Minute No. 567
Report – Executive Policy Committee – September 12, 2018

Item No. 20 By-Law Amalgamation Audit

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the By-Law Amalgamation Audit report be received as information.

Report – Executive Policy Committee – September 12, 2018

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 12, 2018, the Executive Policy Committee , in its capacity as the Audit Committee, concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: By-Law Amalgamation Audit

Critical Path: Audit Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Mansky	B. Mansky City Auditor		

EXECUTIVE SUMMARY

The objectives of this audit were to:

- Evaluate whether adequate processes, systems and controls are in place to achieve by-law enforcement service delivery objectives.
- Recommend on an appropriate organizational structure for the Public Service's by-law enforcement processes in light of recent legislative changes.

The key observations of the audit include the following:

- The City of Winnipeg does not have a defined corporate strategy and directive for by-law enforcement. We believe a corporate strategy is important to provide overall enforcement goals and to prevent inconsistent and inequitable performance.
- Currently there are varying approaches and levels to enforcement with little cohesiveness across different enforcement areas in the City. Some enforcement areas exert tougher enforcement measures through fines while other areas tend to be more compliance driven, issuing more warnings as opposed to fines. A corporate strategy or directive on by-law enforcement can help unify approaches to enforcement and may also increase the level and amount of effort put towards enforcement. Without it, inconsistencies in enforcement may remain and that could lead to an underachievement of enforcement objectives.
- The majority of by-law enforcement areas do not have defined by-law enforcement goals or clear, measurable performance targets of indicators. Without these, proper evaluation of how effectively operations are performing would be difficult and there may be significant underachievement of services and goals or objectives or inefficient and ineffective use of resources.
- There is also a need to improve on performance measurement tracking, reporting and monitoring in a formalized and relevant way in order to adequately assess whether enforcement areas are achieving service delivery objectives.
- Regarding the structure for by-law enforcement going forward, compared to other departments, the Winnipeg Parking Authority is generally more advanced in their overall infrastructure and information systems, to take on the responsibility of

screening, adjudication and collection for by law enforcement. If put elsewhere, until departments are completely familiar and comfortable with the new legislation, there is a risk that processes will not be in accordance with legislation or that screening officers may not fully understand their responsibilities under the new process, impacting service delivery quality.

RECOMMENDATIONS

That the By-Law Amalgamation Audit report be received as information.

REASON FOR THE REPORT

The report is being submitted in accordance with the City Organization By-law 7100/97 section 19(d)(iv) that the Audit Committee will "Receive and review audit reports, and table such reports with its recommendations at a regular meeting of Executive Policy Committee."

IMPLICATIONS OF THE RECOMMENDATIONS

The most important component of an audit recommendation is its implementation. The Chief Administrative Officer is responsible for a response to our audit report that states whether the recommendations of the audit will be implemented or not. The responses to our audit recommendations have been included in the attached audit report. In the event that the Chief Administrative Officer does not agree to implement our recommendations, the City Auditor's responsibility is to report to Council on what the residual risk to the City is for not implementing the recommendations.

The Chief Administrative Officer has reviewed and responded to our audit report, and has agreed to implement all eleven (11) of the recommendations of our audit. The implementation of the recommendations will:

- Set the corporate goals and objectives for by-law enforcement and will also establish expectations of enforcement areas in their approach and strategy towards meeting those objectives. This will help unify approaches to enforcement and promote consistency in service delivery efforts.
- Enable an assessment of whether service level objectives are being achieved i.e. whether enforcement activities are being effective in achieving the desired outcomes or changes in behavior in citizens.
- Support the Public Service in implementing administration of screening and adjudication functions for City by-laws enforced under the Municipal By-law Enforcement Act and the collection of all fines imposed under both The Municipal By-law Enforcement Act and The Provincial Offences Act.

HISTORY/DISCUSSION

The Province of Manitoba enacted two statutes, The Municipal By-law Enforcement Act (MBEA) and The Provincial Offences Act (POA). Both the MBEA and the POA affect the administration processes of by-law enforcement. The MBEA transfers the responsibility of administering by-law enforcement to the City of Winnipeg. Under the previous system, the courts not only administered the judicial process for by-law enforcement but also collected fines and court costs resulting from by-law violations. Under the MBEA, the City is responsible for screening and adjudicating and collecting all payment of fines. Under the POA, the City is not responsible for screening and adjudication, as it remains under the judicial process, but is responsible for collecting payments of fines except those voluntarily paid to the Court.

As a proactive measure the Audit department included in the City Auditor's *Audit Plan 2017-2018* a project to evaluate opportunities as a result of the legislation changes. The City Auditor's audit plan was adopted by Council on April 26, 2017.

Further, Council passed a motion on July 19, 2017 that:

- Those amendments to twelve by-laws, which will allow some by-law offences to be enforced under the MBEA and others to be enforced through tickets issued under The POA, be enacted.
- The Public Service is directed to report back to Council within one year with an implementation plan for administration of screening and adjudication functions for City by-laws enforced under the MBEA and the collection of all fines and penalties imposed for contraventions of City by-laws under both the MBEA and POA.
- As a temporary measure until such time as a implementation plan referred to in recommendation 2 is in place, and notwithstanding its Operating Charter, the Winnipeg Parking Authority be authorized to administer screening and adjudication functions for City by-laws enforced under the MBEA and the collection of all fines and penalties imposed for contraventions of City by-laws under both the MBEA and POA.
- The Proper Officers of the City do all things necessary to implement the intent of the foregoing.

FINANCIAL IMPACT

Financial Impact Statement

Date: June 26, 2018

Project Name:

By-Law Amalgamation Audit

COMMENTS:

This report is received as information only and has no financial impact.

original signed by T.Yanchishyn
Tanis Yanchishyn
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

This Report has been prepared in consultation with:

The Legal Services Department
The Animal Services Agency
The Assessment & Taxation Department
The Community By-law Enforcement Services Division
The Winnipeg Fire Paramedic Service
The Winnipeg Parking Authority
Winnipeg Police Service
The Planning, Property and Development Department
The Public Works Department
Winnipeg Transit
The Water and Waste Department

OURWINNIPEG POLICY ALIGNMENT

01-3 Prosperity - Direction 1 - Provide Efficient and Focused Civic Administration and Governance

This report supports the demonstration of accountability through reporting and to continuously pursue innovative, streamlined service delivery and decision-making processes.

SUBMITTED BY

Department: Audit
Prepared by: B. Mansky, City Auditor
Date: June 29, 2018

Attachments: By-Law Amalgamation Audit