not being compliant with legislation or terms of a contract, resulting in potential damage to the City’s reputation.

The CAO would have to consult external legal counsel at an additional expense to the City if the City Solicitor goes on leave/vacation.

Report Date: April 1, 2025
Author(s): Marta Caufield
Department: Legal, Legislative & Records Services
Department Director: Marta Caufield
Chief Administrative Officer: William Fletcher