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April 24, 2014

**CORPORATE SERVICES (LEGAL SERVICES)
INFORMATION REPORT 2014-13**

TO: Mayor Van Bynen and Members of Council

SUBJECT: Newmarket Urban Secondary Plan – Council Request for Quotes to conduct an external legal review of the proposed Draft Secondary Plan

ORIGIN: Director, Legal Services/Municipal Solicitor

In accordance with the Procedure By-law, any Member of Council may request this Information Report be placed on an upcoming Committee of the Whole agenda for discussion.

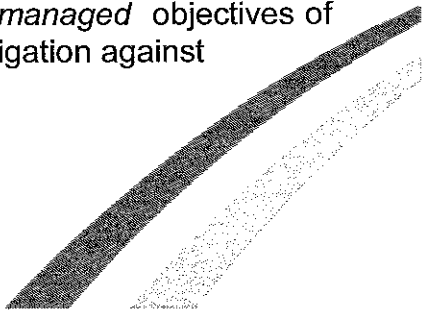
COMMENTS

At the February 18, 2014 Committee of the Whole, a presentation was made by Planning staff regarding the Newmarket Urban Secondary Plan. During that presentation, a Member of Council requested staff to obtain quotes for external counsel to review the draft plan with a view to providing advice and direction in connection with policies that may be the subject of legal challenge.

Staff would typically engage external legal counsel to review policies or by-laws of particular significance to the Town, as has been the case with the Procurement By-law, bid documents and the Sign By-law. In accordance with that practice, staff obtained quotes from external counsel to review and provide an opinion on the policies contained in the draft Secondary Plan and the Active Transportation Plan. In accordance with the quotes provided, staff will proceed to engage a Certified Specialist in Municipal Law, Land Use Planning and Development to review the Draft Secondary Plan and the Active Transportation Plan and to provide a written legal opinion on the policies, with particular attention to areas of vulnerability at an upset cost of \$25,000.00. Any further work, including attendances by external counsel at Council or Public Meetings will be billed in addition to the cost of the written legal opinion.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The external review of this draft plan aligns with the *well-equipped* and *managed* objectives of the strategic plan by providing for the efficient management of potential litigation against the Town.



CONSULTATION

Legal Services has consulted with Planning Services regarding this matter.

HUMAN RESOURCE CONSIDERATIONS

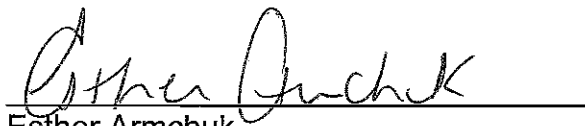
Staffing levels are not impacted as a result of the information in this report.

BUDGET IMPACT (CURRENT AND FUTURE)

A written legal opinion with an upset cost of \$25,000.00 is being requested. Attendance by external counsel at Council or Public Meetings will be billed in addition to this cost. At this time, funds are available in the Legal Services operating budget for external legal fees.

CONTACT

For information regarding this report, please contact Esther Armchuk, Director, Legal Services/Municipal Solicitor (905) 953-5300, Ext. 2432; earmchuk@newmarket.ca



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Anita Moore
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