

Lac La Biche County *Policy*

TITLE: Legal Advice

POLICY NO: ADM-14-004

RESOLUTION: 21.197

EFFECTIVE DATE: March 23, 2021

DEPARTMENT RESPONSIBLE: CAO Department

NEXT REVIEW DATE: March 23, 2026

POLICY STATEMENT:

Lac La Biche County recognizes having a Legal Advice Policy is essential to protect the interests of the municipality.

DEFINITIONS:

“Legal Advice” means the giving of professional or formal opinion from the County’s legal counsel firms.

“Legal Counsel” means the services provided by a person or firm who studies or practices law.

“Public Body” means a schedule of departments, boards, agencies and commissions.

“Litigation” means the process of taking legal action.

“Resolution” means a decision made by Lac La Biche County Council.

“Pecuniary Interest” means something which could monetarily affect you, your spouse, or adult interdependent partner.

“Conflict of Interest” means a situation in which a person is in a position to derive personal benefit from actions or decision or decision made in their official capacity.

PRINCIPLES:

1. Lac La Biche County is a public body; legislative compliance is a statutory duty and the County will take the necessary steps to protect the interests of the municipality.
2. The Mayor or Chief Administrative Officer shall have the authority to determine which legal counsels are utilized.
3. Lac La Biche County will seek the services of legal counsel, where in the opinion of the Chief Administrative Officer, the advice is required to:
 - a) Minimize the potential risk of litigation;
 - b) Obtain assistance on interpretation and implication of relevant new and/or existing legislation or legal precedent;
 - c) Clarify the County’s responsibility to protect the health, safety and well-being of the County’s employees, ratepayers, residents, the general public or the protection of property;
 - d) Ensure the best economic outcome for the County; or

- e) Represent the County in matters proceeding to a hearing or trial.
- 4. The Chief Administrative Officer may, at his/her discretion, further delegate the authority to obtain legal advice. The Chief Administrative officer will also establish and maintain a relevant administrative procedure outlining the responsibilities of those with the aforementioned delegated authority.
- 5. The Mayor, at his or her discretion, may obtain legal advice where the issue involves the office of the Mayor. This authority is limited to matters pertaining to the employment of the Chief Administrative Officer or matters related to the conduct of Council Members. Unless authorized by resolution of Council, the Mayor shall not seek legal advice on behalf of Councillors for matters pertaining to pecuniary interest or conflict of interest, including pecuniary or conflict interest of the Mayor. Advice obtained through the Mayor will be presented in full to County Council.
- 6. As outlined in the Council Members' Code of Conduct, to determine if matters before County Council give rise to a pecuniary interest or a conflict of interest, Members of Council may seek legal advice either through a resolution of Council or independently. Independent legal advice is at the personal expense of the requesting Member.

“Original Signed”
Chief Administrative Officer

April 1, 2021
Date

“Original Signed”
Mayor

April 1, 2021
Date

SPECIAL NOTES/CROSS REFERENCE: Legal Advice Procedure ADM-14-004, -CS-14-004

AMENDMENT DATE: March 23, 2021

Procedure

TITLE: Legal Advice

PROCEDURE NO: ADM-14-004

EFFECTIVE DATE: March 23, 2021

DEPARTMENT RESPONSIBLE: CAO Department

NEXT REVIEW DATE: March 23, 2026

GENERAL GUIDELINES:

Lac La Biche County acknowledges the need to have a Legal Advice Policy and Procedure to protect the best interests of the municipality.

DEFINITIONS:

See definitions in the Legal Advice Policy.

PROCEDURE:

1. Prior to engaging the services of legal counsel, Administration may consider alternate options to ensure the most efficient and effective use of the County's resources. These options may include but are not limited to: Government Ministries (i.e. Municipal affairs), and municipal professional associations. The use of these alternate options shall balance the County's desire to maintain conservative expenditures, while protecting the County's interests.
2. Through this procedure, the Chief Administrative Officer delegates responsibility and authority to contact County solicitors to all Associate Chief Administrative Officers. The Chief Administrative Officer may choose to delegate this responsibility to other positions within the organization, whereby that authority will be in writing and under the conditions specified by the Chief Administrative Officer.
3. Associate CAO's shall have the authority to spend up to \$10,000 on legal advice pertaining to a specific legal file. Upon the legal file requiring additional fees for legal advice, the Chief Administrative Officer must approve of additional expenditures.
4. Associate CAO's may further delegate authority to seek legal advice, on an as needed, case by case basis, whereby each engagement with legal counsel is authorized by the responsible Associate CAO.
5. When consideration is being given to initiate a legal action, Administration will seek preliminary legal advice as to the prospect of success, alternative options and an estimate of costs.
6. When requesting legal advice, wherever possible, Administration will provide details of all relevant factors or reference all relevant documentation and outline specific issues on which advice is being sought. This shall assist the advisors to provide comprehensive advice.
7. Legal advice shall usually be obtained in a written format, whereby legal advice over the telephone may be obtained in urgent situations. However, all advice shall be ultimately provided in writing.

- Administration will give careful consideration to ensure the respect and confidentiality in the transmission of documentation and material.

“Original Signed”
Chief Administrative Officer

April 1, 2021
Date

SPECIAL NOTES/CROSS REFERENCE: Legal Advice Policy ADM-14-004; CS-14-004

AMENDMENT DATE: March 23, 2021