Minutes – Council – April 25, 2024

Minute No. 235
Report – Executive Policy Committee – April 16, 2024

Item No. 3 By-Law Enforcement Consolidation

COUNCIL DECISION:

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

1. That this report be received as information

Report – Executive Policy Committee – April 16, 2024

DECISION MAKING HISTORY:

Moved by His Worship Mayor Gillingham,
That the recommendation of the Executive Policy Committee be adopted.

Carried

Councillor Eadie asked to be recorded as having voted against the item in accordance with Rule 47(7) of the Procedure Bylaw.

David Grant submitted a communication in opposition to the matter.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 16, 2024, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

On October 17, 2023, the Executive Policy Committee directed the Winnipeg Public Service to report back in up to 180 days on the following:

1. That the City of Winnipeg develop a new model for one consolidated by-law enforcement system, for a visible proactive enforcement system of all City by-laws, that shall either be a single division under an existing City department, or a new City department.

ADMINISTRATIVE REPORT

Title: By-Law Enforcement Consolidation

Critical Path: Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Geer	M. Geer	N/A	M. Jack

EXECUTIVE SUMMARY

In 2008, Council adopted a series of recommendations related to the implementation of a consolidated by-law enforcement unit resulting in the formation of Community By-law Enforcement Services (now known as Licensing & Bylaw Enforcement). As part of the consolidation, the Neighbourhood Liveability By-law was amended to incorporate all or part of 17 existing by-laws.

Two relevant audits were conducted (by the City Auditor in 2018 and KPMG in 2021) to identify opportunities to enhance efficiency and effectiveness of the City's overall by-law enforcement. The former contained an overarching recommendation to create a Corporate Enforcement Strategy to promote consistency on how enforcement is conducted throughout the City. It also recognized the well-established policies, procedures, and systems in place at both Licensing and Bylaw Enforcement and Winnipeg Parking Authority. The latter was a Lean process review and included additional opportunities to standardize administrative documents and improve communication between enforcement areas in different departments.

Following the delivery of KPMG's audit report, the Community Services Department and Public Works Department, with approval from the CAO's Office, began leading an interdepartmental working group in the development of a Corporate Enforcement Strategy (CES). The CES is expected to be completed by the end of 2024.

As recommended in both audit reports, the CES will first address standardization of by-law enforcement practices across all business units in all departments, defining processes and measurement of performance. This standardization will result in increased enforcement and will improve consistency, efficiency, and effectiveness of the various City's by-law enforcement programs.

The CES will include several action items that support Action 5.3 of the Strategic Priorities Action Plan, specifically to "create a coordinated, one-stop-shop process for by-law enforcement." When the strategy is adopted later this year, the changes to enforcement practices planned across business units will begin immediately. This will allow for results to be achieved in the short term across the organization, while allowing the necessary time to assess next steps for consolidation of business units.

This phased approach is consistent with the recommendations of the audit reports.

RECOMMENDATIONS

1. That this report be received as information

REASON FOR THE REPORT

At its October 17, 2023, meeting, the Executive Policy Committee directed the Winnipeg Public Service to report back in up to 180 days on the following:

That the City of Winnipeg develop a new model for one consolidated by-law enforcement system, for a visible proactive enforcement system of all City by-laws, that shall either be a single division under an existing City department, or a new City department.

IMPLICATIONS OF THE RECOMMENDATIONS

None.

HISTORY/DISCUSSION

Background

In 2005, a Mayor's Red Tape Commission Report triggered steps to improve the delivery of the City's bylaw enforcement services and create a centralized body responsible for leading systemic and cultural change. These changes were formally approved through a January 2008 report to Council titled *Consolidation of Responsibility for By-law Enforcement*.

On January 23, 2008, Council adopted a series of recommendations related to the implementation of a consolidated bylaw enforcement unit resulting in the formation of Community By-law Enforcement Services (now Licensing and Bylaw Enforcement) in the Community Services Department. Council also approved major amendments to the Neighbourhood Liveability By-law that were intended to provide "streamlined and simplified consolidation of all or part of 17 existing by-laws in a more user-friendly form."

In 2018, the City Auditor conducted a By-law Amalgamation Audit which contained an overarching recommendation to create a Corporate Enforcement Strategy that promotes consistency on how enforcement is conducted throughout the City. The audit also had recommendations to explore reassignments of the Streets By-law and the Parks By-law under Winnipeg Parking Authority (WPA) and Licensing and Bylaw Enforcement (LBE) respectively; and that the screening, adjudication and collections functions remain under the WPA.

Three key elements of the Audit relevant to this report are enforcement consolidation (Phase 1), responsibilities for screening, adjudication and collection functions of the MBEA (Phases 2 and 3); and a defined corporate strategy and directive for by-law enforcement.

The Audit report considered consolidation and noted that a phased-in, planned approach toward a hybrid model with more centralization of by-law services be considered:

“From lessons of other municipalities, the consultant has recommended that the City of Winnipeg can consider a phased-in, planned approach toward a hybrid model with more centralization of by-law services, if that is the avenue they are considering. Most centralization starts with a key branch or unit with responsibility for general and community standard by-laws then incrementally add other units.”

“The CBES (now LBE) is already in place to be a centralized unit, with well-established policies, procedures, performance measures and reporting. 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. In 2008, the stand-alone CBES 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.”

With respect to screening, adjudication, and collection functions under the MBEA:

“...the Winnipeg Parking Authority appears best suited to administer screening, adjudication and collection functions for City by-laws under the MBEA. They have well established processes that include emphasis on quality assurance reviews, are equipped with IT infrastructure and currently have the highest volume of fines overall and highest volume of cases that go through the screening, adjudication and collection process. They also have the most experience under the MBEA.”

The Audit concluded that “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.”

The audit had several key findings:

- There are varying approaches to enforcement with little cohesiveness across the organization with some areas exerting tougher enforcement than others;
- The majority of by-law enforcement areas do not have defined by-law enforcement goals or clear measurable performance targets;
- A formalized system to track performance measures is not in place which makes it difficult to assess whether enforcement areas are achieving service delivery objectives; and
- Responsibility of screening, adjudication and collection of by-law enforcement fines should continue to reside with the Winnipeg Parking Authority.

The City Auditor recommended that the Public Service include directives in the corporate strategy that define corporate goals and objectives for bylaw enforcement, establish a base level of expectations on how enforcement is to be carried out, and promotes consistency throughout the City.

The need for a corporate strategy to guide bylaw enforcement activities was further reinforced through a subsequent Lean process review conducted by KPMG in 2021 and included additional points on standardizing administrative documents and improving communication between enforcement units in different departments.

Following the delivery of KPMG's audit report, the Community Services Department (through LBE) and Public Works Department (through WPA), with the approval of the CAO's Office, began leading an interdepartmental working group in the development of a Corporate Enforcement Strategy. The strategy will be completed by the end of 2024.

Corporate Enforcement Strategy

Once adopted, the CES and the associated Administrative Directive will serve as a guide for how bylaw enforcement activities will be undertaken by all City departments. The strategy and the Administrative Directive will unify approaches to enforcement, promote consistency in service delivery efforts and will provide a framework to measure whether enforcement activities are effective.

The strategy under development currently has four core goals including:

1. Bylaw non-compliance is identified and mechanisms are in place to achieve compliance
2. Bylaw compliance activities are fair, transparent and consistent
3. Bylaw compliance activities are conducted in a timely manner and are responsive to stakeholder needs
4. Bylaw compliance activities are coordinated and resourced appropriately

Each goal will have a set of objectives that need to be fulfilled across the organization to ensure the intended benefits are met. On an annual basis KPIs will be published to measure the progress of the CES and ensure continual improvements are made to compliance and enforcement programs.

The final strategy will clearly identify how goals and objectives will lead to changes in enforcement practices. Accountability and visibility of bylaw enforcement is a key concern expressed by Council and residents - standardizing enforcement practices will provide clear direction to all business units to ensure a consistent approach city-wide. The CES project and future Key Performance Indicators (KPIs) have and will continue to identify gaps in enforcement. Consistency in business practices and measurement of results will produce the fastest results in increasing enforcement.

A primary objective of the Corporate Enforcement Strategy is to improve consistency, efficiency, and the overall effectiveness of the City's bylaw enforcement program by establishing a base level of service on how enforcement will be carried out and analyze annual enforcement performance targets and metrics to assess how each enforcement area is performing. The CES will include actions to support Council's Strategic Priorities Action Plan to create a one-stop-shop process for bylaw enforcement.

For example, the strategy will centralize information currently on multiple departmental webpages onto one central bylaw enforcement website so that the public has one spot where they can find information related to bylaw enforcement for the City. Additionally, internal processes will be updated to streamline public responses to bylaw complaints that cross multiple departments so that response times can be improved. Progress on the strategy development to date includes completion of a jurisdictional scan of bylaw enforcement in other municipalities, compilation of departmental bylaw enforcement data and statistics to confirm how enforcement is being approached in all City departments, and development of corporate goals and objectives that will be followed once the strategy is finalized.

One of the first steps in the CES project was a review of major regulatory bylaws affecting the public. More than three dozen bylaws were reviewed with a focus on determining the type of enforcement taken, and which departments were responsible. Although the CES contemplates all three phases of bylaw enforcement; (1) enforcement, (2) screening and adjudication, and (3) collections; consolidation would only impact the first phase which is by-law enforcement. Within that phase consolidation would focus on all City departments, except the Winnipeg Police Service and WPA (parking enforcement and Vehicles for Hire) who rely on ticket issuance as the primary approach for by-law enforcement.

While a new governance model to consolidate bylaw enforcement under one unit will not be in place when the strategy is adopted, the changes to enforcement practices planned across business units will begin immediately and the strategy will be followed by all City departments. This will allow for results to be achieved in the short term across the organization.

The CES will also include assessment of next steps for consolidation of business units.

FINANCIAL IMPACT

Financial Impact Statemen Date: March 8, 2024

Project Name:
By-Law Enforcement Consolidation

COMMENTS:
There are no financial implications associated with the recommendations in this report.

Randy Bernard

Randy Bernard, CPA, CMA
Manager of Finance & Administration (Campus)
Corporate Finance Department

CONSULTATION

This Report has been prepared in consultation with:

- Public Works
- Community Services

OURWINNIPEG POLICY ALIGNMENT

The upcoming Corporate Enforcement Strategy supports one of the six goals of Our Winnipeg 2045: Leadership and Good Governance (p.14 of Our Winnipeg 2045). The strategy's goals and objectives:

- Act in the city-wide public interest, for broad community benefit;
- Are structured to ensure by-law compliance activities are responsive to community needs; and
- Ensure decision-making is transparent, accountable and evidence based.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Climate Action Plan (CAP), and it was determined that the CAP is not applicable to this specific report.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Poverty Reduction Strategy (PRS) and its Goals and Objectives, and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Office of the CAO
Prepared by: M. Geer
Date: March 18, 2024