Winnipeg
Audit Department
Service de vérification

# Community By-law Enforcement Services Audit

September 2015

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## MANDATE OF THE CITY AUDITOR

- The City Auditor is a statutory officer appointed by City Council under *The City of Winnipeg Charter*. The City Auditor is independent of the Public Service and reports directly to Executive Policy Committee, which serves as the City's Audit Committee.
- The City Auditor conducts examinations of the operations of the City and its affiliated bodies to assist Council in its governance role of ensuring the Public Service's accountability for the quality of stewardship over public funds and for the achievement of value for money in City operations.
- Once an audit report has been communicated to Council, it becomes a public document.

## AUDIT BACKGROUND

- The Community By-law Enforcement Services Division ("CBES" or "the Division") of the Community Services Department was established in November 2008.
- At that time Council identified inefficiencies and red tape in the City's approach to by-law enforcement that could be eliminated by creating an identifiable, stand-alone enforcement unit.
- An audit of the Community By-law Enforcement Services Division was endorsed by the Audit Committee in the City Auditor's *Audit Plan 2011–2014*.

## AUDIT OBJECTIVES

- The objectives of our audit were:
  - To assess the efficiency and effectiveness of the Community By-law Enforcement Services Division.
  - To assess whether adequate systems, processes, practices and controls are in place for the Division to achieve its goals and objectives.

## RISK ANALYSIS

- The Audit Department conducts audits using a risk based methodology. We considered the following *potential* risks and focused our resources where they could provide the greatest value:
    - Are the goals and objectives for the Division clearly defined and communicated to all staff?
    - Have policies and procedures been developed, documented and communicated?
    - Have strategic plans and planning documents for the Division been developed and communicated?
    - Have human resource policies and procedures been developed that are consistent with the ethical values established by the City?
    - Is staff appropriately trained?
    - Does staff have the necessary knowledge, skills and tools to support the achievement of the Division's objectives?
    - Is sufficient and relevant information identified and communicated in a timely manner?
    - Are information needs and information systems reassessed as the objectives and goals of the Division change?
    - Have clear performance indicators and targets been developed?
    - Is performance evaluated?
    - Have control activities been designed and integrated into the Division?
    - Are both organizational and community needs monitored to obtain information that signals when re-evaluation of the Division's objectives or controls is required?

## AUDIT SCOPE

- The scope of our audit included performance, administrative, and regulatory information related to the Division's operations from 2010 to 2013.
- We also compared the Division's services and performance information to other municipal by-law enforcement services based on reports from the Ontario Municipal Benchmarking Initiative.

## AUDIT APPROACH AND CRITERIA

- We conducted our audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient appropriate evidence to provide a reasonable basis for our observations and conclusions, based on our audit objectives. We believe the evidence we have obtained provides a reasonable basis for our observations and conclusions.
- To gather sufficient appropriate evidence for our audit we conducted interviews with the management, supervisors and staff of the CBES to gain an understanding of the current services, policies, procedures and practices, and changes to the City's enforcement processes since the Division was created. We also conducted interviews with community group representatives with whom the Division has developed partnerships. We obtained and evaluated financial and performance data from the Division. We reviewed the training manuals and standard operating procedures maintained by the Division. We also surveyed other jurisdictions about the vehicles that their by-law enforcement officers use.
- Our fieldwork compared the operations of the Community By-law Enforcement Services Division to the City's standards and guidelines, and to industry performance information.
- The City's planning documents and policies used to evaluate the Division included:
    - *OurWinnipeg: It's Our City, It's Our Plan, It's Our Time*
    - *LiveSAFE in Winnipeg – An Interconnected Crime Prevention Strategy*
    - *Open for Opportunity: Final Report of the Mayor's Red Tape Commission*
    - The Audit Department's *Integrated Risk Management "Building Bridges"* Report (2004)
- Industry information used to evaluate the Division included:
    - *Guidance on Control* issued by CPA Canada
    - *Statement of Recommended Practice #2: Public Performance Reporting* issued by CPA Canada
    - *Reporting Principles: Taking Public Performance Reporting to a New Level* issued by the Canadian Comprehensive Auditing Foundation (CCAF)
    - Performance Measurement Reports of the Ontario Municipal Benchmarking Initiative (OMBI)

## AUDIT CONCLUSIONS

*The Community By-law Enforcement Services Division is operating efficiently and effectively overall. Division management demonstrated a desire to continually improve the Division's performance measurement system; we have made recommendations where we believe improvements can be made.*

- The City's approach to by-law enforcement has significantly transformed through the creation of the Community By-law Enforcement Services Division in 2008.
- Since creation of the Division, CBES management has:
  - Aided in consolidating seventeen different City by-laws into one *Neighbourhood Liveability By-law.*
  - Aided in creating the *Doing Business in Winnipeg By-law*, which reduced the number of businesses requiring City licenses by 12,000 since 2008.
  - Successfully negotiated the transfer of public health inspection and enforcement activities to Manitoba Health effective April 1, 2012.
  - Increased public awareness of the *Neighbourhood Liveability By-law* by developing numerous partnerships with community organizations in neighbourhoods with the highest numbers of service requests.
  - Made significant progress in decreasing the number of vacant and derelict buildings in the City, garnering the by-law compliance of 554 properties since October 2010.
  - Increased the numbers of compliance orders issued under the *Neighbourhood Liveability By-law* by 85% between 2010 and 2013.
  - Achieved a median response time of eleven days for its neighbourhood liveability enforcement in 2013 (which is very close to its ten day response time goal), and also reported a two day median response time for vacant building enforcement, and a four day median response time for vegetation control.
  - Achieved a customer satisfaction rating of 87% through the Public Service's annual Citizen Survey in 2013.

- Emerging risks and areas of improvement that we identified in our performance evaluation included:
  - By-law enforcement officer workloads are increasing due to rising awareness and neighbourhood liveability enforcement activities in the community. The annual median response time in 2013 was eleven days; however, the median response times for the autumn months increased significantly, with a high of twenty-three days in September 2013, due to seasonal staff terms ending. CBES management is aware of the increased workload during these periods, and has developed strategies to avoid officer burnout. CBES management had also attempted to update 311 scripts to appropriately communicate seasonal response time expectations to citizens but the changes were not implemented due to the newness of the 311 systems at the time of request. Script changes can now be accommodated by 311. The scripts should now be updated to inform citizens of possible seasonal delays for by-law enforcement in years when increases in response times are experienced. Further monitoring and review of processes to increase efficiencies in workloads is also warranted.
  - In the Division's 2013 internal strategic plan, the long-term goal of enhancing civic engagement and continuing to develop community partnerships was established with exploratory output measures such as number of partnerships developed, enhanced neighbourhood pride and the number of community sweeps conducted. As the Division has continued to focus on developing the work in this area, a leading edge outcome indicator measuring the compliance in high risk areas has been developed, and information collected will be used to further evaluate the Division performance surrounding this goal. The Division should continue to develop and implement measurable goals and targets in order to continue to evaluate community outreach achievements.

*The Community By-law Enforcement Services Division has adequate systems, processes, practices, and controls to achieve its goals and objectives. CBES management actively pursues continuous improvement in the Division's operations. We have provided recommendations that we believe can improve the Division's control systems.*

- Key features in the Division's control systems include:
  - A documented strategic plan with long and short-term goals, and processes for continual development of divisional strategies and management team engagement. The plan is updated annually.
  - Robust performance measurement and accountability systems that measure program performance and individual staff performance.
  - Regular internal performance reporting for CBES management to assess its own performance, and to provide performance information to Community Services senior management.
  - Annual reports to Council on the Division's performance on its *Neighbourhood Liveability* and *Vacant Buildings By-law* enforcement activities.

- Directional guidance containing twenty-three standard operating procedures and twenty-seven safe working procedures to facilitate a safe and consistent approach to enforcement.
- A training program, including training manuals and standard operating procedures. The training program includes a comprehensive safety training component, which is a primary concern for Division management. Community By-law Enforcement Officers are required to participate in a prescribed regimen of safety training courses, which is periodically reviewed and updated.

♦ Areas of improvement that we identified include:

- Division management, with cooperation from the Human Resources division of the Community Services Department, should create a refresher schedule for de-escalation and conflict resolution safety training for CBEOs. Division management should also create opportunities for CBEOs to practice and reinforce the techniques learned during safety training sessions.
- Providing conspicuously marked City fleet vehicles to Community By-law Enforcement Officers would be an investment in the Division that would contribute to officer safety. The annual incremental cost of providing fleet vehicles for CBEOs is estimated to be about $70,000 for compact vehicles or about $91,000 for compact hybrid-technology vehicles.
- Mobile tablet technology may be able to increase efficiencies in operations by allowing CBEOs to reduce duplication of work, and to complete more administrative work in the field. Division management will need to collect more information on the efficiencies that could be achieved to provide a business case on the return on this technology investment.
- The Division may be able to find ways to improve its public performance reports by incorporating the *Public Performance Reporting Principles* issued by the Canadian Comprehensive Auditing Foundation to highlight the most significant impacts of the Division's operations for stakeholders.

## INDEPENDENCE

The team members selected for the audit did not have any conflicts of interest related to the subject matter of the audit.

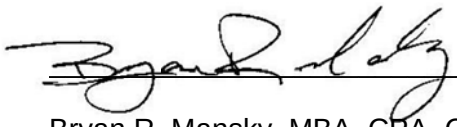
## ACKNOWLEDGEMENT

The Audit Department extends its appreciation to the management and staff in the Community By-law Enforcement Services Division for their time and cooperation in this engagement.

**The Audit Team**

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September 2015
Date

# Community By-law Enforcement Services Division Background

## 1.1 Why the Community By-law Enforcement Services Division was Created

*By-law enforcement is the process of ensuring compliance with by-laws that protect and enhance the health, safety and well-being of people and property.*[1]

- Prior to 2008, the responsibilities for enforcing City by-laws relating to neighbourhood liveability, and protecting and enhancing the health, safety and well-being of people and property, were divided among various departmental divisions of the Public Service. Almost every department, was involved in enforcing particular by-laws, or sections of by-laws.
- At that time, the Public Service's by-law enforcement approach was primarily reactive, occurring mostly after complaints had been received from the public. Little enforcement was proactively carried out through planned efforts to assess neighborhood compliance with the by-laws. Coordination between departments was required when critical issues or special initiatives required immediate attention.
- The Community By-law Enforcement Services Division ("CBES" or "the Division") was established on November 1, 2008, stemming from the recommendations of *Open for Opportunity: Final Report of the Mayor's Red Tape Commission* ("the Red Tape Commission"). The following two recommendations specifically contributed to improving and reducing red tape around the City's by-law enforcement approach:
    - *Recommendation #3: Eliminate business licenses in the City of Winnipeg. Merge important public safety requirements now in the business license system into the occupancy permit system, and consolidate others within a simpler* Doing Business in Winnipeg By-Law*.*
    - *Recommendation #21: Make it an intergovernmental priority to eliminate cases of intergovernmental overlap within Winnipeg's jurisdiction. Negotiate agreements with the Government of Manitoba to eliminate jurisdictional conflicts and inconsistencies, especially with respect to by-law enforcement and health inspections.*
- According to the Red Tape Commission, the City had an extensive list of eighty-four types of business licenses (with "often tenuous" linkages to the requirement for obtaining licenses), and *The City of Winnipeg License By-Law* required updating.
- Neighbourhood liveability by-law enforcement (which encompasses property standards, littering, public signage, noise control, and other neighbourhood considerations) was split between the City of Winnipeg and the Province of Manitoba. The City of Winnipeg was responsible for enforcing by-laws within the "Metro" area (which was the boundaries of the City of Winnipeg prior to Winnipeg's 1972 amalgamation), and the Province of Manitoba enforced by-laws everywhere outside of the Metro area. CBES management informed us that this jurisdictional division resulted in varying levels of service between the inner-city and the city's suburban areas.
- As a result of the preceding, the City embarked on two significant initiatives:
    - The *Doing Business in Winnipeg By-law* was adopted by Council on April 23, 2008 to re-envision the licensing regulation of businesses in the city.
    - The stand-alone Community By-law Enforcement Services Division was created in the Community Services Department. The *Neighbourhood Liveability By-law* was also created to consolidate many of the by-laws that the CBES would be responsible to enforce.

[1] The City of Winnipeg. Council Minutes. Minute No. 156. "Re: Consolidation of Responsibility for By-law Enforcement". 23 January 2008. 8.

## 1.2 Guiding Documents for the CBES

- Council has provided direction on the Division's purpose and mission through *OurWinnipeg*, *LiveSAFE in Winnipeg – An Interconnected Crime Prevention Strategy* ("LiveSAFE"), and other Council motions.
- *OurWinnipeg*, as it relates to the Division, focuses on developing safe and sustainable communities, and promotes beautification and safety of city spaces. It aims to increase neighbourhood vitality by supporting housing renewal through education and enforcement of building codes and property by-laws. The following by-law education and enforcement directions are provided in *OurWinnipeg*:
    - *Strive to eliminate derelict buildings*
    - *Work in partnership with communities and address neighbourhood issues*
    - *Promote cleanliness and beautification*
- LiveSAFE is a Council policy that provides a clear and inclusive vision for an integrated crime prevention strategy focused on collective action. It is based on a strategy of interconnected and cross-sectoral partnerships with citizens, neighbourhoods, community organizations, businesses, and other levels of government. LiveSAFE is based on the following guiding principles: prevention; leadership and coordination; interconnectedness and partnerships; and sustainability and accountability. It also recognizes that crime prevention must involve long-term action.
- Another important direction for the Division emerged from a Winnipeg Housing Steering Committee motion that was adopted by Council in April 2010.[1] The motion required that the Public Service "together with the leadership of Liveability, Zoning, and Vacant and Derelict Building By-law enforcement groups, develop a clear strategy related to the active and timely enforcement of these by-laws with a view to allocating and/or prioritizing enforcement resources towards focused neighbourhoods and areas of specific distress".
- CBES management has integrated the direction provided by these documents into the purpose and mission of the Division defined in their strategic plan.

## 1.3 Goals and Strategies

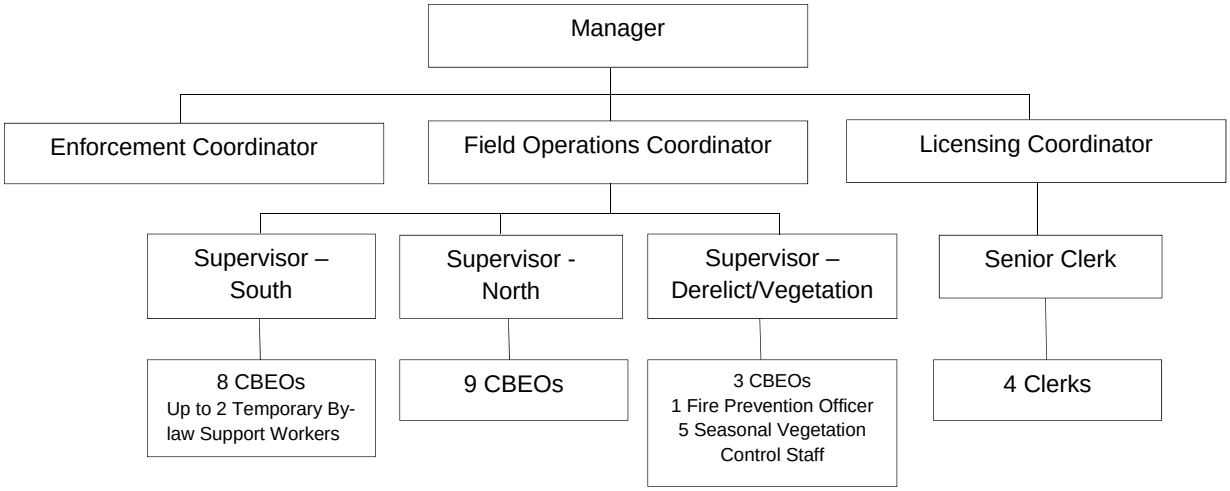
- The Division's internal strategic plan recognizes that the purpose of the Division is to enforce the maintenance of properties, and other aspects of neighbourhood liveability, in order to develop and maintain safe, orderly, viable, and sustainable communities, and to promote and maintain the health, safety, and well-being of residents. Its overall goal is to achieve compliance with the City's property standard by-laws.
- The Division's 2014 Strategic Plan identifies the following three long-term goals:
    - To continue to enhance civic engagement/outreach by strengthening partnerships and developing new partnerships.
    - To continue to build and enhance divisional performance measurement/ accountability systems in order to improve service quality including inspection consistency, operational due diligence, and customer/client service.
    - To maintain the number of vacant buildings at 390 or lower (plus or minus 15%) through the continued delivery of a comprehensive program designed to accelerate property restoration and re-occupancy.
- The strategies employed to achieve these goals include educating and collaborating with property owners first, achieving civic engagement through relationships with neighbourhood groups, and enforcing property standard by-laws when determined to be appropriate.
- The principles of interconnectedness and partnerships, utilizing a balanced approach, and community outreach and engagement guide CBES in its day-to-day operations.

[1] The City of Winnipeg. Council Minutes. Minute No. 304. Recommendation 4. 28 April 2010.

## 1.4 Division Resources and Organizational Structure

- The Division operates with a total of 35.09 Full Time Equivalent (FTE) positions. Reporting to the Manager of CBES are three Coordinators:
  - The Enforcement Coordinator is responsible for maintaining and streamlining the Division's data and performance information, as well as coordinating all notices that go to the courts by providing the necessary information and evidence.
  - The Field Operations Coordinator is responsible for supervising all enforcement staff in the three key enforcement areas for the Division (noted below), developing policies and training for employees, and conducting analyses of the operations together with the Enforcement Coordinator.
  - The Licensing Coordinator is responsible for all operations of the licensing function, including policy development and supervising the licensing staff.

**Community By-Law Enforcement Services – Operational Reporting Structure as of March 2014**




Source: Community By-law Enforcement Services Division

- CBES operates three main programs: Neighbourhood Liveability; Vacant Buildings; and Licensing:
  - The Neighbourhood Liveability Unit promotes and enforces compliance with the *Neighbourhood Liveability By-law*, which contains property standards for the city. All complaints related to the *Neighbourhood Liveability By-law*, and other by-laws enforced by the Division (except for vacant buildings and vegetation service requests between May and September) are handled by this unit. Neigbourhood Liveability is the largest program operated by the Division.
    - Vegetation service requests inherently increase significantly during the spring and summer months. Due to the volume of vegetation service requests received, the Division has created a Vegetation Control Unit that is solely dedicated to vegetation service requests, and is staffed by seasonal employees.

- The Vacant Buildings Unit promotes and enforces the *Vacant Buildings By-law*, which outlines the maintenance requirements for vacant buildings. Staff conduct Schedule A inspections[1] on compliance with maintenance standards for vacant buildings, and provide enforcement on buildings that do not pass inspection.
- The Licensing Unit provides licensing services under the *Doing Business in Winnipeg By-law*, which governs the business licensing requirements for Winnipeg.

## 1.5 By-law Enforcement Process

- The Division is responsible for enforcing the following ten by-laws:

| | |
|---|---|
| Neighbourhood Liveability By-law | Graffiti Control By-law |
| Doing Business in Winnipeg By-law | Outdoor Smoking By-law |
| Taxicab License Fee By-law | Solid Waste By-law |
| Vacant Buildings By-law | Pesticide Management By-law |
| Winter Parking Ban By-law<br>(in partnership with the Winnipeg Parking Authority) | Incinerator Control By-law |

- The Division responds both proactively and reactively to enforcement needs in the city:
  - Reactive: Service requests are received through 311 from citizens who report a variety of concerns related to the neighbourhood liveability, vacant buildings, and other by-laws. Service requests are forwarded to CBES and are assigned to Community By-law Enforcement Officers ("CBEO") on a rotational basis, which they follow up on through property inspections. Service requests are prioritized by severity of the item requested: safety-related issues are first priority, including calls for lack of heat and/or water; interior and exterior contraventions are second priority; and service requests about derelict vehicles, fire pits, and long grass or weeds are third priority. CBEOs that respond to a service request will investigate the property in question, as well as scan the surrounding areas for any other by-law violations.
  - Proactive: The Division also conducts proactive yard-by-yard sweeps of neighbourhoods. CBEOs will scan properties for violations of property standard by-laws. Sweeps are generally concentrated in neighbourhoods that regularly receive the highest numbers of service requests.
- Confirmation of a by-law infraction through investigation will lead to the issuance of either a "compliance order" or a "common offence notice":
  - Compliance orders are written instructions detailing what property owners must do to bring their properties into compliance with the by-laws. They are not punitive in nature. Compliance orders are used to educate property owners when an issue is first identified and the situation is not determined to be gross neglect. The nature of the orders is discussed with property owners at the time of issuance. The orders detail the by-law infractions, the steps required to remediate the issue, and the timeframes allowed for owners to comply. Resources and/or services that are available to aid property owners in achieving compliance are also discussed when compliance orders are issued.

[1] Schedule A of the City of Winnipeg's *Vacant Buildings By-law* lists all maintenance standards a vacant building must comply with. Standards relate to exterior walls; roofs; foundations, walls and floors; porches and stairs; guards, balustrades and handrails; floors, walls and ceilings; fire protection systems; yards; walks and driveways; fences and accessory buildings; and storage of combustible material.

- Common offence notices are issued for instances of gross neglect, public safety concerns, failure to correct a no heat/lack of heat situation, repeat offenders, and failure to achieve reasonable progress on compliance orders in a reasonable timeframe. Common offence notices are punitive in nature and require property owners to attend provincial court under *The Summary Convictions Act*. All fines collected by provincial court are remitted to the City after court costs have been deducted.

- CBEOs conduct vacant buildings inspections regularly, including annual inspections to ensure all vacant buildings are in compliance with the *Vacant Buildings By-law*, and meet the safety and maintenance requirements outlined in Schedule A of the by-law.
- The Division's licensing role is primarily administrative. CBES processes license applications, coordinates license approvals, and issues the licenses. (Depending on the license type, approvals may also be issued from the Planning, Property & Development Department, the Winnipeg Fire Paramedic Service, or Manitoba Health.) Licenses are required to be renewed on an annual basis. The CBES issues eighteen license categories in six key areas: used material yards; businesses dealing with used goods and precious metals; escort agencies; hostels; body rub practitioners and parlours; and multiple family dwellings. Division management continues to review the licensing operations for improvement on an ongoing basis.

## 1.6 Partnerships

- To achieve the Division's goals, CBES management has identified that strong interdepartmental relationships are key to efficiently resolving citizen complaints and by-law issues. Furthermore, they recognize that forming strong partnerships with community organizations and neighbourhood associations is a strategy to efficiently and effectively educate citizens on by-law enforcement, identify and resolve by-law violations, and decrease the numbers of violations in the long-term.

### *Interdepartmental Relationships*

- Other Public Service departments play important roles in achieving the Division's goals and objectives. These roles include:
  - The Legal Services Department aids in policy development and represents the City for common offense notices that go to court.
  - The Planning, Property & Development Department assists with property issues such as zoning, taking title to vacant and derelict buildings, demolitions, policy development, and building inspections.
  - The Water & Waste Department is responsible for issues related to garbage pickups on collection routes and *The Lot Grading By-law*.
  - The Winnipeg Police Service assists in crime prevention, and works with CBES at the policy level. CBES also requests police assists when attending properties that have been identified as posing risks to CBEO safety.
  - The Public Works Department is responsible for addressing issues relating to illegal signs, special events with small tents, garbage cleanup of items not on collection routes or in ditches, parks, graffiti control, vegetation control in public spaces, and insect control. The Public Works Department refers issues that require enforcement to CBES.

- Division management has worked extensively with the other City departments to increase communication and coordination, to eliminate duplicative efforts, and to clarify the roles and responsibilities of each department. The environment of open communication between departments helps to ensure that new issues are resolved efficiently.

### *Community Relationships*

- The Division has focused on developing relationships and partnerships with community groups and neighbourhood associations in the areas of the city with the highest numbers of service requests over the past few years. The Division has worked to increase awareness of by-law requirements and to educate citizens on the property standards. The Division's ultimate goal is increasing compliance with the by-laws while decreasing the number of service requests (i.e. to reach a natural state of compliance with the by-laws).
- Community groups also provide CBES with detailed information about where problem properties exist in their communities, and where the Division should be focusing resources.
- Division management believes that CBES has developed strong partnerships with community groups by participating in community association meetings, encouraging communication of issues affecting their neighbourhoods, and assisting community associations with their cleanup programs. Partnerships have been developed with the following community groups:
    - William Whyte Residents Association
    - Dufferin Residents Association
    - North End Community Renewal Corporation
    - North End Housing Network Spence Neighbourhood Association
    - Daniel McIntyre Residential Association
    - Central Neighbourhoods Development Corporation
    - Manitoba Bed Bug Coalition
    - Winnipeg Rental Network and Landlord Association
    - Manitoba Housing
- We spoke with the leaders of some of these community groups, who informed us that they have noticed positive impacts from the increase in enforcement in their communities. These representatives have also stated that CBEOs and Division management are extremely good to deal with, and listen to their needs.
- The Division also works with the Winnipeg Regional Health Authority on complex housing issues that are identified through investigations. Complex housing issues may involve providing service to citizens with varying mental health concerns, who require special care to successfully and compassionately handle these situations.

# Performance Evaluation

### 2.1.1 How We Evaluated the Performance of the Division

- The Community By-law Enforcement Services Division prepares annual performance reports for Council containing multiple performance measures. We focused in on a few of these measures, and some other measures common to by-law enforcement agencies, in order to evaluate the effectiveness and efficiency of the Division. We evaluated the performance measures in terms of their ability to provide meaningful information towards achievement of the Division's goals.

### 2.1.2 Overview of Service Level Demand

- The table below summarizes the demand for service:

**Exhibit 1: Service Level Statistics**

| | 2010 | 2011 | 2012 | 2013 |
|---|---|---|---|---|
| **Investigations** | | | | |
| 311 Service Requests | 11,546 | 11,279 | 14,448 | 14,183 |
| Proactive Investigations | 2,337 | 2,049 | 1,506 | 2,277 |
| **Total Investigations** | **13,883** | **13,328** | **15,954** | **16,460** |
| **Licenses Issued** | **6,069** | **6,025** | **6,290** | **6,229** |
| **Vacant Buildings** (*Note 1*) | **535** | **431** | **397** | **390** |

*Note 1. As at December 31*

Source: CBES internal performance/accountability report

- The investigations carried out by the Division comprise a majority of the Division's efforts. The investigations are categorized by the following service areas:

**Exhibit 2: Investigation Types**

| | 2010 | | 2011 | | 2012 | | 2013 | |
|---|---|---|---|---|---|---|---|---|
| **Investigations** | | | | | | | | |
| NLB Investigations *(Note 1)* | 9,869 | 71% | 10,260 | 77% | 12,847 | 80% | 13,263 | 80% |
| Vegetation Investigations | 3,025 | 22% | 2,113 | 16% | 2,832 | 18% | 2,569 | 16% |
| Vacant Buildings | 989 | 7% | 955 | 7% | 275 | 2% | 628 | 4% |
| **Total Investigations** | **13,883** | **100%** | **13,328** | **100%** | **15,954** | **100%** | **16,460** | **100%** |

*Note 1. "NLB" = Neighbourhood Liveability By-law*

Source: CBES internal performance/accountability report

- Exhibit 2 shows that Neighbourhood Liveability Investigations comprise the majority of the Division's activities. Vegetation issues (items relating to yard maintenance) are a part of the *Neighbourhood Liveability By-law*, but are tracked separately in CBES performance reports due to the seasonality of the investigations. Since vegetation issues only occur in warmer months when plant life is growing, one would expect the Division to be much busier in those months than at other times of the year. This is reflected in Exhibit 3:

**Exhibit 3: Investigation Timing**

| | 2010 | 2011 | 2012 | 2013 |
|---|---|---|---|---|
| **Investigations** | | | | |
| January | 528 | 543 | 608 | 578 |
| February | 527 | 558 | 499 | 547 |
| March | 858 | 716 | 906 | 679 |
| April | 1,039 | 1,164 | 1,076 | 1,307 |
| May | 1,366 | 1,502 | 1,749 | 2,215 |
| June | 2,543 | 2,264 | 2,213 | 2,978 |
| July | 1,863 | 1,584 | 2,465 | 2,137 |
| August | 1,696 | 1,818 | 2,705 | 1,773 |
| September | 1,349 | 1,203 | 1,339 | 1,297 |
| October | 984 | 875 | 1,160 | 1,484 |
| November | 726 | 655 | 773 | 994 |
| December | 404 | 446 | 461 | 471 |
| **Total Investigations** | **13,883** | **13,328** | **15,954** | **16,460** |

Source: CBES internal performance/accountability report

- The seasonal fluctuation in Exhibit 3 indicates the importance of having management strategies to accommodate peak periods. It also shows that heavy workloads could be a risk in the peak periods if service strategies do not take seasonal fluctuations into account. This is discussed further in Section 2.1.4 of this analysis.

- The Division tracks its investigations in each of Winnipeg's 236 different neighbourhoods. For simplicity, we have categorized the investigations by wards. The investigations have occurred in the following wards, arranged by the number of investigations conducted:

**Exhibit 4: Investigation Locations**

| Investigations | 2010 | 2011 | 2012 | 2013 |
|---|---|---|---|---|
| Mynarski | 2,924 | 3,140 | 4,464 | 4,617 |
| Daniel McIntyre | 2,135 | 1,741 | 1,949 | 2,164 |
| Point Douglas | 1,245 | 1,248 | 1,274 | 1,327 |
| Fort Rouge-East Fort Garry | 1,195 | 1,178 | 1,395 | 1,183 |
| Elmwood-East Kildonan | 960 | 1,054 | 1,090 | 1,178 |
| St. James-Brooklands | 916 | 908 | 977 | 940 |
| St. Boniface | 690 | 656 | 777 | 822 |
| St. Norbert | 583 | 469 | 805 | 892 |
| St. Vital | 611 | 529 | 612 | 631 |
| Old Kildonan | 546 | 474 | 519 | 602 |
| River Heights-Fort Garry | 482 | 489 | 549 | 540 |
| Transcona | 488 | 474 | 478 | 486 |
| Charleswood-Tuxedo | 439 | 356 | 357 | 397 |
| North Kildonan | 389 | 311 | 416 | 399 |
| St. Charles | 267 | 296 | 290 | 282 |
| Area not recorded | 13 | 5 | 2 | - |
| **Total Investigations** | **13,883** | **13,328** | **15,954** | **16,460** |

Source: CBES database

### 2.1.3 Effectiveness of the Division

- The effectiveness of the Division can be evaluated based on its success in achieving the directives given in the Division's guiding documents. Key guidance statements for the Division include:
    - Eliminate red tape in by-law enforcement and business licensing[1]
    - Develop a clear strategy on the active and timely enforcement of by-laws in order to prioritize efforts on areas of specific distress[2]
    - Strive to eliminate derelict buildings[3]

[1] Derived from The City of Winnipeg's "Open for Opportunity: Final Report of the Mayor's Red Tape Commission" Recommendation 3 (adopted by Council on December 19, 2007: Council Meeting Minute No. 98) and Recommendation 21 (adopted by Council on July 18, 2007: Council Meeting Minute No. 555).
[2] The City of Winnipeg. Council Minutes. Minute No. 304. Recommendation 4. 28 April 2010.
[3] The City of Winnipeg. *OurWinnipeg*. Page 80. Section 03-2 Vitality: Direction 1 (adopted by Council on July 20, 2011: Council Meeting Minute No. 491).

### *Eliminate Red Tape*

- Since the Division was created, the following red tape and duplication has been eliminated:
    - Establishment of a single enforcement body: Prior to the creation of the Division, the City of Winnipeg only enforced by-laws within Winnipeg's "Metro" area, defined as the City of Winnipeg boundaries prior to the creation of Unicity in 1972. After successful discussions with the Province, the Division is now the single entity responsible for enforcing the by-laws in all fifteen wards of the city.
    - Rationalization of by-law enforcement activities: The City is now responsible for enforcing all of the by-laws within the city, except for the *Food Service Establishment By-law* and the *Body Modification By-law*, which will be enforced by the Province until 2020.
    - Consolidation of departmental enforcement staff: By-law enforcement functions have been consolidated from Public Works, Water & Waste, Planning, Property & Development, the Winnipeg Police Service, and the Winnipeg Fire Paramedic Service, into the Community By-law Enforcement Services Division. By-law enforcement functions that involve significant expertise from other departments (such as fire code inspections) require representatives from the related departments to assist CBES in those by-law enforcement tasks.
    - Reduction in number of by-laws: In conjunction with the creation of the Division, seventeen by-laws were updated and consolidated into the *Neighbourhood Liveability By-law*.
    - Reduction in number of business licenses: In conjunction with the release of the *Doing Business in Winnipeg By-law* the number of business types requiring licenses was reduced from 80 to 31. The intent was to require a license from only those businesses that posed specific health or safety risks to the public. This reassessment also reduced the number of licenses from approximately 16,000 to 6,000. While this reduced the overall revenues for the City, it was a significant benefit to small businesses that logically connected licensing to businesses that have the potential to affect public health and safety.
- These results show that the creation and operation of the Division has succeeded in eliminating a significant amount of red tape surrounding the by-law enforcement processes.

### *Active By-law Enforcement*

- At the highest level, effectiveness in by-law enforcement is marked by the community's overall compliance with the by-laws. By-laws only need to be enforced when there is a lack of compliance.
- The Division reports a compliance rate in its annual performance reports which is defined as "the percentage of service requests that did not require the issuance of a common offense notice". This definition is consistent with a similar measure used by the Ontario Municipal Benchmarking Initiative ("OMBI"). It effectively defines the percentage of citizens who complied with orders issued to them and where no further action (legal or issuing a common offence notice) had to be taken. A comparison of several similar OMBI communities is shown in Exhibit 5:

**Exhibit 5: Comparative Compliance Rates**

| Community | 2012 | 2013 |
|---|---|---|
| Calgary | 97% | 97% |
| Toronto | 97% | 93% |
| Winnipeg | 95% | 93% |
| Hamilton | 86% | 92% |
| London | 83% | 87% |
| **Median (all OMBI partners)** | **94%** | **95%** |

*Note 1. Winnipeg did not measure compliance before 2012*

Source: OMBI annual reports

- The chart shows that Winnipeg performs close to the median rate of all OMBI partners.
- The ability to get the community to cooperate with enforcement activities is a very important effectiveness measure. The chart shows that the CBES has achieved a very high rate of cooperation from the community.
- The Division is working on developing a measure to estimate the overall compliance rate in the community that is based on a combination of neighbourhood-specific requests for service, and the results of the Division's 21-block sweeps. Developing this measure is a leading-edge initiative in Canada.

### *Prioritization of Efforts*

- Over the last three years, the Manager of CBES has consciously increased the number of proactive investigations in neighbourhoods with the highest numbers of service requests.
- Below is a chart of the ten most highly enforced neighbourhoods in 2012 by the number of service requests ("SR") and number of investigations identified by Community By-law Enforcement Officers ("CBEO"):

**Exhibit 6: Areas of Focus**

| Focus Neighbourhoods | Ward | SRs | CBEO | Total |
|---|---|---|---|---|
| William Whyte | Mynarski | 1,506 | 148 | 1,654 |
| St. John's | Mynarski | 862 | 56 | 918 |
| Daniel McIntyre | Daniel McIntyre | 527 | 69 | 596 |
| Chalmers | Elmwood-East Kildonan | 394 | 66 | 460 |
| Dufferin | Mynarski | 394 | 58 | 452 |
| North Point Douglas | Mynarski | 384 | 50 | 434 |
| Spence | Daniel McIntyre | 363 | 22 | 385 |
| St. Matthews | Daniel McIntyre | 299 | 69 | 368 |
| Inkster-Faraday | Mynarski | 313 | 20 | 333 |
| West Broadway | Fort Rouge-East Fort Garry | 266 | 39 | 305 |

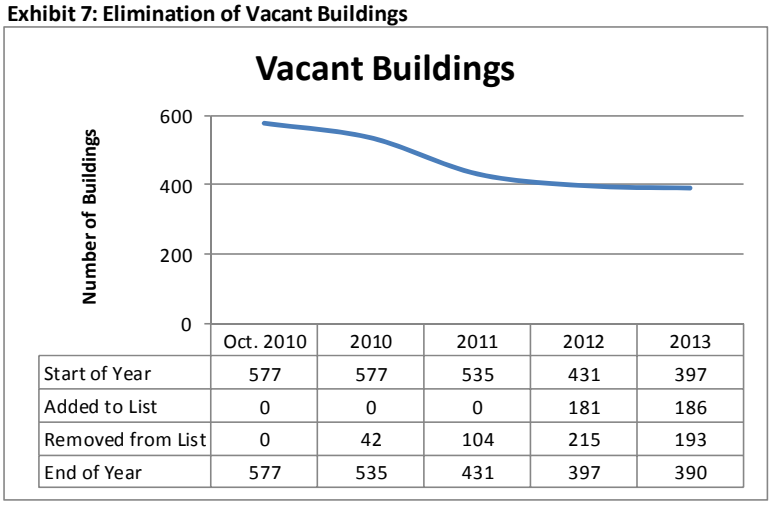
Source: CBES Annual Performance Report (Appendix C)

- The Division also initiated a 21-block sweep in the William Whyte, Dufferin, and Dufferin Industrial[1] neighbourhoods in 2013, where it assessed every property for compliance with the by-laws. The intent of this ongoing initiative is to educate neighborhood citizens about the by-laws in the hopes of garnering higher compliance, while requiring less enforcement in the future. Since the initiative only began in 2013, it is too soon to be able to determine the long-term impact that it has generated in these neighbourhoods.
- Overall, the Division is focusing on the highest demand areas in the city.

### *Eliminate Derelict Buildings*

- The Division presents information on both the "vacant" buildings and the "derelict" buildings that it is aware of in its Annual Performance Report. A vacant building is a building that is not currently occupied but still may be in full compliance with all of the City's property standards. A derelict building is a vacant building that does not meet the standards of the *Vacant Buildings By-law* due to one or more safety and/or health deficiencies.
- The Division's performance in relation to vacant buildings is shown below:

**Exhibit 7: Elimination of Vacant Buildings**




| | Oct. 2010 | 2010 | 2011 | 2012 | 2013 |
|---|---|---|---|---|---|
| Start of Year | 577 | 577 | 535 | 431 | 397 |
| Added to List | 0 | 0 | 0 | 181 | 186 |
| Removed from List | 0 | 42 | 104 | 215 | 193 |
| End of Year | 577 | 535 | 431 | 397 | 390 |

Source: CBES Annual Performance Report (2010-2012) & internal data (2013)

- The exhibit shows that, while the numbers of buildings being taken off the list have grown to about 200 per year, the numbers of buildings on the list remain around the 400 mark. This is due in part to the fact that vacant buildings that are in compliance with the *Vacant Buildings By-law* are included in the listing; these vacant buildings are inspected annually by the CBES to ensure that they remain in compliance with the by-law, but no further actions can be taken on the buildings. The number of vacant buildings is also not decreasing because of the lengthy process of either getting the properties back into compliance with the by-law, or taking title to them through the *Taking Title Without Compensation By-law* (which can take years to complete), while buildings are continually being added to the list.
- The Division's Annual Performance Report for 2012-2013 identifies that 146 of the vacant buildings were in compliance with the by-law; 204 were "work-in-progress", for which the Division was working with the property owners to get the buildings in compliance with the by-law; 11 buildings were in the process of having title taken to the buildings without compensation; and the remaining 31 were in queue to be inspected due to the recency of the requests for service.

[1] The Dufferin Industrial neighbourhood was part of the sweep because it is adjacent to the William Whyte and Dufferin neighbourhoods. It is not one of the ten most highly enforced neighbourhoods shown in Exhibit 6.

- Overall, the Division has successfully decreased the number of vacant buildings between 2010 and 2013 by 32%, monitored vacant buildings that are in compliance with relevant by-laws, and managed the process for the buildings that are not in compliance with the by-laws.

### 2.1.4 Efficiency of the Division

- Efficiency of an organization is marked by its ability to achieve or surpass its goals with the least resources necessary. Signs of efficiency are marked by high productivity with low levels of error and rework. Indicators used to evaluate the Division's efficiency include financial performance, staff workloads and response times.

#### *Financial Performance*

- A simple measure of efficiency is the financial performance of an organization in relation to the expectations set in the budget. The financial performance is shown below:

**Exhibit 8: Financial Performance**

| | 2011 | 2012 | 2013 |
|---|---|---|---|
| Revenues | $ 2,946,678 | $ 1,767,986 | $ 1,256,440 |
| Expenses | - 4,020,335 | - 3,246,010 | - 2,895,104 |
| **Actual Net Expenses** | **- 1,073,657** | **- 1,478,024** | **- 1,638,664** |
| **Budgeted Net Expense** | **- 1,669,967** | **- 1,663,223** | **- 1,718,741** |
| **Variance (under budget)** | **$ (596,310)** | **$ (185,199)** | **$ (80,077)** |

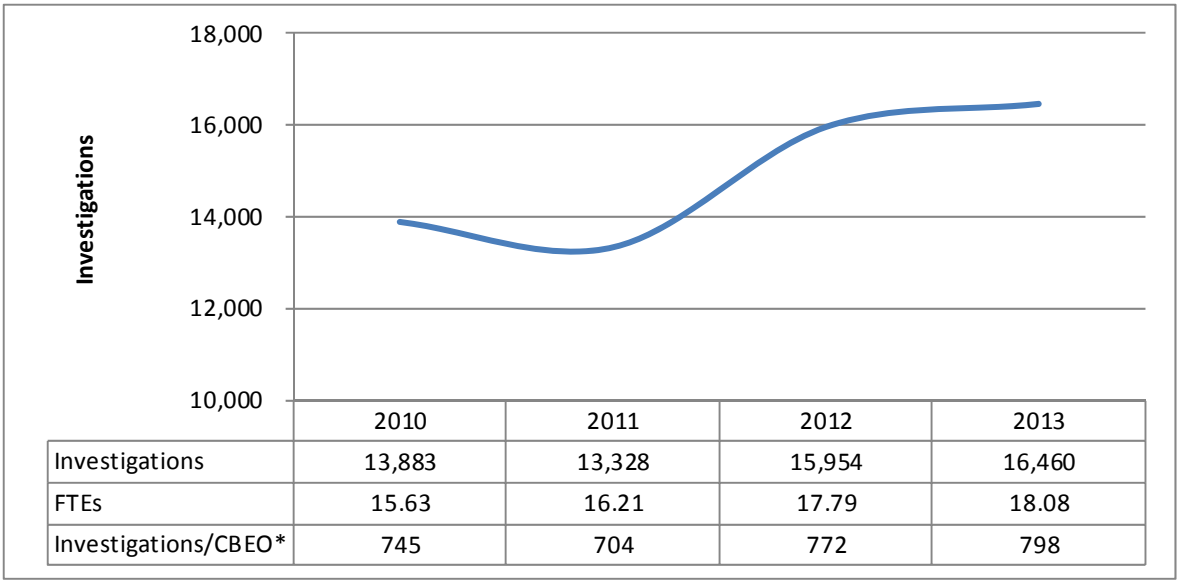
Source: City of Winnipeg PeopleSoft Database

- The Division has performed under budget in each of the last three years. The variances are mostly due to higher-than-expected revenues for business health licenses. The City is no longer issuing these types of licenses as of April 1, 2015. We also noted that the actual expenses for the Division have come in slightly under budget for the last three years, indicating that the Division would also have been under budget if it had excluded the health license revenues from its financial figures. The budget variance has steeply decreased over the last three years, and CBES management will need to watch the effects of eliminating the health licensing operations in 2015. For now, the financial results show that the Division is operating at least as efficiently as was expected from a purely financial perspective.

### *Officer Workloads*

- Exhibit 2 (page 16) showed the numbers of investigations conducted by Community By-law Enforcement Officers from 2010 to 2013. Analyzing this against the Division's staff levels provides insight into staff workloads.

**Exhibit 9: Community By-law Enforcement Officer Workloads**




| | 2010 | 2011 | 2012 | 2013 |
|---|---|---|---|---|
| Investigations | 13,883 | 13,328 | 15,954 | 16,460 |
| FTEs | 15.63 | 16.21 | 17.79 | 18.08 |
| Investigations/CBEO* | 745 | 704 | 772 | 798 |

**based on weighted average of full time and seasonal staff*

Source: CBES 2012-2013 Performance Measurement Report

- Exhibit 9 shows that the number of investigations conducted increased by 2,597 from 2010 to 2013, and CBEO workloads have also increased on average by 53 investigations per officer since 2010. To compare Winnipeg's workloads to other communities, we obtained information from OMBI.

**Exhibit 10: Comparative Workloads (Investigations/CBEO)**

| Community | 2012 | 2013 |
|---|---|---|
| Winnipeg | 772 | 798 |
| Toronto | 582 | 620 |
| Calgary | 598 | 595 |
| Hamilton | 563 | 554 |
| London | 518 | 412 |
| **Median (all OMBI partners)** | **541** | **575** |

Source: OMBI community reports

- Exhibit 10 shows that Winnipeg CBEOs' workloads are higher than those of other communities.

- Examining staff workloads by themselves, however, does not give a complete picture of whether officer workloads may be too high. To get a better idea of how the increasing workloads are affecting operations, response times also need to be analyzed. From the trend displayed in Exhibit 9, we would expect to see the best response times in 2011, and a gradual increase in response times as the workloads increase in 2012 and 2013.

### *Timely Enforcement (Response Times)*

- CBES management has set a 10 day median response time target for service requests. Exhibit 10 shows the monthly median response times for the Division from 2011 to 2013.

**Exhibit 11: Monthly Median Responses**

| | 2011 | 2012 | 2013 |
|---|---|---|---|
| January | 2 | 3 | 5 |
| February | 3 | 3 | 4 |
| March | 4 | 4 | 3 |
| April | 4 | 9 | 7 |
| May | 5 | 8 | 16 |
| June | 4 | 8 | 8 |
| July | 3 | 8 | 8 |
| August | 5 | 13 | 12 |
| September | 7 | 10 | 23 |
| October | 5 | 13 | 22 |
| November | 3 | 7 | 14 |
| December | 3 | 6 | 5 |
| **Annual** | **4** | **8** | **11** |

Source: 311 Reports

- Exhibit 11 shows that median response times have increased over the past three years, especially during the late summer and autumn months. Division management informed us that this was due to the numbers of vegetation calls received in warmer months. Management also explained that the high response time numbers experienced in September and October 2013 were due to favourable weather conditions at the time of the normal seasonal staff reduction that occurs in September.
- The Division's *2012-2013 Annual Performance Measurement Report* stated a goal of developing a measure for the percentage of service request responses within certain benchmarks (a common measure for emergency service operations and call centres.) We have analyzed this in Exhibit 12, using the benchmarks of the Division's target response time for service requests, and double and triple that time.

**Exhibit 12: Cumulative Response Times**

| | 2011 | 2012 | 2013 |
|---|---|---|---|
| **Responded within** | | | |
| 10 Days | 78% | 56% | 50% |
| 20 Days | 91% | 77% | 68% |
| 30 Days | 96% | 85% | 79% |

Source: 311 Reports

- Exhibit 12 shows a gradual increase in response times, and that only 50% of the service requests were responded to within the Division's 10 day target in 2013. The Division's ability to respond to service requests within the target has deteriorated as workloads have increased. The Division had responded to 78% of its calls within 10 days in 2011; in 2013 only 79% of calls were responded to in 30 days.
- Division management has reported to us that the median response times for vacant buildings enforcement and for vegetation requests were two and four days respectively. However, we were unable to test the accuracy of these numbers due to limitations in the information that could be produced from the Division's information systems.
- The increased workload combined with a drop in response time beyond the Division's targets does reveal some risks that the Division may be facing (especially if service requests continue to rise). The Division highly values fair enforcement and quality work. However, if workloads continue to increase without an increase in either efficiencies or resources, Community By-law Enforcement Officer morale may drop, placing risks on the fairness of enforcement activities, and on the quality of work being completed. This is discussed further in our Operational Management Evaluation section.

### 2.1.5 Overall Conclusions

- Since its creation, the Division has successfully navigated through a very large transformative process, and has made large strides in achieving efficiency and effectiveness in its operations. This is impressive, given that the Division is still very new relative to other City services.
- The Division is performing well: the Division has consistently operated under-budget, has eliminated red tape, has an excellent compliance rate for enforcement, and has contributed to a very low level of vacant and derelict buildings in the city.
- Areas of concern that have emerged from our performance analysis relate to the increasing response times and officer workloads. The Division has developed, and is continuing to develop strategies to address these risks, which are discussed in our Operational Management Evaluation section.

# Operational Management Evaluation

## 3.1 Strategic Planning and Management Systems

### Issue

- Has Division management created strategic plans and implemented appropriate management systems to support the plans?

### Conclusions

- Division management has developed a continually evolving strategic plan with clearly defined objectives, goals, risk assessments, and strategies for service. The objectives and strategies contained in the plan are clearly connected to both *OurWinnipeg* and the City's LiveSAFE crime prevention strategy. The strategic plan is effectively communicated to Division staff.
- Division management has developed effective systems to support the achievement of the strategic plan.

### Analysis

- Division management has developed a continually evolving strategic plan with clearly defined objectives, goals, and priorities for service. The plan has many positive features, including: high-level descriptions of the Division and its services; references from guiding documents, including *OurWinnipeg* and LiveSAFE, relevant to the Division; "customer" descriptions; operational goals; enforcement approach priorities; operating principles, values and ethics; areas of responsibility; assessment of risks that could impede performance; and operational priorities, strategies, and performance measures for service. The plan is communicated to Community Services senior management, as well as Division staff.
- The Division has developed relationships with other City departments to coordinate efforts in service areas outside of the Division's scope of responsibility.
- The Division has grown partnerships with community associations to help educate communities on responsible citizenship, increase cleanups conducted, and gather feedback on areas of the community that required further enforcement efforts.
- Division management has developed an employee training manual, a Standard Operating Procedures Manual containing twenty-three procedures, and an intranet website containing twenty-seven Safe Working Procedures to help direct staff in their performance. All divisional employees are required to sign off that they have read these materials.
- Division management also monitors staff performance measures, conducts reviews of service request files to provide feedback to staff on their performance, and provides opportunities for professional development courses in areas where they believe staff would benefit.
- These strategies and systems have created an effective service that has quickly been able to adapt to emerging risks in the community, such as illegal dumping, bed bug inspections, basement occupancies, outdoor smoking, illegal temporary signs, and roadside memorials, while still maintaining performance levels in its other enforcement responsibilities.

| RECOMMENDATION | | | |
|---|---|---|---|
| *No recommendation accompanies this analysis.* | | | |
| **RISK AREA** | Organizational Culture & Business Process | **ASSESSMENT** | Low |
| **BASIS OF ASSESSMENT** | The Division has developed a clear service strategy and management systems to support the strategy. | | |

## 3.2 Performance Measurement System

### Issue

- Does the Division have an adequate performance measurement system?

### Conclusions

- The Division has a robust performance measurement system that Division management regularly updates and improves.
- Further improvements can be made in the community partnership measurements, and by updating customer service scripts in the service level agreement with 311 to communicate possible delays in response times during seasonal peak periods.

### Analysis

#### *Overall Performance Measurement Systems*

- Division management has created a performance measurement system that collects statistics on operations and productivity, including:
    - Activities filterable by service stream, by-law applicable, neighbourhood, month, day, and response time.
    - Effectiveness statistics: compliance rates; numbers of investigations completed, compliance orders issued, and common offence notices issued.
    - Efficiency statistics: response times; productivity rates; workloads for staff; common offense notice court results.
    - Human resource statistics: individual staff performance measures; training hours, turnover rates, disciplinary events.
    - Financial information related to service streams.
- Division management uses the information generated by the performance measurement system to generate timely internal reports to adjust operations as necessary. The performance information is also used to create an annual performance evaluation used by Division management and Community Services senior management to assess the performance of the Division. The performance evaluation is also used in strategic planning for the future.

#### *Community Outreach and Civic Engagement*

- Division management has made community outreach a service priority, and has developed relationships with ten community groups to strengthen the bond between the service and the community.
- When this priority was developed, the Division's goals relating to the relationships were exploratory, and related performance measures were limited to number of partnerships developed, number of cleanups completed, and number of community forums attended. No specific targets for intended outcomes from these partnerships were developed.
- The Division has anecdotally described several outcomes resulting from the relationships, including increased neighbourhood awareness of the Division and its services, increased opportunities for community education on maintaining homes in accordance with property standards, and increasing (and subsequently decreasing) service request trends in areas where the Division has created relationships. We have also been informed of better community relationships from community group leaders who have verbally expressed their appreciation for what the Division has been doing.

- Now that the Division has strengthened these relationships, it is an opportune time for the Division to further refine its performance measurement systems by developing measures and targets for the outcomes desired from continuing to invest in community relationships.

### *Response Time Measurement*

- As we had discussed in our Performance Evaluation section, the Division significantly exceeded its ten day response time goal in September and October of 2013. Division management has informed us that the high response time medians were due to a combination of good weather, increased 311 calls from higher public awareness of the Division, a backlog of service requests from July and August, and the fact that seasonal staff (mainly students) finished their terms at the end of August, reducing the overall staff available to respond to the service requests.
- Division management has informed us that they have developed numerous strategies to ensure a fair and equitable division of work among staff during peak periods. Requests for additional resources have been submitted through the operating budget approval process but to date have not been successful when evaluated against other competing priorities. Knowing this, Division management is still faced with the possibility of experiencing similar peak periods in the future, since good weather during late summer and autumn months is an annual possibility. Peak periods can pose risks to staff morale, and to citizen satisfaction when response times are significantly exceeded. Division management has informed us that they closely monitor staff performance and division of labour to ensure that any one CBEO is not overworked during these times.
- It would also be prudent to ensure that 311 scripts appropriately communicate seasonal response time expectations to citizens making service requests to ensure satisfaction levels are maintained. Management informed us that they had attempted this in the past but were unable to update the scripts due to the fact that 311 had only just been created. The Acting Manager of 311 at the time of our audit informed us that the 311 systems would now be able to accommodate this change.

| **RECOMMENDATION 1** | | | |
|---|---|---|---|
| *We recommend that the Community By-law Enforcement Services Division further refine the performance measurement system by creating outcome measures and targets relating to intended outcomes for community group partnerships.* | | | |
| **RISK AREA** | Information Resources | **ASSESSMENT** | Moderate |
| **BASIS OF ASSESSMENT** | The Division invests a significant amount of time and energy into developing strong community relationships in order to increase goodwill in the community, increase compliance with property standards, and ultimately decrease the need for enforcement actions in the community. Not having a way of determining the impact and outcomes of this time and energy leaves the service without any empirical information on how well the investment is performing. | | |

| MANAGEMENT RESPONSE |
|---|
| The Public Service agrees with the recommendation.<br><br>In 2014, CBES developed and implemented a leading edge Neighbourhood Liveability community outreach outcome compliance rate indicator. These compliance results were reported in the 2014 Performance Report to Council. This performance report also identified that the 2014 results will be the base benchmarks in order to measure performance. The report further indicates to Council that CBES - working together with communities – will develop goals and strategies in order to improve neighbourhood liveability compliance.<br><br>CBES will also develop an Actionable Items outcome indicator that is used to track performance of community outreach meetings.<br><br>Timeframe:<br>*a.* Development of Targets for the Neighbourhood Liveability outreach outcome compliance rate indicator – Second Quarter of 2016.<br>*b.* Development and Implementation of Actionable Items Outreach outcome indicator - Fourth Quarter of 2016 |

| IMPLEMENTATION DATE | 4th Quarter, 2016 |
|---|---|

| RECOMMENDATION 2 | | | |
|---|---|---|---|
| *We recommend that the Community By-law Enforcement Services Division ensure that 311 service scripts take into account expected seasonal fluctuations in service demand.* | | | |
| **RISK AREA** | Business Process | **ASSESSMENT** | Moderate |
| **BASIS OF ASSESSMENT** | The circumstances experienced that lead to high monthly response times in September and October 2013 could occur again in the future. Not taking into account seasonal fluctuations in communications to citizens could lead to a moderate loss of trust for the service in key community areas. | | |

| MANAGEMENT RESPONSE |
|---|
| The Public Service agrees with the recommendation.<br><br>During the Fall of 2014, 311 scripts were changed to reflect response time delays due to heavy workloads. Service requests were prioritized to ensure that all high priority investigations were conducted within the 10-day SLA. |

| IMPLEMENTATION DATE | Implemented 4th Quarter, 2014 |
|---|---|

## 3.3 Performance Reporting

### Issue

- Does the annual performance measurement report appropriately communicate the Division's performance to Council?

### Conclusions

- The Division's annual performance measurement report does achieve the directive for reporting given by Council.
- Further enhancements to the annual performance measurement report are possible based on the Canadian Comprehensive Auditing Foundation's Public Performance Reporting Principles.

### Analysis

- Community By-law Enforcement Services, in cooperation with the Planning, Property & Development Department, submits an annual performance report to Council through the Executive Policy Committee that communicates the Division's performance in relation to neighbourhood liveability, and vacant and derelict buildings operations.
- The requirement for this divisional performance report originated from a motion in a Winnipeg Housing Steering Committee meeting, stating that the Public Service "together with the leadership of Liveability, Zoning, and Vacant and Derelict Building By-law enforcement groups, develop a clear strategy related to the active and timely enforcement of these by-laws with a view to allocating and/or prioritizing enforcement resources towards focused neighbourhoods and areas of specific distress, with semi annual reporting to Council of said enforcement."[1] The intent of the report, as discussed in that meeting was to provide Council with information on the City's efforts to prevent neighbourhoods from declining into the "major improvement" and "rehabilitation" conditions that several neighbourhoods experienced in the 1990s.[2] The reporting frequency was subsequently changed to annually by Council.[3]
- We reviewed the Division's *Vacant Buildings, Taking Title to Vacant and Derelict Buildings, Neighbourhood Liveability, and Zoning By-laws – 2012 and 2013 Year-To-Date (October 31) Performance Measurement Report* to determine whether it achieved the direction for reporting given by Council. The annual report achieves the directive by reporting the overall achievements of the Division. Furthermore, the report has many positive features, including communication of:
    - vision statement, long and short-term goals, and service approach
    - operational results for vacant buildings and neighbourhood liveability
    - highlighted results for neighbourhoods where significant operational achievements were made (which could also be considered as areas of focus)
    - significant effectiveness and efficiency performance measures
    - improvements to management systems and quality control systems during the year

[1] The City of Winnipeg. Winnipeg Housing Steering Committee Disposition. Minute 2. 6 April 2010.
[2] Neighbourhood characteristic terminology referenced from "Plate D" of *Plan Winnipeg: 2020 Vision and Beyond*.
[3] The City of Winnipeg. Council Minutes. Minute 491. 18 July 2012.

### *Public Performance Reporting Principles*

- We also evaluated the Division's 2012/2013 performance report based on the Canadian Comprehensive Auditing Foundation's[1] Public Performance Reporting Principles.[2] These nine principles are aimed at helping governments and other public sector institutions bring public performance reporting to a new level of excellence. They are:
    - Principle 1 –Focus on a Few Critical Aspects of Performance
    - Principle 2 –Look Forward as Well as Back
    - Principle 3 –Explain Key Risk Considerations
    - Principle 4 –Explain Key Capacity Considerations
    - Principle 5 –Explain Other Factors Critical to Performance
    - Principle 6 –Integrate Financial and Non-Financial Information
    - Principle 7 –Provide Comparative Information
    - Principle 8 –Present Credible Information Fairly Interpreted
    - Principle 9 –Disclose the Basis for Reporting
- We observed that the Division's performance report provides information that addresses all of the relevant above-noted principles to varying degrees.
- Our observations on the report led us to the following conclusions for items that could be improved in the report:
    - The report could identify the significant criteria for determining how focused neighbourhoods and areas of specific distress are determined.
    - The report could identify why the performance measures chosen are key measures for the service.
    - The report could communicate the key risk/capacity constraints affecting the achievement of the goals.
    - The report could discuss how the Division's activities impacted the achievement of goals (outcomes).
- We believe, however, that these observations are relatively low priority improvements, as the report appears to meet the intent of the original directive for reporting.

| **RECOMMENDATION 3** | | | |
|---|---|---|---|
| *We recommend that the Community By-law Enforcement Division review the* Public Performance Reporting Principles *issued by the Canadian Comprehensive Auditing Foundation for guidance in potential further improvements in its public performance reports.* | | | |
| **RISK AREA** | Information Resources | **ASSESSMENT** | Low |
| **BASIS OF ASSESSMENT** | The information reported to Council may not adequately communicate key risks in focused neighbourhoods and areas of distress to allow appropriately informed resource allocation decisions to be made. | | |

[1] The Canadian Comprehensive Auditing Foundation is a not-for-profit organization governed by a consortium of federal and provincial elected officials, public servants, and accounting professionals that provides research knowledge and guidance on public performance reporting, and performance auditing.

[2] CCAF-FCVI Inc. (2002). *Reporting Principles: Taking Public Performance Reporting to a New Level*. Ottawa. Print.

| MANAGEMENT RESPONSE | |
|---|---|
| The Public Service agrees with the recommendation.<br><br>The conclusion of this Audit report acknowledges the following key feature in the Division's control system: 'Robust performance measurement and accountability systems that measure program performance and individual staff performance.'<br><br>In order to guide and continuously improve performance measurement and accountability, CBES will review the *Public Performance Reporting Principles* issued by the Canadian Comprehensive Auditing Foundation for guidance. | |
| **IMPLEMENTATION DATE** | 4th Quarter, 2015 |

## 3.4 Human Resource Management

### Issue

- Is Division staff being managed effectively?

### Conclusions

- Division management has conveyed to us that providing staff with good direction, training, safety, and opportunities for advancement, is a high priority for the Division.
- Both management and staff have conveyed to us that the Division has a good support system that enables staff to do their jobs effectively.
- Division management should continue to monitor workloads to prevent staff fatigue.
- Division management should also review safety training to look for opportunities to reinforce the training on a regular basis.

### Analysis

#### *Overall Assessment*

- Since the creation of the Division, management has significantly increased the amount of direction and training provided to staff. Management has developed a comprehensive training manual, along with a complement of twenty-three Standard Operating Procedures and twenty-seven Safe Work Practices, to guide Community By-law Enforcement Officers in the safe conduct of their work. Training opportunities are regularly provided to staff, and regular meetings are conducted to provide feedback to, and receive feedback from staff.
- The CBEOs that we interviewed informed us that they were well aware of the training documents, and felt that they were provided with good support through on-the-job feedback and training course opportunities.
- As shown in the Performance Evaluation, the CBEOs are accomplishing the heaviest workloads of other comparable OMBI partners.

#### *Workload Management*

- We identified in our Performance Evaluation that officer workloads have been increasing between 2010 and 2013, that Winnipeg CBEOs have workloads that are about 40% higher than the OMBI median, and that Winnipeg workloads are the highest of other comparable OMBI communities.
- Management has communicated to us numerous strategies that it has implemented in order to ensure a fair and equitable division of labour between CBEOs, including:
    - Reorganization of service districts to more equally divide the areas where service requests originate from
    - Rotational assignment of service requests to ensure equal workloads for officers
    - Weekly internal productivity and service time breach reports to detect areas of concern in officers' individual performance
    - Timing proactive investigations during slower periods to help relieve workloads during peak periods

- Despite implementing these strategies, our interviews with CBEOs indicated that, while they were satisfied with their jobs overall, they did feel that workloads have increased, that the increased workloads pose challenges to meeting the ten day response time target and to maintaining quality of work in general, and that they struggled to keep up with their to-do lists during peak periods.
- The frustrations that CBEOs have communicated to us have not been reflected in the employee turnover rates for the Division, as turnover for CBEOs has fluctuated between 0% and 20% between 2010 and 2013, with an average rate of 11% for the same period.
- Division management will want to continue monitoring staff workloads to ensure that staff do not become at risk of fatigue and higher turnover, which would waste the significant amount of training that CBES has invested in officers.

### *Safety Training*

- Division management has communicated to us that officer safety is a main priority for the Division, and that officers receive thorough training to ensure that they are adequately prepared to face the challenges and risks associated with by-law enforcement.
- The Division provides a mandatory training regimen for officers designed for overall and specific job risk safety that includes training in customer service, general safe work practices, ergonomics and injury prevention, awareness while attending properties, hazardous material handling, canine bite prevention, conflict de-escalation and resolution, and respectful workplace behaviour.
- Division management has also implemented risk-based, safe workplace assessment strategies to guide CBEOs in knowing when two-person teams should be utilized to attend service requests, and when to involve the Winnipeg Police Service.
- Division management also informed us that a workplace safety review was completed by Manitoba Labour & Immigration, which affirmed that the Division was providing appropriate workplace safety to staff.
- Despite the measures noted above, our interviews with CBEOs revealed that the officers had concerns with safety and safety training, specifically for situations where officers faced acts of aggression from citizens while performing their work. CBEOs communicated to us that they did not always feel safe when performing their enforcement duties, and that they did not always feel prepared to take on the situations that they were required to.
- Based on these discussions, we discussed the safety training with the Safety Officer for the Community Services Department. He informed us that the level of safety training that is provided to CBEOs is an initiative that has occurred for the last ten years.[1] While the CBEOs have completed a comprehensive safety training regimen, they have not been offered refresher courses for de-escalation and conflict resolution courses to reinforce and practice the training that they have received. He also informed us the department intends to create a refresher schedule to reinforce safety training, and that management is currently reviewing the best way to implement this schedule.
- Our interviews with CBEOs indicated that their concerns came from very limited and isolated incidents of aggression from citizens, or from hearing about others' experiences, and that officers did not always feel confident about the potential for facing similar situations. Refreshing the safety training and providing regular opportunities to practice the de-escalation and resolution techniques learned in the training may help to better prepare officers for the field, and alleviate their concerns about safety.

[1] Safety training had been in place for the enforcement branch that existed before the creation of the Division.

| RECOMMENDATION 4 | | | |
|---|---|---|---|
| *We recommend that the Community By-law Enforcement Services Division, in cooperation with the Human Resources division of the Community Services department, develop a retraining schedule for Community By-law Enforcement Officers. Also, we recommend that CBES management develop a schedule for officers to practice the de-escalation and resolution techniques associated with the risks specific to their jobs.* | | | |
| **RISK AREA** | Human Resources | **ASSESSMENT** | High |
| **BASIS OF ASSESSMENT** | The Division has invested a significant amount into developing guidance and training for staff. The risks of fatigue and violence towards officers are present in the service. These risks could lead to losses of time and effort if the risks are not sufficiently addressed. | | |

| MANAGEMENT RESPONSE |
|---|
| The Public Service agrees with the recommendation.<br><br>CBES has developed and implemented comprehensive overall training programs for Community By-law Enforcement officers. The conclusions of this Audit report acknowledge the following:<br><br>'The training program includes a comprehensive safety training component, which is a primary concern for Division management. Community By-law Enforcement Officers are required to participate in a prescribed regiment of safety training courses, which is periodically reviewed and updated.'<br><br>CBES has focused its training on workplace safety and health including situation specific de-escalation and resolution techniques, safe work practices, dealing with complex property issues, approaches to handling situations that involve individuals suffering from mental illnesses, standard operating procedures, legal due diligence, core values, guiding principles, and customer service.<br><br>Working collaboratively with the Departmental Safety Officer, CBES will develop and implement retraining and refresher schedules for de-escalation and resolution techniques associated with the risks specific to their jobs. |

| IMPLEMENTATION DATE | 1th Quarter, 2016 and annually thereafter |
|---|---|

## 3.5 Operational Vehicles

### Issue

- Should the Division provide vehicles for operational use or require Community By-law Enforcement Officers to use their own vehicles while on duty?

### Conclusions

- To increase officer safety, and promote community awareness, it would be appropriate for the Division to provide conspicuously marked operational vehicles to officers while they are on duty.

### Analysis

- The Division currently requires Community By-law Enforcement Officers to use their own personal vehicles (which are diverse and in various states of repair) while conducting enforcement duties.
- The main reason that the City of Winnipeg would provide marked vehicles to CBEOs would be for the officers' safety. We believe conspicuous marking increases safety, serves as a warning to potential violators, and provides citizens with a feeling of security.
- Enforcement operations carry certain risks with the activities required for the job. To illustrate, CBEOs reported twenty alleged acts of aggression towards officers by citizens while performing their duties between 2012 and 2013. The descriptions logged for several of these incidents show that citizens not being able to identify CBEOs in their vehicles was a likely factor in the alleged events. Providing marked by-law enforcement vehicles can help to establish the identity, credibility and authority of CBEOs performing their duties. This can further mitigate the risks of aggression in public, and help to identify officers in need of assistance in the event that acts of aggression do occur.
- We researched other jurisdictions to gather a sense of how common it was for officers to be provided with conspicuously marked by-law enforcement vehicles in the line of duty. We found that:
    - Many other Canadian metropolitan communities provide officers with marked by-law enforcement vehicles, including Toronto, Montreal, Vancouver, Calgary, Edmonton, Ottawa, Hamilton, and Kitchener.
    - Other Manitoba municipalities provide officers with marked by-law enforcement vehicles, including the cities of Brandon, Thompson, and Steinbach, and other rural municipalities in Manitoba.
    - Other City of Winnipeg departments provide marked City of Winnipeg vehicles to their employees perform their duties when they are enforcing the by-laws that they are responsible for.[1]

[1] Permit Inspectors of the Planning, Property & Development Department are exceptions. Inspectors use their own vehicles to travel to inspections. However, these inspectors are invited onto the properties by the property owners to perform inspections and, consequently, face different risks than Community By-law Enforcement Officers. CBEOs are not normally invited onto the property to perform their inspections by the property owners.

- Division management has informed us that requests to lease City-owned vehicles for enforcement operations have been made in the annual operating budget for the last two years, but that funding for the requests has not been provided. Whereas the Division currently pays automobile allowance and for parking spaces for eighteen officers, Division management estimates that the Division would only need to lease eighteen vehicles to support its regularly scheduled complement of officers on duty. The projected costs of providing vehicles to officers (with options for compact and hybrid "green" vehicles) compared to the current policy of requiring officers to use their own vehicles is shown below:[1]

| Estimated Expenses | Auto Allowance for 18 CBEOs | WFMA Lease Cost of 18 Compact Sedans | WFMA Lease Cost of 18 Hybrid Sedans |
|---|---|---|---|
| Auto Allowance | $ 50,000 | $ - | $ - |
| Lease expense | - | 74,110 | 100,232 |
| Insurance Expense | - | 30,395 | 30,395 |
| Fuel Expense (*Note A*) | - | 15,000 | 10,000 |
| Total Scenario Costs | $ 50,000 | $ 119,504 | $ 140,627 |
| Less: Current Cost | | (50,000) | (50,000) |
| **Incremental Cost Increase** | | **$ 69,504** | **$ 90,627** |

*Note A*: Based on expected 7,500 km per vehicle per year

Source: WFMA lease quotes and CBES insurance/fuel/parking estimates

- Providing Community By-law Enforcement Officers with City-owned, conspicuously marked vehicles would require a reinvestment back into the service. We believe that the investment is worth the potential increase in safety that the vehicles will provide.

| RECOMMENDATION 5 | | | |
|---|---|---|---|
| *We recommend that the Community By-law Enforcement Services Division continue to pursue leasing conspicuously marked enforcement vehicles for Community By-law Enforcement Officers to perform their duties.* | | | |
| **RISK AREA** | Physical Resources | **ASSESSMENT** | High |
| **BASIS OF ASSESSMENT** | Conspicuously marked vehicles help to establish the identity and authority of enforcement officers, which in turn reduces the risk of acts of aggression on officers. | | |

| MANAGEMENT RESPONSE | |
|---|---|
| The Public Service agrees with the recommendation.<br><br>CBES submits fleet proposals annually to the budget process for consideration. | |
| **IMPLEMENTATION DATE** | 4th Quarter, 2015 and annually thereafter |

[1] Leasing price costing has been made with the assumption that vehicles are provided for business purposes only.

## 3.6 Use of Mobile Technology to Increase Efficiencies

### Issue

- Can tablets be used to increase efficiencies in the Division?

### Conclusions

- Efficiencies may be achieved by Community By-law Enforcement Officers utilizing tablets in the field; however, the Division has not collected enough information to complete a reliable analysis of what the efficiencies would be.

### Analysis

- All service requests and action taken as a result are documented in the City's property database information system (AMANDA).
- AMANDA provides relevant information in a timely manner on the property a CBEO is to visit. Caution folders are included on files that indicate if there have been situations at a specific property and that a two-man team should report to the property or that police assistance may be necessary.
- Community By-law Enforcement Officers use cell phones to communicate with the Division and home owners. As well, the SafetyLine system is installed on the cellphones and is the key method of communication in the event of an emergency.
- The total numbers of investigations per CBEO over a year has increased by 7% over the last four years (a total of 745 investigations per CBEO in 2010 to 798 in 2013) and the reported annual median response time has increased from 4 days in 2011 to 11 in 2013.
- Currently the Community By-law Enforcement Officers write up their notes in black books and come back to the office to enter the information into a Word document, which is then copied into AMANDA.
- To date the Division has not tracked the additional amount of time expended towards re-entering field notes into AMANDA or the extra travel time between the field and office.
- To increase the amount of time that the officers spend in the field, the Division evaluated assigning laptops for the CBEOs to use in the field. These would require permanent mounting hardware be installed in the vehicles; however, since CBEOs use their personal vehicles for conducting their work this method was determined not to be feasible.
- The Division is now exploring the use of tablets in the field to enhance efficiency by reducing duplication of effort and travel time.
- Furthermore, deploying technology in the field would enable CBEOs to have immediate access to all electronic files for reference such as the SOPs and the information available in AMANDA regarding the properties they are attending.

| **RECOMMENDATION 6** | | | |
|---|---|---|---|
| *We recommend that the Community By-law Enforcement Division continue to explore the deployment of tablet technology by analyzing the extra capacity in service that employing tablets can achieve.* | | | |
| **RISK AREA** | Business Process | **ASSESSMENT** | Medium |
| **BASIS OF ASSESSMENT** | Future increases in service requests are possible, and would require increases in staff levels to maintain the current level of service. | | |

| MANAGEMENT RESPONSE | |
|---|---|
| The Public Service agrees with the recommendation.<br><br>CBES will continue to explore the deployment of mobile technology and complete a business case analysis. | |
| **IMPLEMENTATION DATE** | 4th Quarter, 2017 |

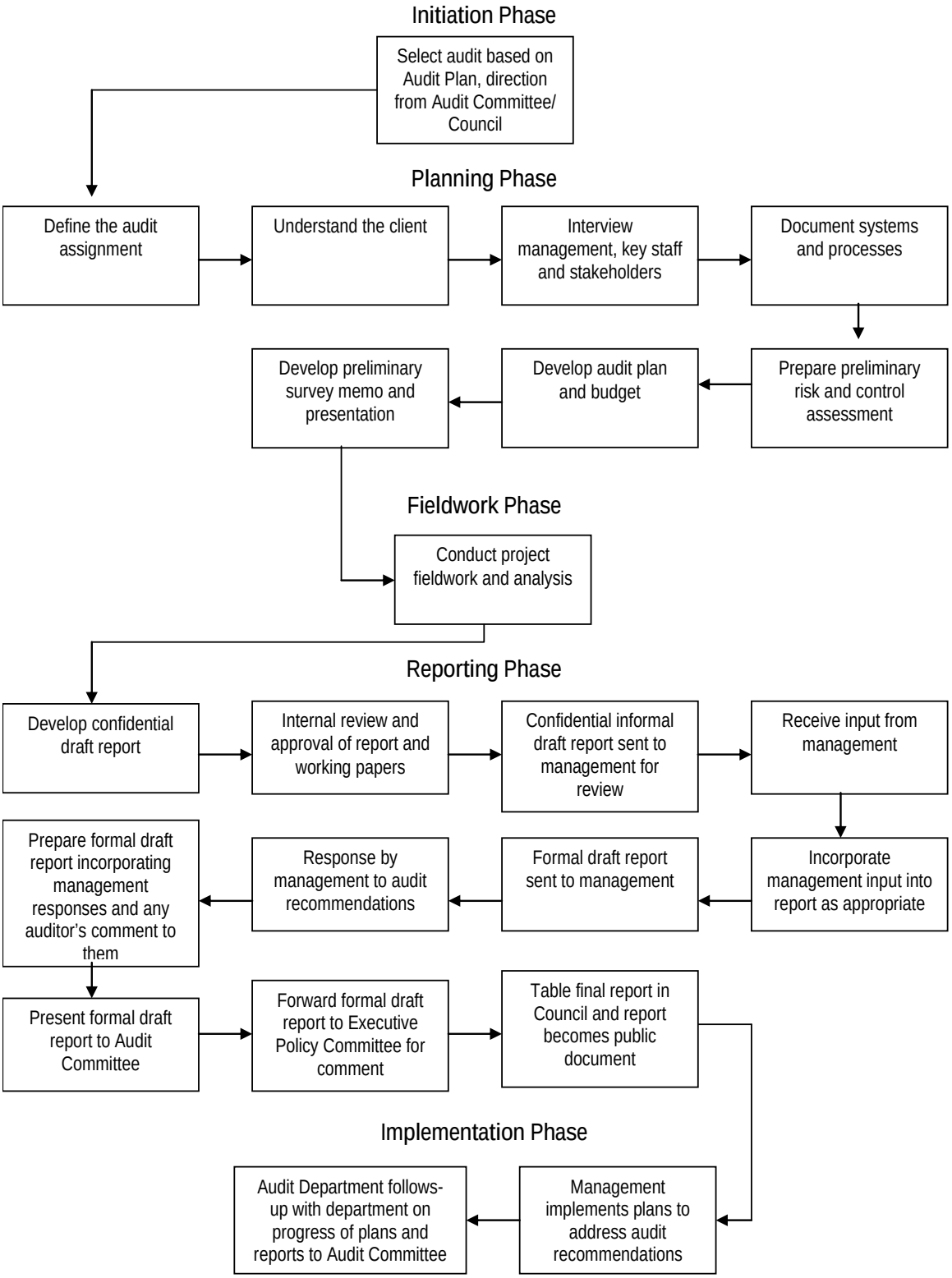
## APPENDIX 1 – Risk Assessment Worksheet

| Potential Impacts / Likelihood | Insignificant<br>- None or minor change in services, project or processes<br>- Very limited exposure of sensitive information<br>- Very minor, non-permanent environmental damage<br>- Financial impact < $100K | Minor<br>- Minor change in achievement of service objectives<br>- Limited exposure of sensitive information<br>- Minor, non-permanent environmental damage<br>- Financial impact $100K – $500K | Moderate<br>- Moderate change in delivery of essential services<br>- Exposure of limited amount of confidential information<br>- Moderate environmental damage<br>- Financial impact $500K – $1M | Major<br>- Significant change in delivery of essential services<br>- Exposure of significant amount of confidential information<br>- Significant change in quality of life indicators<br>- Major environmental damage<br>- Financial impact $1M – $10M | Extreme<br>- Unable to perform essential services for extended period<br>Exposure of critical confidential information<br>- Very significant change in quality of life indicators<br>- Significant damage to environment<br>- Financial impact >$10M |
|---|---|---|---|---|---|
| Almost certain (Excepted to occur unless circumstances change) | M | M | H | C | C |
| Likely (Probably occur in most circumstances) | M | M | H | C | C |
| Possible (Might occur under different circumstances) | L | M | M | H | H |
| Unlikely (Could occur if circumstances change) | L | L | M | H | H |
| Rare (May occur in exceptional circumstances) | L | L | M | M | M |

**Legend**

| | |
|---|---|
| C Critical risk: | Requires urgent action, monitor and review at least weekly by Senior Management and COO, inform CAO and Committee of Council |
| H High risk: | High impact, monitor and review at least quarterly by management, inform COO |
| M Moderate risk: | Monitor and review at least quarterly by management |
| L Low risk: | Review periodically, no explicit action required. |

## APPENDIX 2 – Audit Process



## APPENDIX 3 – Summary of Recommendations

| Focus Area | Rec. # | Recommendation | Priority |
|---|---|---|---|
| Community Partnership Performance Measures | 1 | *We recommend that the Community By-law Enforcement Services Division further refine the performance measurement system by creating outcome measures and targets relating to intended outcomes for community group partnerships.* | Moderate |
| 311 Service Script Update | 2 | *We recommend that the Community By-law Enforcement Services Division ensure that 311 service scripts take into account expected seasonal fluctuations in service demand.* | Moderate |
| Review Public Performance Reporting Principles | 3 | *We recommend that the Community By-law Enforcement Division review the* Public Performance Reporting Principles *issued by the Canadian Comprehensive Auditing Foundation for guidance in potential further improvements in its public performance reports.* | Low |
| Safety Training Refreshers and Practice | 4 | *We recommend that the Community By-law Enforcement Services Division, in cooperation with the Human Resources division of the Community Services department, develop a retraining schedule for Community By-law Enforcement Officers. Also, we recommend that CBES management develop a schedule for officers to practice the de-escalation and resolution techniques associated with the risks specific to their jobs.* | High |
| Provision of Conspicuously Marked Vehicles | 5 | *We recommend that the Community By-law Enforcement Services Division continue to pursue leasing conspicuously marked enforcement vehicles for Community By-law Enforcement Officers to perform their duties.* | High |
| Deployment of Tablet Technology | 6 | *We recommend that the Community By-law Enforcement Division continue to explore the deployment of tablet technology by analyzing the extra capacity in service that employing tablets can achieve.* | Moderate |