

DATE

The following policy was approved as an Administrative Policy effective 21 day of April, 2021.

This policy was amended as follows:

Amendment Date	Resolution No.	Summary of Amendment

PURPOSE

The purpose of this policy is to ensure staff assess costs, exposure, needs and existing legal opinions prior to obtaining a new legal opinion and to establish the District's normal operational practices regarding legal counsel.

POLICY

1. POLICY

- 1.1 The District's normal operational practices do not include seeking legal opinions or legal reviews of all District documentation or issues unless done in accordance with this policy.
- 1.2 Staff shall use all available resources prior to seeking a legal opinion or legal review including, but not limited to, research, review of other District documents, review of historical and existing documentation and use of internal staff knowledge.
- 1.3 While legal issues vary greatly in their requirements, processes and staff involved, generally, the Director of Policy and Legal Affairs shall be responsible for overseeing and coordinating all legal and risk management issues. Staff shall notify the Director of Policy and Legal Affairs of all potential, pending or ongoing legal or risk management issues. Where appropriate, the staff person with the most knowledge, experience, or as determined by the CAO, shall work with the Director in coordinating a legal file.

2. PRIVACY AND CONFIDENTIALITY

- 2.1 Staff will exercise caution when using legal opinions for research purposes. Pursuant to the *Freedom of Information and Protection of Privacy Act*, a public body may refuse to disclose information that is subject to solicitor client privilege; however, if any part of a record reveals information that is subject to solicitor client privilege, then the entire record is privileged unless the privileged information can easily be severed from the remaining information in the document.

3. PROCESS

3.1 Prior to engaging the services of legal counsel to obtain a legal opinion, staff will:

- (a) Check with the Director of Policy and Legal Affairs or the Executive Assistant to determine if the information you are researching is part of an active legal or claims file.
- (b) Conduct research, review District documents and files, review historical and existing District documents, seek internal staff knowledge.
- (c) Search existing legal opinions to determine if a similar opinion exists. Where a staff member does not have access to they may submit a request to their Manager or Director to search the folder by providing background information and key words. Managers or Directors may request assistance from Corporate Services in locating legal opinions.
- (d) Consider using the Casual Legal Services Program by emailing Casual Legal Services defined as those limited to 30 minutes and involve no legal research or preparation of documents. They are provided free of charge to subscribing local governments. Legal opinions from counsel are privileged and confidential between the law firm and the local government. Causal Legal Services are provided directly to the local government by Lidstone and not through MIABC. All communication with MIABC should be directed through the Executive Assistant.
- (e) Consider the aspects of the project or issue including, but not limited to: the associated dollar value or budget of the issue or project, the likelihood of legal proceedings and the potential liability or risk.

3.2 After all actions listed in section 3.1 have been attempted, staff may complete a [Request for Legal Opinion form](#) with as many details as possible to ensure requests are as precise, focused and specific to ensure the most efficient use of billed time. Submit the form to the CAO or Deputy CAO for approval via electronic signature. Once the request has been approved and saved to , the request may be forwarded to the selected legal firm or lawyer to obtain the legal opinion.

4. OTHER LEGAL SERVICES

4.1 For preparation of legal documents including, but not limited to, covenants, statutory right of ways or other legal agreements, staff will firstly use the standard document templates located in Master Templates. These documents may be altered to accommodate minor amendments where required. At the Department Director's discretion, such documents may be referred to legal counsel where staff consider further review or amendment is necessary, and where the departments legal budget can accommodate the associated cost.

5. RETAINING LEGAL OPINIONS

5.1 All legal opinions received by the District are to be saved on the .

Original signed By Tanya Garost
Tanya Garost, Chief Administrative Officer

April 26, 2021
Date