



MERGED AGENDA GOVERNANCE AND PRIORITIES COMMITTEE MEETING

Monday, October 28, 2019, 1:00 P.M. - 4:00 P.M.

Board Room, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Pages

1. CALL TO ORDER:

2. INTRODUCTION OF LATE ITEMS:

3. APPROVAL OF THE AGENDA:

4. ADOPTION OF THE MINUTES:

a. Minutes

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Minutes of the Special Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2019-SEP-30 at 1:00 p.m.

b. Minutes

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Minutes of the Governance and Priorities Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Monday, 2019-OCT-07 at 1:00 p.m.

5. REPORTS:

a. GOVERNANCE AND MANAGEMENT EXCELLENCE:

b. ENVIRONMENTAL RESPONSIBILITY:

c. ECONOMIC HEALTH:

d. COMMUNITY WELLNESS/LIVABILITY:

1. Bylaw Enforcement Function

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To be introduced by Dale Lindsay, General Manager, Development Services.

Purpose: To provide Council with an overview of the Bylaw Services Section.

Presentation:

1. Dave LaBerge, Manager, Community Safety.

Delegation:

1. Wanda Thompson, Walk in Nanaimo.
2. Commercial Properties along Bus Routes

At the 2019-AUG-26 Council meeting the following motion was made:

It was moved and seconded that Council defer consideration of the following motion and direct Staff to prepare a report for the 2019-OCT-28 Governance and Priorities Committee meeting on this topic:

"Whereas Council has stated that "livability" is a Council Priority in the 2019-2022 Strategic Plan, namely that "We proactively plan for Nanaimo's growth and focus on community infrastructure to support an inclusive, healthy and desirable place to live"; and that, "a safe and connected community" and "active transportation" are key focus areas of the 2019-2022 Strategic Plan; specifically, the necessity of clear and accessible sidewalks for Nanaimo pedestrians, who are disproportionately our most vulnerable citizens: children, the elderly, and the disadvantaged; regarding Bylaw 5000 (Consolidated), Sections 3, Paragraph 21; Section 18; and Section 22,

- a) Directs Staff to develop and launch a broad communications campaign by October 1, 2019, targeting businesses and commercial property owners and other key stakeholders, that indicates that the City considers compliance with these bylaw sections by commercial property owners a priority;
- b) Directs Bylaw Services to develop and implement a clear, concise and efficient enforcement policy for implementation by 1 November 2019, that outlines the specific systematic approach that will be taken to enforce these bylaw sections; and
- c) Supports the commitment and efforts of Bylaw Services to implement the new bylaw policies and procedures, and to enforce Bylaw 5000 (Consolidated), Sections 3, Paragraph 21; Section 18; and Section 22, with all commercial properties, in support of this Council's 2019-2022 Strategic Plan, in order to help make Nanaimo sidewalks safer for all its citizens.
- d) In six months following implementation, it is proposed that Staff return to Council with an evaluation of the effectiveness of the initiative including financial impacts."

To be introduced by Bill Sims, General Manager,
Engineering and Public Works.

*Purpose: To provide the Committee with background
information on the City's efforts to keep sidewalks clear
during snow events and vegetation management during
the rest of the year.*

e. AGENDA PLANNING:

1. Governance and Priorities Committee Agenda Planning

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6. QUESTION PERIOD:

7. PROCEDURAL MOTION:

8. ADJOURNMENT:

MINUTES
SPECIAL GOVERNANCE AND PRIORITIES COMMITTEE MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2019-SEP-30, AT 1:00 P.M.

Present: Mayor L. Krog, Chair
Councillor S. D. Armstrong
Councillor D. Bonner
Councillor T. Brown
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor Z. Maartman
Councillor I. W. Thorpe

Absent: Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer
R. J. Harding, Director of Parks, Recreation and Culture
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
F. Farrokhi, Manager, Communications
S. Gurrie, Director, Legislative Services
S. Snelgrove, Steno Coordinator
N. Sponaule, Legislative Services Clerk
J. Vanderhoef, Steno, Legislative Services
K. Gerard, Recording Secretary

1. CALL THE SPECIAL GOVERNANCE AND PRIORITIES COMMITTEE MEETING TO ORDER:

The Special Governance and Priorities Committee Meeting was called to order at 1:07 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 5(d)(1) – Community Wellness/Livability, Correspondence, dated 2019-SEP-20, from Richard Stewart, Mayor, City of Coquitlam, requesting support re: Ride-Hailing letter to BC Minister of Transportation, replace recommendation with the following:

“That the Governance and Priorities Committee recommend that Council support the taxi industry’s request to provide a level playing field with all transportation providers.”

3. APPROVAL OF THE AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. ADOPTION OF THE MINUTES:

It was moved and seconded that the Minutes of the Governance and Priorities Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Monday, 2019-SEP-09 at 1:00 p.m. be adopted as circulated. The motion carried unanimously.

5. REPORTS:

a. GOVERNANCE AND MANAGEMENT EXCELLENCE:

(1) Governance Review

Introduced by Sheila Gurrie, Director, Legislative Services.

(2) Presentation - Governance Engagement, Transparency and Administration

Natalie Sponaugle, Legislative Services Clerk provided a presentation regarding Governance Engagement, which included the following information:

- Two types of public engagement: Community Engagement and Governance Engagement
- There are many ways for the community to engage with Council including: Council Meeting, appearing as a delegation, question period, email and phone
- What the City currently does to engage with the community, what new engagement resources have been implemented and what is coming up in the future to further engage with the community
- The different engagement tools used for each of the four pillars of the strategic plan including Livability, Governance Excellent, Environment Responsibility and Economic Health

Committee discussion took place regarding:

- Methods Council and Committees communicate decisions, goals and initiatives to the public that are being completed or coming forward
- Communication tools that the City of Nanaimo has available to the public

Sheila Gurrie, Director, Legislative Services, provided a presentation regarding Governance, Transparency and Freedom of Information (FOI), which included the following information:

- Previously completed FOI requests, which can be released, will soon be available on the city's website for the public to view
- 2018 FOI files have been compiled and are undergoing final review before being released on the website
- Certain categories including requests for personal information and Nanaimo Fire Rescue incident reports and photos cannot be released

- Legislative Service is currently developing an FOI release procedures policy
- The steps taken to decide which files can be released and which cannot

Committee discussion took place regarding:

- Fire Rescue information and photos being released to the public
- Cost of FOI requests and staff time involved
- Increase and decrease in FOI requests, no cost recovery in place and staff time averages 10 hours per day
- Assistance from Council and other Staff to simplify the process for FOI clerks to search information such as emails, archived emails and correspondence

Jessica Vanderhoef, Steno, Legislative Services, provided a presentation regarding Governance Engagement, Transparency – “In Camera” Releases and Administration, which included the following information:

- Council Policy “Routine Release of “In Camera” Agenda” was amended on 2019-JUL-22 and provides for routine release of “In Camera” Agenda including reports and minutes
- “In Camera” release information can be found at www.nanaimo.ca/goto/InCameraReleases
- Currently the webpage provides releases from 2010 – 2017 and the 2018 and 2019 documents are being prepared
- Routine release of documents is not a legislated but support Governance Excellence regarding openness and transparency
- Review of all agenda, reports and minutes are required as some items need to be redacted, such as:
 - 3rd party information
 - Personal information
 - Law enforcement
 - Litigation and negotiations
- Steps taken to ensure any of the above items are redacted from agenda’s, minutes and report

Committee discussion took place regarding:

- Rise and report option and can this process be completed sooner if there is no confidential information included in the report
- Release of third party information
- Methods that Council can rise and report on an item

Jessica Vanderhoef, Steno, Legislative Service, continued her presentation regarding Governance Administration, which included the following information:

- eSCRIBE is the meeting management software used to prepare reports, agenda and livestream meetings

- Most agendas are now being published electronically which has reduced printing of paper agendas by half
- Outline of agenda and report cycle including all steps taken to produce the agenda
- Meeting statistics include comparing the first seven months of each year, average number of meetings per month, length of council meetings and average number of delegations at Committee of the Whole meetings
- Addition of Consent Items on agendas has likely decreased meeting lengths

(3) Presentation - Procedure Bylaw Amendments

(1) Amendments to "Council Procedure Bylaw 2018 No. 7272"

Sky Snelgrove, Steno Coordinator, provided Council with a presentation regarding the Amendment to "Council Procedure Bylaw 2018 No. 7272", which included the following information:

- 2013 Watson Report recommended that the procedure bylaw be updated
- Registered parliamentarian attended the facilitated engagement session in August of 2018, along with 30 members of the public
- The goal of the amendments are to streamline the administrative process, officially dissolve the Committee of the Whole and address concerns regarding the publishing/printing timeline of the agenda
- Key amendments to the bylaw include:
 1. Remove all references to the Committee of the Whole
 2. Add definition "Task Force"
 3. Change "In Camera" Council meeting start times
 4. Add clause that no Regular Council meetings will be held in August
 5. Change Agenda and Addendum print and publishing days
 6. Change deadline for delegation related to items on the agenda
 7. Change process for delegations not related to agenda items
 8. Delegation speaking to consent items
 9. Consent Items
 10. Committee delegation timelines
 11. Public Hearing process
- Amended Procedure bylaw next steps include three readings at the Regular Council Meeting, 2019-OCT-07, Public Notice, adoption at the Regular Council Meeting, 2019-OCT-21 and to become effective 2019-NOV-01

Committee discussion took place regarding:

- 10 day deadline for delegation speaking to Council, Committees and Task Forces
- Business arising from a delegation and where that would be placed on an agenda and how to properly deal with the item
- Financial implications arising from a delegation would be placed on a Finance and Audit Committee agenda
- Clarification of the process for approving delegation requests
- Delegations would now have the opportunity to speak to Council twice a month at a Regular Council meeting whereas Committee of the Whole meetings were scheduled once a month
- Speaking time for delegations especially in a group

Sky Snelgrove, Steno Coordinator, continued her presentation:

- If changes are needed to the amended bylaw these changes could be brought forward in the future for consideration
- The *Community Charter* mandates that the Council Key Date Calendar for 2020 be published in December of 2019

Committee discussion took place regarding:

- Printing and publishing change from Thursday to Wednesday and if this change decreases the delegations time frame to submit a presentation
- Public perception and ability to address Council if Committee of the Whole meetings are dissolved
- Efficiency of meetings, Staff time involved in creating the agenda and Council's ability to review an agenda before the meeting will be positively affected by these amendments
- Presentations from a group and limiting the number of pages that can be provided in a handout

Jake Rudolph, Chief Administrative Officer, stated that Council and Staff could initiate a 6 month check in meeting regarding the changes to the procedure bylaw to address any concerns stemming from the amendments.

Committee discussion took place regarding:

- Motion needed to appoint a member of Staff or Council to take minutes in the absence of a recording secretary or the City Clerk
- Recording on the minutes who voted for or was opposed
- Feedback from the public regarding the amendments to the procedure bylaw

It was moved and seconded that the Governance and Priorities Committee recommend that Council proceed with three readings and adoption of "Council Procedure Amendment Bylaw 2019 No. 7272.01" as presented. The motion carried unanimously.

The Special Governance and Priorities Committee Meeting recessed at 2:40 p.m.
The Special Governance and Priorities Committee Meeting reconvened at 2:50 p.m.

(4) Agendas Committee

Sheila Gurrie, Director, Legislative Services, provided Council with an overview of the potential Agenda Committee, which included the following information:

- Potential challenges include:
 - Overlapping responsibilities between the agenda committee and the Governance and Priorities Committee (GPC)
 - Legislative and administrative requirements could result in a backlog of reports and unnecessary delays
 - *Community Charter* does not allow for Staff to take direction from individual Council members
 - All members of Council would not be on the committee which could negatively effect Council relationships

Committee discussion took place regarding:

- Negative affects of an agenda committee
- Council having access to the draft agenda earlier so Council members can be better versed in items coming forward
- Risk of some members of Council having influence over the agenda and more information regarding an agenda item if they are on the agenda committee
- Governance and Priorities Committee meeting could decide on discussion items going forward and include a discussion at the end of each GPC meeting
- The request to defer an agenda item is available at any time to Council if a topic needs more discussion or is controversial

Sheila Gurrie, Director of Legislative Services, noted that Staff and the Chief Administrative Officer could meet and discuss a potential method that would allow Council members access to view the draft agenda prior to printing/publishing day.

Jake Rudolph, Chief Administrative Officer, reiterated that GPC meetings are the place for significant discussion and debate on topics and this could include future agenda items.

(5) Presentation - Notice of Motion Policy

(1) Council Policy - Notice of Motion

Introduced by Sheila Gurrie, Director, Legislative Services.

Sky Snelgrove, Steno Coordinator, provided a presentation regarding the proposed Notice of Motion policy, which included the following information:

- This is a draft policy for Council's consideration
- Notice of Motion is a parliamentary tool used to introduce a motion to Council by a member of Council
- Policy outlines duties of each Councillor, Staff member and the City Clerk
- Provides for clear and concise steps and instructions to members of Council that are bringing forward a Notice of Motion
- Staff's input is imperative as a motion could have financial or legal implications that members of Council are not aware of when voting

Committee discussion took place regarding:

- Whether the policy creates more work for Staff and confusion for members of Council
- Council has the option to refer an item to Staff for more information and a Staff Report
- Does a Policy have repercussions if the policy is not followed
- Current process versus the policy
- Following the Notice of Motion, steps could potentially identify legal or financial ramifications that were not obvious when the Notice of Motion was drafted
- Potential Notices of Motion could be brought to the GPC meetings first for discussion and debate
- Steps if a Notice of Motion has no seconder

Sheila Gurrie, Director, Legislative Services, spoke and stated that there are no repercussions if the policy is not followed. The policy is meant to be a guideline for members to follow the appropriate process and provides Staff time to give feedback to Council regarding the implications of a Notice of Motion.

It was moved and seconded that the Governance and Priorities Committee recommend that Council approve the Notice of Motion Policy.

It was moved and seconded that consideration of "Council Policy - Notice of Motion", be deferred to the next scheduled Governance and Priorities Committee meeting, 2019-OCT-07. The motion carried unanimously.

Due to time constraints the following items will be deferred to the next scheduled Governance and Priorities Meeting, 2019-OCT-07:

(6) Presentation - Additional Committees

- (1) Nanaimo Youth Advisory Council
- (2) Advisory Committee on Accessibility and Inclusiveness

d. COMMUNITY WELLNESS/LIVABILITY:

- (1) Correspondence, dated 2019-SEP-20, from Richard Stewart, Mayor, City of Coquitlam, requesting support re: Ride-Hailing letter to BC Minister of Transportation
-

Introduced by Mayor Krog.

It was moved and seconded that the Correspondence, dated 2019-SEP-20, from Richard Stewart, Mayor, City of Coquitlam, requesting support re: Ride-Hailing letter to BC Minister of Transportation be deferred to the next scheduled Regular Council Meeting, 2019-OCT-07. The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 4:00 p.m. that the meeting terminate. The motion carried unanimously.

CERTIFIED CORRECT:

CHAIR

CORPORATE OFFICER

MINUTES
GOVERNANCE AND PRIORITIES COMMITTEE MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE,
411 DUNSMUIR STREET, NANAIMO, BC
MONDAY, 2019-OCT-07, AT 1:00 P.M.

Present: Councillor Turley, Chair
Mayor L. Krog
Councillor S. D. Armstrong
Councillor D. Bonner
Councillor T. Brown
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor Z. Maartman
Councillor I. W. Thorpe

Staff: J. Rudolph, Chief Administrative Officer
R. J. Harding, General Manager, Parks, Recreation and Culture
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
L. Mercer, Director of Financial Services (arrived 1:56 p.m.)
K. Fry, Fire Chief
G. Norman, Deputy Fire Chief - Administration
G. Whiting, Assistant Fire Chief (arrived 1:20 p.m.)
J. Le Masurier, Assistant Chief, Education & Training (arrived 1:20 p.m.)
F. Farrokhi, Manager, Communications
D. Blackwood, Client Support Specialist (vacated 1:09 p.m.)
S. Gurrie, City Clerk
S. Snelgrove, Steno Coordinator (vacated 1:50 p.m.)
J. Vanderhoef, Recording Secretary

1. **CALL THE GOVERNANCE AND PRIORITIES COMMITTEE MEETING TO ORDER:**

The Governance and Priorities Committee Meeting was called to order at 1:00 p.m.

2. **INTRODUCTION OF LATE ITEMS:**

(a) Add – Agenda Item 5(e)(2) - Discussion re: Boathouse and Paddling Centre

3. **APPROVAL OF THE AGENDA:**

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. REPORTS:

a. GOVERNANCE AND MANAGEMENT EXCELLENCE:

(1) Governance Review - Continued from 2019-SEP-30

Introduced by Sheila Gurrie, Director, Legislative Services.

(1) Council Policy - Notice of Motion

Sheila Gurrie, Director, Legislative Services, spoke regarding the draft Notice of Motion policy. The draft policy has been updated based on discussion during the 2019-SEP-30 Governance and Priorities Committee meeting and is intended to outline the process.

Committee discussion took place regarding the following:

- Background information and delays
- Appropriate meeting date to bring a notice of motion forward and bringing items to other meeting types

Sheila Gurrie, Director, Legislative Services, noted that a notice of motion is intended to address items that are unscheduled and not agenda planning topics.

D. Blackwood vacated the Boardroom at 1:09 p.m.

It was moved and seconded that the Governance and Priorities Committee recommend that Council approve the Notice of Motion Policy. The motion carried unanimously.

(2) Presentation - Additional Committees

(1) Nanaimo Youth Advisory Council

Introduced by Sheila Gurrie, Director, Legislative Services.

Sky Snelgrove, Steno Coordinator, provided a presentation regarding the following:

- Nanaimo Youth Advisory Council overview and challenges
- Recommendation to dissolve committee and engage youth through other means

Committee discussion took place regarding:

- Holding a membership position for youth in other committees

Sheila Gurrie, Director, Legislative Services, spoke regarding other methods of engaging with youth such as social media. She noted that engaging in a committee format is not working for youth.

G. Whiting and J. Le Masurier entered the Boardroom at 1:20 p.m.

Committee discussion took place regarding:

- Council members attending various youth meetings within the community
- Talking with the School District and other organizations about engagement opportunities
- Other organizations already in place and overlapping meetings
- Inviting youth to a Governance and Priorities Committee Meeting (GPC) to hear what would work best
- Eco Clubs being created in high schools and potential partnering opportunities
- Asking for more information about Eco Clubs during an upcoming meeting with the School Board

It was moved and seconded that the Governance and Priorities Committee recommend that Council dissolve the Nanaimo Youth Advisory Council. The motion carried unanimously.

(2) Advisory Committee on Accessibility and Inclusiveness

Sheila Gurrie, Director, Legislative Services, provided a presentation regarding the following:

- Striking an advisory committee on accessibility and inclusiveness
- Proposed terms of reference
- Potential membership

Committee discussion took place regarding:

- Changing the name to diverse abilities instead of accessibility
- Canadian Nanaimo Institute for the Blind being a member
- Reasons why Snuneymuxw First Nation were not listed as members:
 - Recognized organized government
 - Out of respect
 - Not intended to limit their engagement in the committee
 - Already have the Protocol Agreement Working Group (PAWG)
- Staff administrative support for the committee
- Tying into other committees like this already in the community
- Including a women's group

Richard Harding, General Manager, Parks, Recreation and Culture, noted that Staff reviewed other municipalities such as Prince George and Kamloops to compare best practices.

Committee discussion continued regarding:

- Reasons for United Way being suggested in membership:
 - Federal government entity for addressing homelessness and housing issues
 - Agency that has a strong grasp on issues in the community
- Proposed changing the terms of reference meeting frequency to every two months rather than monthly
- Concern of limiting membership through invitations and proposed a blanket invite to organizations

Richard Harding, General Manager, Parks, Recreation and Culture, spoke regarding the rationale behind the 13 members suggested. He noted that Staff looked at other municipalities for examples and tried to select organizations that provided a broad spectrum of experience and involvement.

Committee discussion continued regarding selection bias being an issue if Council selects members through a blanket invitation.

Sheila Gurrie, Director, Legislative Services, suggested the meeting frequency be changed to every two months, and noted that the organizations suggested for membership have not been contacted yet.

Committee discussion continued regarding:

- Publicly requesting feedback
- The purpose of this committee is to seek input from groups that might not otherwise be engaged
- Representation on this committee and leaving out key groups
- Specific physical disabilities are intended to be captured under the representative from Island Health and the Child Development Centre
- Some of the larger groups listed can provide information on more specific groups
- Groups like this already existing in the community such as – Access Nanaimo; however, inactive for a number of years

Jake Rudolph, Chief Administrative Officer, suggested a two step process where Staff solicit feedback and input through the City's website before moving forward and requesting action from Council. He suggested putting information on the website for 30 days while this topic is being contemplated and ask for community feedback. He noted that this current draft is based on similar committees that have worked well in other communities.

It was moved and seconded that the Governance and Priorities Committee recommend that Council refer "Advisory Committee on Accessibility and Inclusiveness" to Staff for further input and information. The motion carried unanimously.

Sheila Gurrie, Director, Legislative Services, provided a presentation regarding committee meeting resources. She noted issues with scheduling conflicts for Councillors and the limited amount of time available to schedule additional meetings.

Committee discussion took place regarding:

- Exploring a Public Safety Committee

L. Mercer entered the Boardroom at 1:56 p.m.

- Alternate approaches to addressing public safety issue
- Addressing public safety and what a potential task force could be tasked with

S. Snelgrove vacated the Boardroom at 1:50 p.m.

The Governance and Priorities Committee meeting recessed at 2:01 p.m.

The Governance and Priorities Committee meeting reconvened at 2:08 p.m.

b. COMMUNITY WELLNESS/LIVABILITY:

(1) Presentation re: Fire Department Update and Services Delivery Plan

Karen Fry, Fire Chief, noted that it is fire prevention week in Nanaimo and provided a presentation regarding the Service Delivery Plan which included the following:

- Fire Station #1 Update: open house information session, value engineering workshop, commissioning agent appointed, development permit application submitted, Class B cost estimate delivered, 50% design implemented
- Next Steps: attending a Design Advisory Panel meeting, development permit variance, completing 75% design documents, cost check – class A, advanced procurement notice and presentation, publish tender documents, and award construction contract
- Current Health and Wellness Initiatives: November partnering with First Responders Cardiology Research as the first department to be tested for cardiology, headspace meditation app, resilient minds training completed
- Council Policies: requirement for four member engines, goal response time six minutes or less in 90% of incidents
- Types of incidents where the Fire Department responds
- Currently arrive on scene within six minutes 73% of the time
- Distribution of Calls for Service across the City
- Mutual aid agreements with other neighbouring jurisdictions
- 88 cardiac related incidents so far this year
- First Responders and Emergency Responders
- Changes to colour coding of BC Emergency Health Services Response
- Emergency Medical Responders and training benefits of higher training level of support

- Recommended Council request a report on transitioning pre-hospital care up to Emergency Medical Responder (EMR)
- Current Fire Plan was a 10 - 15 year overall plan with 3-year service delivery plans

Committee discussion took place regarding the following:

- Jurisdictional issues regarding level of support and providing EMR training to firefighters
- Calls for cardiac arrest being responded to by a firetruck
- Other municipalities that are running paramedics in firetrucks

Karen Fry, Fire Chief, continued her presentation as follows:

- Fires are burning hotter due to new construction materials and furnishings
- Community Education: firefighters have been training in the community at schools, open houses and City facilities, planning to provide training to Snuneymuxw First Nation and Vancouver Island University (VIU) 2019 – 2021
- Smoke alarm initiative to target public education and increase prevention
- Vancouver Island Emergency Response Academy previously partnered with VIU and is now an in-house accredited training academy
- Planning for Growth and Service – previously discussed fire station in Departure Bay - research is underway with recommendations for other locations
- Recommendation that the Fire Department Master Plan be included in budget discussions
- Pressures and Focus: focusing on open house days instead of tours, requests for service at events, industry standards changing, WorkSafe standards, mental health and wellness, increased fire propagation, wildland interface, filling incident command positions
- Fire Department taking a leadership role in looking at environmental aspects and climate change

It was moved and seconded that the Governance and Priorities Committee recommend that Council direct Staff to prepare a report for Council on transitioning pre-hospital care up to Emergency Medical Responder. The motion carried unanimously.

Committee discussion took place regarding:

- Speed with which buildings are burning and data on loss of life due to changes in materials
- WorkSafe mandated equipment being included in the budget
- Traffic management to improve response times
- Flashover rate and communicating ways to reduce fire spread

c. AGENDA PLANNING:

(1) Governance and Priorities Committee Agenda Planning

Committee discussion took place regarding:

- Creation of a Public Safety Task Force
- Would a Public Safety Task Force be necessary with the Health and Housing task force addressing homelessness issues
- Lack of control or power to act on the issues
- Requested a fulsome discussion at a GPC meeting
- Ensuring the public voices are being heard
- Recent Town Hall meeting
- Inviting members of the public to the GPC meeting
- Using subject based GPC meetings as alternative to additional committees
- Inviting the public to submit delegations to speak on this topic
- Methods for the public to address Council
- Goal of a GPC meeting on Public Safety: education of the public, communications strategy and understanding the City's role
- GPC meeting not to focus on whether or not a public safety task force is needed, but how best to provide attention to this issue

It was moved and seconded that public safety be a subject for an upcoming Governance and Priorities Committee meeting. The motion carried unanimously.

(2) Discussion re: Boathouse and Paddling Centre

Mayor Krog noted that he had recently met with the Boathouse and Paddling group and was advised they might be looking for a more significant contribution from the City for progress on the Boathouse and Paddling Centre. He asked if Council would be interested in hearing another presentation from this group.

Committee discussion took place regarding the following:

- Details of project budget
- Return on investment to the community
- Gas tax funding as an option for funding
- Where this project fits within the list of capital projects

It was moved and seconded that the Governance and Priorities Committee recommend that Council direct Staff to invite the Boathouse and Paddling Centre to make a presentation at a future Council meeting. The motion carried unanimously.

Committee discussion took place regarding:

- Arts community is awaiting activity and engagement around the arts and culture committee
- Having a GPC meeting regarding arts and culture

It was moved and seconded that arts and culture be a subject for an upcoming Governance and Priorities Committee meeting. The motion carried unanimously.

Councillor Hemmens spoke regarding a conversation she had recently with the Medical Director, Nanaimo Community.

It was moved and seconded that the Governance and Priorities Committee recommend that Council direct Staff to invite the Medical Director, Nanaimo Community, to make a presentation during a future Council meeting. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 3:50 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

DATE OF MEETING October 28, 2019

AUTHORED BY BILL CORSAN, DIRECTOR, COMMUNITY DEVELOPMENT

SUBJECT **BYLAW SERVICES FUNCTION – BACKGROUND INFORMATION**

OVERVIEW

Purpose of Report:

To provide Council with an overview of the Bylaw Services Section.

BACKGROUND

At the 2019-AUG-26 Council meeting, it was moved and seconded that:

“Council direct Staff to prepare a report and presentation for a Governance and Priorities Committee meeting that provides an overview of the bylaw enforcement function, breakdown of the annual enforcement budget and revenues, and how this compares with other similar municipalities and the general bylaw policy of the organization”.

DISCUSSION

The Bylaw Services Section plays a key role within the City of Nanaimo by investigating, mediating, and resolving bylaw violations. Staff in the section provide service directly to the public and interact with Staff throughout the organization daily.

The Bylaw Services Section has three main areas of operation:

- Bylaw enforcement & security
- Parking services
- Animal control

A detailed breakdown of the section is outlined in Attachment A: Bylaw Services and Parking 2020 Business Plan.

Bylaw Enforcement & Security

The Bylaw Services Section has 4 full-time bylaw officers and two administrative staff who respond to complaints from the public, City departments, and other agencies. The budget for the service in 2019 was \$1,671,711. Revenue in 2019 was \$354,275.

The group is charged with enforcing the City's regulatory bylaws and respond to over 2,400 calls per annum. The most common calls relate to parking, security (encampments), unsightly property, assisting the public, noise from dogs, security, and noise.

The team also work with other City Staff to review, update, and develop new regulatory bylaws.

An increasingly important role has been an increase in response to the impacts of the opioid crisis and homelessness concerns throughout the community. The team responded to 161 encampment calls in 2016, with the number more than doubling to 377 in the last two years.

The 2020 Business Plan identifies an expansion of the graffiti removal program, and an update to the "Traffic and Highways Regulation Bylaw 1993 No. 5000" as key initiatives for next year.

Parking Services

The Bylaw Services Section manages three City-owned parkades (Bastion, Harbourfront, and Port of Nanaimo Centre) and three surface public parking lots in the downtown core. The budget for Parking Services was \$1,270,282 in 2019, with revenue of \$1,667,749.

The City has 6 full-time employees (FTEs) dedicated to parking patrol and one administrative staff to operate the parking function. The Staff are based out of the Community Policing and Services Office at 18 Victoria Crescent. Staff will be returning to Council with a report on options relating to the long-term use of this office space.

In addition to managing and enforcing parking, the team respond to public security and homelessness matters and provide support for special events in the downtown core.

The 2020 Business Plan identifies the implementation of the Hospital Area parking enforcement plan and a capital plan to replace the membranes in the Bastion and Harbour Front parkades as key initiatives.

Animal Control

The City of Nanaimo has a contract with Nanaimo Animal Control Services Ltd to enforce the City's "Licencing and Control of Animals Bylaw 1995 No. 4923" and to operate the pound and adoption centre for the City of Nanaimo. The contract has a value of \$457,840 per annum with an additional \$22,050 to supply a seasonal employee from May 1 to September 31 each year.

The contractor operates out of a City-owned facility at 1260 Nanaimo Lakes Road. The contracted level of service has remained the same since the mid-1980s, and minimal maintenance has been performed on the existing facility.

In 2018, animal control officers responded to 2,799 complaints. In total, 210 dogs were under the care of the animal control contractor, with 83% of those reunited with their owner. 29 cats were under the care of the contractor, with 6 cats claimed by their owner, and 19 adopted to new homes.

The 2020 Business Plan has flagged the renewal of the animal control contract in 2020 as a key initiative. Prior to the renewal of the contract, Staff are conducting a service review to determine if the City is receiving best value, and if not, what alternative approaches may be considered going forward.

CONCLUSION

The Bylaw Services Section is an important function to the City of Nanaimo investigating, mediating, and resolving bylaw violations. The team also manages the City's parking function and oversees the animal control service contract.

SUMMARY POINTS

- A Governance and Priorities Committee meeting has been set for 2019-OCT-28 to provide Council with a review of the bylaw enforcement function.
- The Bylaw Services Section delivers bylaw enforcement and security, parking services, and animal control services for the City of Nanaimo.
- The 2020 Bylaw Services Business Plan layouts out a number of key initiatives for the coming year, including the continued efforts to provide support for the opioid crises and downtown security, implementation of the Hospital Area parking enforcement plan, upgrades to the Bastion and Harbour Front parkades, and a service review of the animal services contract.

ATTACHMENTS

ATTACHMENT A: Bylaw Services & Parking 2020 Business Plan

Submitted by:

Bill Corsan
Director, Community Development

Concurrence by:

Jeremy Holm, Director, Development
Approvals on behalf of Dale Lindsay General
Manager, Development Services

Dave LaBerge
Manager, Bylaw Services



DEVELOPMENT SERVICES

Bylaw Services and Parking

2020 Business Plan



Bylaw Services and Parking

OVERVIEW

The Community Development’s Bylaw Services section identifies, investigates, mediates and resolves bylaw violations, and provide enforcement services to all City Departments.

Three bylaw officers, two clerks and a bylaw supervisor work out of the Service and Resources Center (SARC, 411 Dunsmuir St), providing general enforcement services including property maintenance, noise, zoning, building, nuisances, barking dog investigations.

Social disorder and challenges associated with the Opioid Crisis, homelessness and mental health issues have impacts on the city’s public spaces and parklands, and require significant bylaw resources. Bylaw officers work closely with police, housing and health services addressing homelessness and encampments throughout the community.

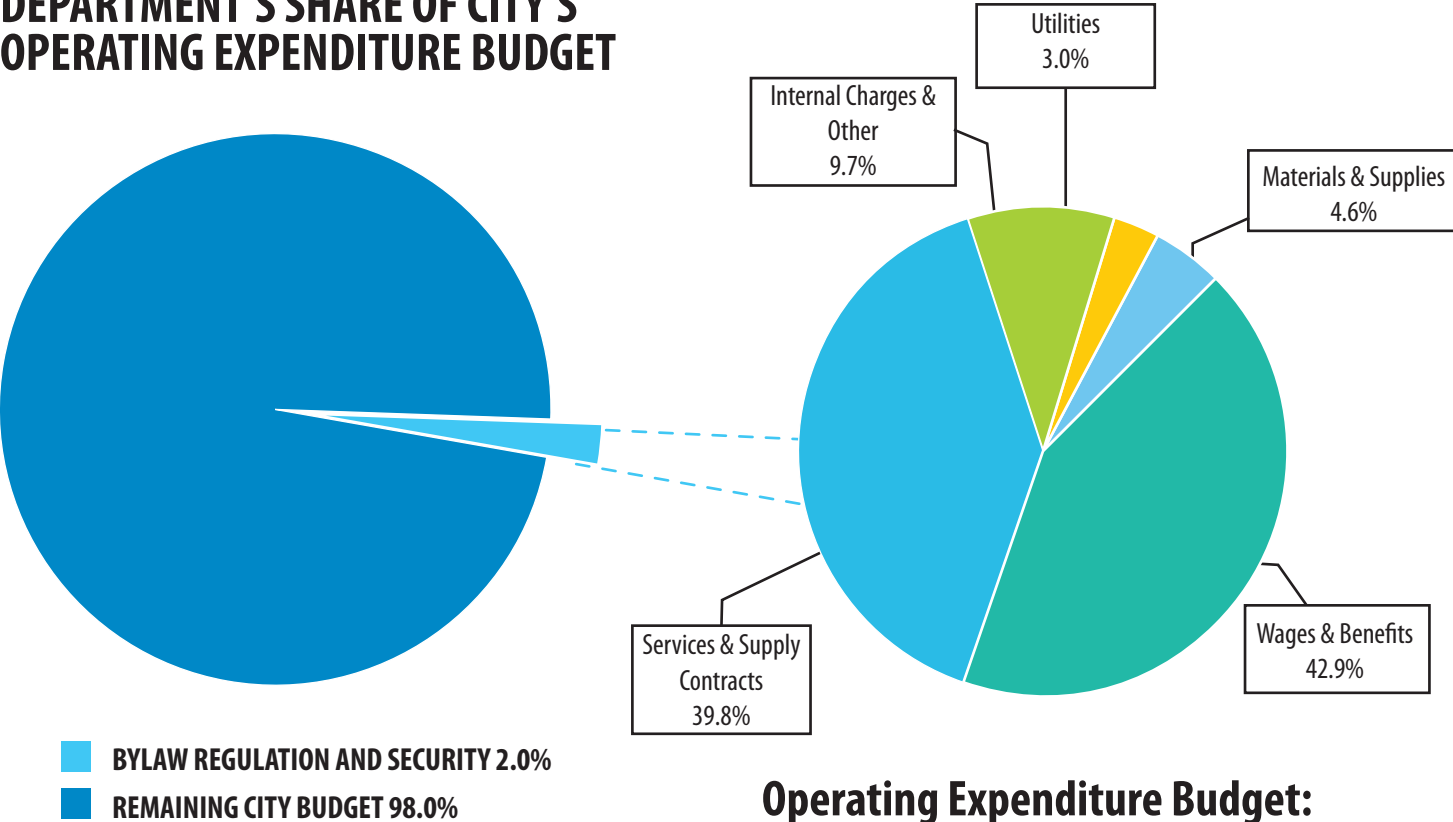
Six parking and bylaw enforcement officers and a parking clerk work out of the Community Policing and Services Office (18 Victoria Crescent) providing bylaw, traffic and parking enforcement and security services to the downtown area, civic facilities and the City’s waterfront boat ramps. The scope of these services will extend to the Hospital Area in the fall of 2019. Bylaw staff manage the City’s parking facilities and street surface lots.

The Bylaw Manager reports to the Director of Community Development and administers all bylaw, parking, parking and animal shelter facilities, bylaw adjudication and contracts for animal control services, and participates in the nuisance property committee, graffiti task force, health and housing task force and the Nanaimo Homelessness Coalition.

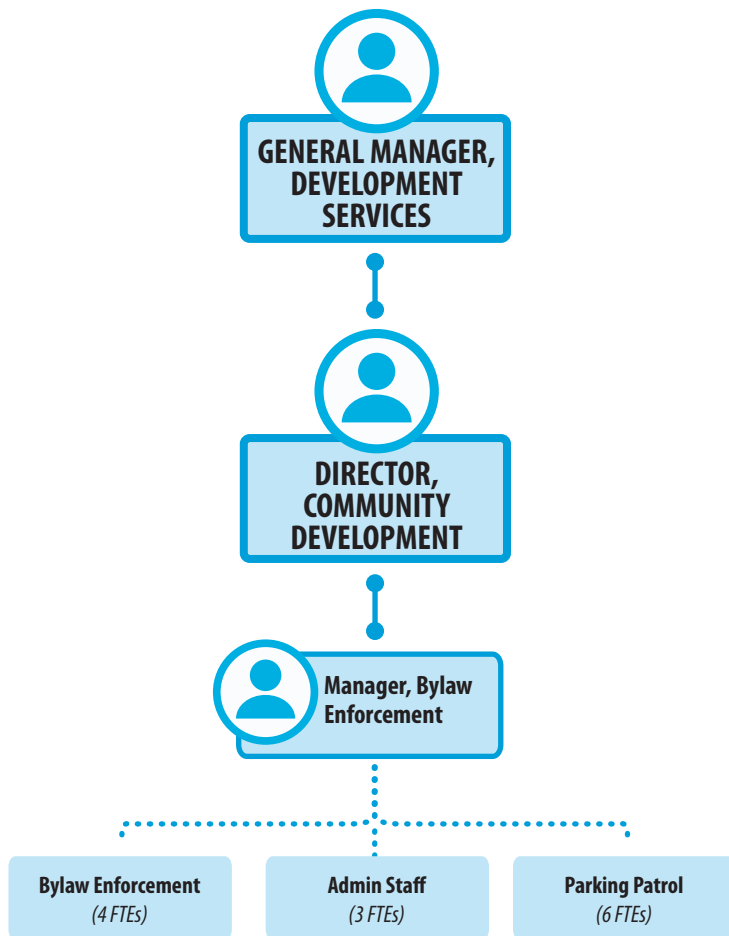
Core Services

- Bylaw enforcement and security
- Parking services
- Animal control

DEPARTMENT’S SHARE OF CITY’S OPERATING EXPENDITURE BUDGET



LEVEL OF SERVICE



Bylaw Services

- Responds to complaints from the public, city departments and other agencies. Investigates and enforces regulatory bylaws
- Develops and updates city regulatory bylaws
- Responds to public security & homelessness matters
- Administers nuisance property abatement program
- Administers city ticketing and adjudication systems
- Provides corporate security advice on property and employee safety
- Provides property maintenance regulation of unsightly conditions; informing the owner they must comply with property maintenance by laws

Parking Services

- Manages three City-owned parkades and three surface public parking lots in the downtown core:
 - The City-owned parkades provide 886 public parking stalls. Utilization of the parkades has increased steadily since 2014 due to a rise in monthly parking passes and agreements with downtown businesses. The Harbourfront facility has a 100% commitment for monthly passes, while the Vancouver Island Conference Centre (VICC) parkade is at 76% capacity and the Bastion parkade is at 75% capacity during the day. As a result, revenue has risen from \$940,000 in 2014 to a projected \$1,250,000 in 2019.
 - The City-owned surface lots provide 165 public parking stalls. Utilization of the surface lots at Wentworth, Cavan and Selby Streets have remained consistent between 2014 to 2019 with monthly parking passes accounting for 85% of utilization. Revenue for the three surface lots is projected to be \$141,000 in 2019.
- Manages and enforces downtown parking, parkades, meters, timed parking and residential parking
- Enforces regulatory bylaws downtown
- Responds to public security & homelessness matters
- Liaises with the contracted private security
- Manages parking in the hospital neighbourhood
- Administers parking permits
- Provides municipal support to business and special events
- Liaises with the RCMP Bike Patrol

Animal Control

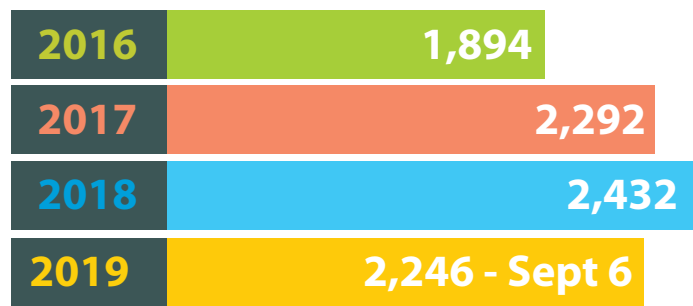
- Animal Control Services provided by a contracted service provider
- Enforces animal control bylaw and controls animals in City parks
- Removal of animal carcasses from public highways and beaches

Bylaw Services and Parking

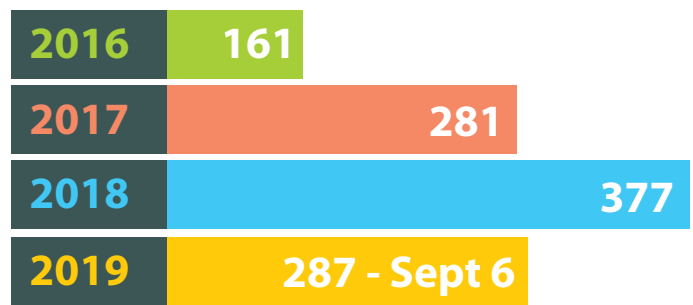
2019 ACHIEVEMENTS

- Updates to various bylaws: A number of amendments have been made to various bylaws, including the parks bylaw, public nuisance bylaw, bylaw enforcement bylaw, nuisance abatement and cost recovery bylaw, and the traffic bylaw.
- New staff: Two new parking bylaw enforcement officers and a number of new-hire replacements for bylaw enforcement in 2019.
- Homelessness: the City's bylaws were updated in 2019 to conform to Court decisions prescribing locations and circumstances in which overnight sheltering is permitted. Bylaw enforcement worked collaboratively with police and outreach services to assist in the closure of the Port Drive Tent City transitioning individuals to temporary housing sites and shelter facilities.
- Public Disorder: Bylaw Services are responsive to matters relating to public disorder, homeless encampments and open drug use in public spaces. A graffiti action team was created to respond to significant increases in graffiti vandalism.
- Nuisance Properties: The Nuisance Property Committee addressed chronic nuisance issues occurring at numerous properties through informal resolutions with owners, and referred several properties to Council for nuisance designation. A new Nuisance Abatement Bylaw has been presented to Council with updated authorities and a flat-rate fine of \$250.00 for nuisance calls. Thirty-two properties were reviewed by the Committee, and two properties were designated as nuisances by Council.

TOTAL BYLAW CALLS

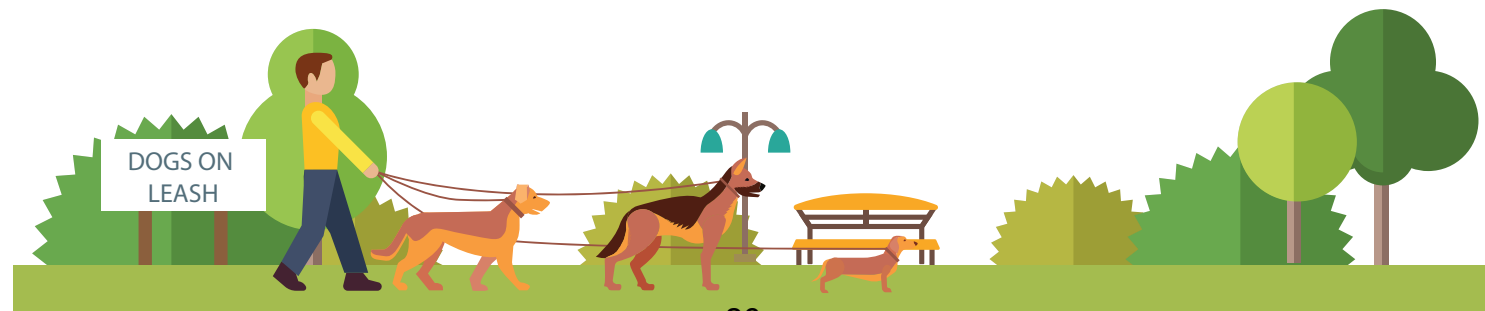


TOTAL ENCAMPMENT CALLS



2018 Bylaw Calls - By Description

Parking - 460	Environmental issues - 23
Security (encampments) - 377	Assist parks department - 22
Unsightly Property - 278	Nuisances - 20
Assist public or city department - 197	Panhandlers - 20
Noise (dogs) - 159	Assist planning department - 19
Security - 135	Abandoned autos - 10
Noise - 135	Assist business licensing - 9
Security (sleeper) - 108	Street entertainers - 9
Dumping - 100	Assist fire department - 7
Security (drug-related) - 55	Impounded vehicle - 7
Security (parkade) - 50	Security (miscellaneous) - 4
Signs - 45	Illegal suites - 3
Graffiti - 40	Unsafe structure - 3
Assist building department - 37	Assist animal control - 2
Assist public works - 34	Dust - 2
Assist RCMP - 27	Suspicious persons - 2
Traffic - 26	



Bylaw Services and Parking

2019 ACHIEVEMENTS, cont'd

- Parking: a replacement License Plate Recognition vehicle was acquired in 2019 which facilitates efficient parking enforcement over broad areas, and is being used in parking congested areas downtown, around civic facilities, parks, boat ramps and ferry terminals. A new parking enforcement plan will commence in the Hospital area in the fall of 2019.

DOWNTOWN PARKADE PASS INVENTORY – SEPTEMBER 2019

Parkade	Total Space	Permit Capacity	Current Pass Occupancy	Public Space Remaining
Bastion	292	208	205	30%
Harbour Front	301	301 <i>(includes 150 for Coast Hotel)</i>	299	0-10% minimal
Port of Nanaimo Centre (VICC)	308	308 <i>(includes 75 for VICC events)</i>	234	25%



TICKETING OFFENCE SUMMARY FROM JAN 01, 2019 TO SEPT 06 2019

Revenue Group	Number of Offences	Fines
Animal	174	\$21,000
Bylaw	1,136	\$48,000
Parking	4,136	\$128,000

TICKETING OFFENCES BY TYPE FROM JAN 01, 2019 – SEP 06, 2019

Bylaw	Description	Offences	Fines
3704	Property Maintenance	2	\$200
4500	Zoning	11	\$2,200
4750	Noise Control	6	\$600
4923	Animal Control	174	\$21,300
5000	Traffic & Highways (includes parking)	4,944	\$167,105
5648	Nuisance and Disturbance	34	\$5,100
7049	Fire Works	1	\$200
7073	Parks Regulation	50	\$7,500
7109	Street Entertainers	4	\$200
7242	Property Maintenance	10	\$1,500
7268	Smoking	1	\$250
Total Revenue			\$210,070

Bylaw Services and Parking

KEY CHALLENGES FOR 2020

- Bylaws - calls for services relating to homelessness and social disorder can take up to 75% of front-line bylaw resources at times. The mitigation and clean-up of encampments and the related public safety issues is a priority to the community. A number of key challenges arise from these circumstances:

- Increase in violence toward bylaw officers resulting in work related injuries and requirements for additional training and equipment.
- Bylaw officers are often first responders to public disorder matters which should be police calls.
- The size and nature of encampments often require attendance of 2-5 bylaw officers on multiple occasions with police support.
- Bylaw officers remove multiple truckloads of abandoned debris and garbage on a daily basis, resulting in an increase of more than \$6,000.00 in hauling and tipping fees in 2019.
- Significant costs are incurred cleaning up large encampments in public spaces.
- Fire hazards and damage to habitat
- Demands for service relating to homelessness issues impact ability to provide timely response to other bylaw matters.

- Parking

- A downtown parking plan with phased stages of implementation was previously initiated, but discontinued, leaving inconsistencies in areas with free and metered pay parking. The downtown transportation study currently being led by the Traffic Engineering section will provide a framework for future parking management strategies.

- Repeated incidents of vandalism resulted in the removal of over 100 single-head parking meters downtown and loss of significant parking revenue.
- Increasing vehicle-related theft and damage occurring in downtown City Parkades requires robust security and infrastructure upgrade considerations.
- The three downtown City-owned parkades are highly utilized, with increasing periods of congestion impacting hotel patrons and other user groups.

- Animal Control

- The Animal Control contract will expire in 2020 and will require updating and revision.
- The animal shelter facility requires replacement or significant renovation to meet current standards of animal care, which has been identified in an Animal Shelter Improvements Business Case.
- Service levels for animal control services which include dog licensing, enforcement, investigations, operation of the animal shelter facility and removal of animal carcasses from City streets and beaches have not been adjusted to keep up with population growth since the 1980's.



QUARTER

1

ENFORCEMENT

- Implementation of the Hospital Area parking enforcement plan.

QUARTER

2

ANIMAL CONTROL

- Updating and posting contract for Animal Control

QUARTER

3

GRAFFITI

- Expansion of a coordinated approach to address graffiti to clean up public and private infrastructure throughout the City.

PARKING

- Ongoing capital projects to replace surface membranes on Bastion and Harbour Front Parkades.

QUARTER

4

BYLAWS

- Updating Traffic and Highways Bylaw

DOWNTOWN TRANSPORTATION

- Supporting the implementation of downtown transportation plans

Bylaw Services and Parking

PROPOSED OPERATING BUDGET

	2019	2019	2020	2021	2022	2023	2024
	Approved Budget	Restated Budget*	Draft Budget	Draft Budget	Draft Budget	Draft Budget	Draft Budget
Revenues							
Bylaw Enforcement & Security	\$ 354,275	\$ 354,275	\$ 370,500	\$ 374,205	\$ 377,947	\$ 381,725	\$ 385,544
Parking Services	1,667,749	1,667,749	1,813,237	1,831,369	1,849,684	1,868,180	1,886,861
Annual Operating Revenues	\$ 2,022,024	\$ 2,022,024	\$ 2,183,737	\$ 2,205,574	\$ 2,227,631	\$ 2,249,905	\$ 2,272,405
Expenditures							
Bylaw Enforcement & Security	\$ 1,657,304	\$ 1,671,711	\$ 1,679,517	\$ 1,708,395	\$ 1,736,577	\$ 1,771,097	\$ 1,806,305
Parking Services	1,260,168	1,270,282	1,372,241	1,394,582	1,419,619	1,447,962	1,476,719
Annual Operating Expenditures	\$ 2,917,472	\$ 2,941,993	\$ 3,015,758	\$ 3,102,977	\$ 3,156,196	\$ 3,219,059	\$ 3,283,024
Net Annual Operating Expenditures**	\$ 895,448	\$ 919,969	\$ 868,021	\$ 897,403	\$ 928,565	\$ 969,154	\$ 1,010,619
Staffing (FTEs) - Budgeted	14.0	14.0	14.0	14.0	14.0	14.0	14.0

* Restated budget reflects allocations of committed contingency as a result of CUPE contract settlement

**Does not reflect transfers to General Parking Reserve. Net operating revenue from parking operations is transferred to General Parking Reserve.

PROPOSED OPERATING BUDGET

	2019	2019	2020	2021	2022	2023	2024
Expenditure Summary	Approved Budget	Restated Budget*	Draft Budget	Draft Budget	Draft Budget	Draft Budget	Draft Budget
Wages & Benefits	\$ 1,225,001	\$ 1,249,522	\$ 1,308,758	\$ 1,330,343	\$ 1,356,947	\$ 1,384,090	\$ 1,411,768
Services & Supply Contracts	1,184,808	1,184,808	1,214,987	1,239,286	1,264,075	1,289,353	1,315,139
Materials & Supplies	131,199	131,199	140,710	137,098	131,411	134,042	136,718
Utilities	99,800	99,800	90,685	92,499	94,347	96,234	98,159
Internal Charges & Other	276,664	276,664	296,618	303,751	309,416	315,340	321,240
Annual Operating Expenditures	\$ 2,917,472	\$ 2,941,993	\$ 3,051,758	\$ 3,102,977	\$ 3,156,196	\$ 3,219,059	\$ 3,283,024

* Restated budget reflects allocations of committed contingency as a result of CUPE contract settlement



Governance & Priorities Committee
BYLAW ENFORCEMENT
October 28, 2019



Agenda

- **Bylaw Services**
 - Organization
 - Units / Duties
 - Calls for Service
 - Commonly-used Bylaws
 - Bylaw Investigations
 - Enforcement Continuum
 - Enforcement/Litigation Costs
 - Diversity in Enforcement Approaches
 - Homelessness
 - Role of Council
- **Parking Services**
 - Downtown Parkades / Surface Lots
 - On-Street Parking
 - Parking Quick-Facts
- **Animal Control Services**
 - Service Overview
 - 2020 Initiatives

BYLAW REGULATION AND SECURITY SERVICES & PARKING

2019 Approved Budget

Revenue

Bylaw & Security \$354,275
Parking Services \$1,667,749

Expenditures

Bylaw & Security \$1,671,711
Parking Services \$1,270,282

Net Annual Operating Expenditures

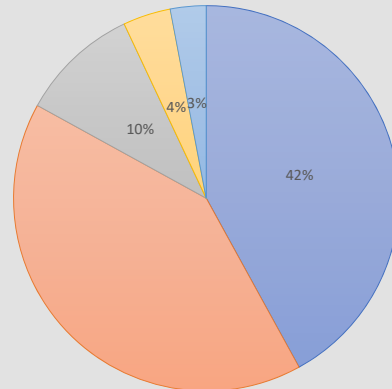
\$919,969

Staffing: 14 FTE's

Operating Expenditure Budget

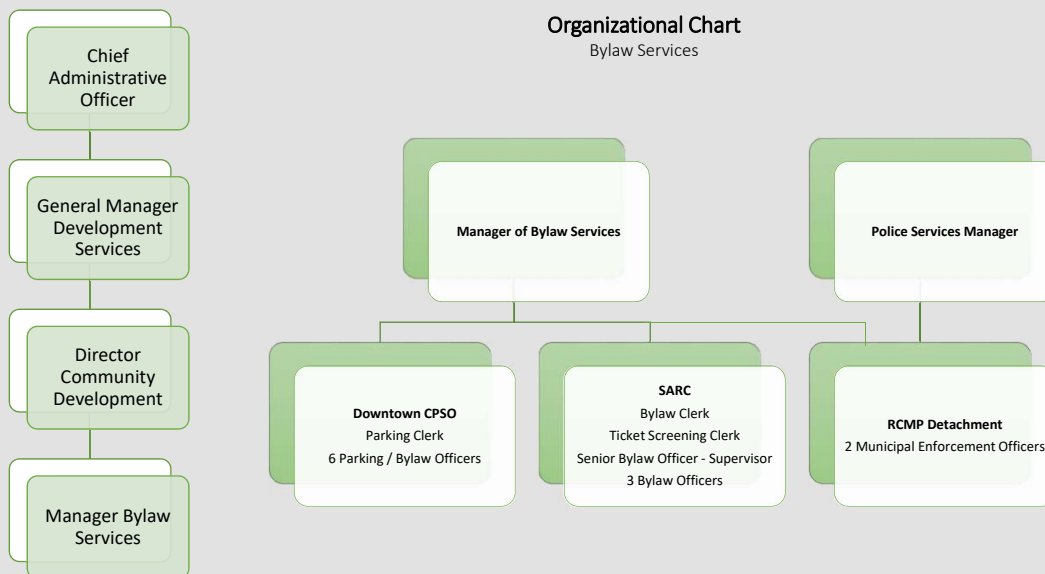
\$3,051,758

(2% OF City Budget)



Organizational Chart

Bylaw Services



Bylaw Enforcement Officers (3 & Senior Officer Supervisor)



Worksite

SARC Building

Reporting Structure

Senior Bylaw Officer

Duties

Enforcement of all bylaws

Assistance to all City Departments (bylaw updates, enforcement, security)

Nuisance Property Abatement Program

Administration of ticketing & adjudication systems

Security Matters outside of Downtown area

Call Dispatching

Bylaw Clerks (SARC)

Monday – Friday daytime coverage

Current Issues

Homeless/security matters dominate most time

Increasing incidents of assaults / injuries

Resulting in workplace injuries, sick time, long-term leave

Downtown Parking Patrol / Bylaw Enforcement Officers (6)



Worksite

Community Policing & Services Office 18 Victoria Crescent

Reporting Structure

Manager of Bylaw Services

Duties

Any Bylaw/Security matters Downtown & Protection Island
Parking Permitting

Parking & Traffic Enforcement

Downtown parkades, streets, surface lots

Brechin Boat Ramp

City facilities near VIU (NIC, NAC, Stadium)

Hospital Area (2020)

Call Dispatching

SARC Bylaw Clerks and Parking Clerk

7 Day a week coverage

Current Issues

2 new officers summer 2019 – out of SARC

New license plate recognition vehicle 2019

Security / Homeless Encampments

Municipal Enforcement Officers (2)



Worksite

Reporting Structure

Duties

Call Dispatching

Current Issues

RCMP Detachment

Administration – Police Services Manager

Operational – Bylaw Services Manager

Commercial vehicles, truck routes,
dangerous goods

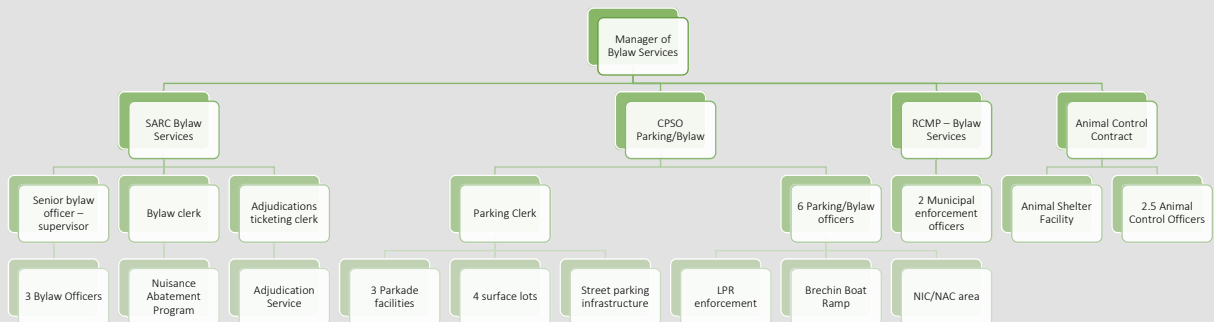
Traffic & parking all areas not covered by
downtown bylaw unit

Support services to RCMP

Weekdays – SARC bylaw clerks

Weekends – Public Works

2019 access to police radios & record
systems terminated



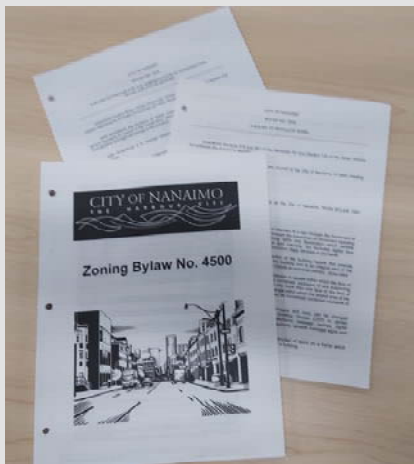
BYLAW CALLS & HOMELESSNESS / SECURITY

Bylaw Calls for Service Calls to Homeless Encampments Homelessness – Point in Time Counts			
Year	Total Bylaw Calls	Homeless Encampments	PiT Counts
2015	2,141	100	
2016	1,894	161	175
2017	2,292	281	
2018	2,432	377	335
2019	2,246 (to Sept 6)	287 (YTD)	

2018 Bylaw Calls by Description	
Security encampments	377
Security general	135
Security sleeper	108
Security drug related	55
Security parkades	50
Panhandling	20
Total	746



COMMONLY USED BYLAWS



Traffic & Highways
 Zoning
 Maintenance of Property
 Business
 Building
 Nuisance Property Abatement
 Animal Control
 Parks
 Signs
 Soil Removal
 Noise Control
 Dust Control

Bylaw Calls – by description				Bylaw Calls – by description				Bylaw Calls – by description			
Description	2018	2017	2016	Description	2018	2017	2016	Description	2018	2017	2016
Parking	460	469	280	Signs	45	58	37	Abandoned Autos	10	13	19
Security – encampments	377	n/a	n/a	Graffiti	40	53	68	Assist Business Licensing	9	8	20
Unightly properties	278	307	266	Assist Building Dept	37	27	28	Street Entertainers	9	1	8
Assist public	197	278	248	Assist Public Works	34	17	24	Assist Fire Dept	7	10	6
Noise – dogs	159	146	126	Assist RCMP	27	42	73	Impound Vehicle	7	15	9
Security	135	223	108	Traffic	26	45	24	Security Miscellaneous	4	223*	108
Noise	135	90	72	Environment	23	20	53	Illegal Suites	3	9	42
Security – Sleeper	108	n/a	n/a	Assist Parks Dept	22	35	56	Unsafe Structure	3	7	10
Dumping	100	56	24	Nuisances	20	14	18	Assist Animal Control	2	3	12
Security – Drug related	55	n/a	n/a	Panhandlers	20	16	13	Dust	2	7	0
Security – Parkade	50	n/a	n/a	Assist Planning Dept	19	18	18	Suspicious Persons	2	25	6



* New security categories created in 2018

INVESTIGATION OF BYLAW COMPLAINTS

- Bylaw Complaints are accepted at City Hall in person, in writing, by phone, or online. All matters are evaluated on their own merits.
- Priority will be given to more urgent matters;
 - Health & Safety
 - City Liability
 - Nuisances
 - Nominal Infractions
- A documented history of repeat & persistent offenders will be taken into account when response options are considered.
- Investigation may result in;
 - A warning notice or letter of direction to remedy the problem within a specified time frame
 - Issuance of a ticket / fine
 - An order, which allows the City to remedy the contravention & bill the property owner for the cost.
- Property owners will be encouraged to voluntarily rectify the situation. If it is determined there is no contravention, the complainant may be advised that no action is being taken.
- The decision not to enforce a bylaw is an option, if it is determined that it isn't in the public interest, or if the complaint is frivolous or made in bad faith.



Importance of Fairness & Impartiality



Bylaws can place government & the public into situations of high conflict

Decisions affect people's properties, homes, finances & overall well-being

Conflict is reduced when decisions are reasoned & appropriate

Bylaw complaints may be about long-standing neighbor disputes, unsightly premises, noise, dogs, safety hazards, parking or traffic.

Many complaints are about a perceived failure of the City to enforce a bylaw in response to a complaint

Local governments must focus on fairly balancing the interests of the individual making the complaint, the respondent, & the broader community

Frivolous, Repeat & Multiple Complaints



The More is not the Merrier

It is not in the public interest for cities to intervene in acrimonious disputes between individuals

Local government must balance the rights of all residents, including the right of being free from excessive visits or intrusion by enforcement officers

Enforcement resources are focuses on violations which raise demonstrable harms, risks to human health & safety, & harm to the environment

Deciding Whether to Investigate

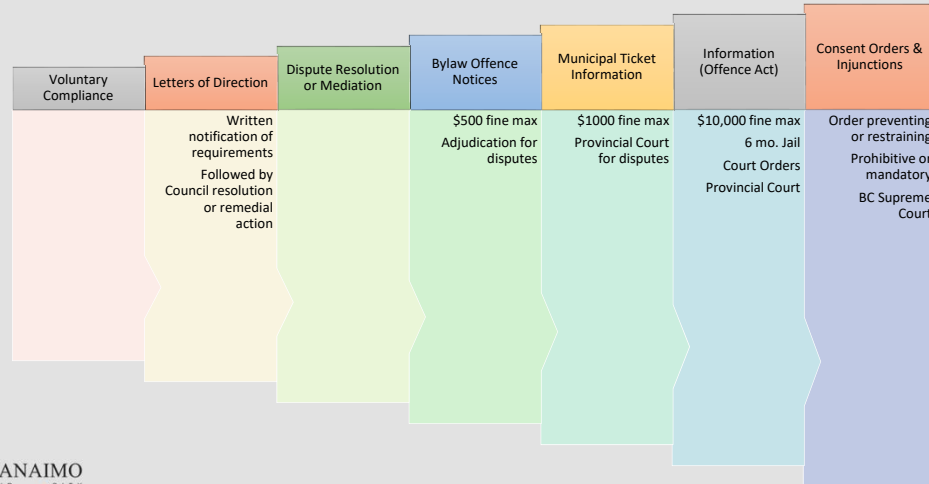
Nature of complaint & alleged violation

Impact on the community

Impact on the complainant or any other person

Any general directives from Council

Continuum of Enforcement



- Legal Injunction \$100,000.00+
- Dangerous Dog Trial Underway \$30,000.00 +
- Barking Dog Ticket Dispute Legal Cost \$18,000.00
- City prosecution – zoning matter Set for trial – November \$13,000.00

Court & Litigation Costs





City of Penticton v. Paul Braun 2018 / 19

- 8 Counts of Obstructive Panhandling
- City legal costs \$30,000.00 before trial
- Plea deal prior to trial
 - \$145 fine
 - 60 hours community service
 - Required to comply with the bylaw
- Did not pay fine or complete service hours
- Set for trial November 2019
- City legal costs ongoing
- Described by lawyer as “a political move that amounts to bullying
- Drawn attention of BC Civil Liberties Association

What are acceptable levels of “Nuisance”

Industrial Activities
 Aerodromes
 Entertainment: Park Concerts, Clubs, Buskers
 Vehicle Noise & Traffic
 Animals

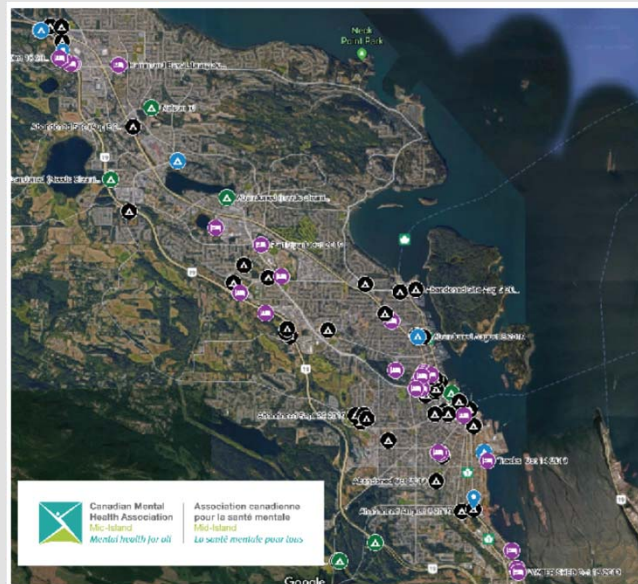


DIVERSITY OF LOCAL GOVERNMENT APPROACHES TO BYLAW ENFORCEMENT

- Financial Resources / Staff capacity
- Larger cities have more issues to address
- Large geographic areas / smaller populations create enforcement challenges
- Community values/standards are not uniform across the province
- Bylaws must conform & evolve with court decisions & case law
- Nuances of history, location, size & past political direction create inconsistencies / confusion
- Values are not static – will evolve over time
- Large government have specialized teams to enforce matters of environment, buildings, parks, etc
- Many regulatory functions overlap with business licensing, engineering, building & fire inspectors



HOMELESSNESS Impacts on City Services





The Role of Council

Developing bylaws which reflect & maintain community standards

Determine priorities & approaches, including the choice not to regulate at all

Create bylaws which can be fairly & reasonable enforced

Considerations

Vague or overly broad laws are unenforceable

Does staff, equipment, enforcement capacity & resources exist to meet public expectation

Insufficient capacity may defeat the purpose of enacting a bylaw

Bylaw Enforcement

Questions / Discussion?

Next: *Parking*



	Harbourfront		VICC		Bastion		Wentworth		Cavan		Selby	
	301 stalls		308 stalls		277 stalls		59 stalls		82 stalls		24 stalls	
	Full		Full		208 Full		49 Full		70 Full		18 Full	
	Monthly Passes	Pass/Permit Revenue	Monthly Passes	Pass/Permit Revenue	Monthly Passes	Pass/Permit Revenue	Monthly Passes	Pass/Permit Revenue	Monthly Passes	Pass/Permit Revenue	Monthly Passes	Pass/Permit Revenue
2014	182	511,430	123	185,696	195	244,260	44	48,492	61	71,071	7	3,840
2015	201	544,099	118	186,929	195	255,831	44	46,221	69	78,773	3	3,060
2016	301	568,037	124	187,650	199	266,151	44	43,790	69	71,912	4	3,360
2017	297	600,488	134	211,351	188	257,203	49	44,795	69	74,918	6	6,649
2018	301	764,367	146	224,166	191	252,526	49	46,756	70	80,541	11	31,358
2019 YTD	301	516,437	234	183,025	207	207,879	49	34,016	70	58,505	8	9,863
Projected		700,000		228,000		243,000		44,222		72,190		12,000
	Coast Hotel Permit Revenue Included		Casino Reserve Parking Revenue Included		Free Evening & Weekend Parking							

**Pass numbers are year end numbers not an average

2014 Bastion Parkade adopts free weekends and evening parking
 2015 Wallace Wentworth inventory increased
 2016 Selby added a day permit dispenser
 2017 Coast Hotel parking rates increased
 2018 Modo Car Share added to Selby
 2019 Modo Car Share added to Bastion

DOWNTOWN PARKADES & SURFACE LOTS Inventory / Revenue



ON-STREET PAY PARKING Overall Revenue	
2014	189,520
2015	243,123
2016	235,643
2017	329,607
2018	306,725
2019 – Sept 30	164,427
Projected	192,500

* Single-head meters vandalized in 2018, removed in 2019



- **Harbour Front Parkade** – 150 spaces set aside for public day use & Coast Hotel
- **VICC/PONC** – 75 spaces set aside for public day use & VICC events. Casino reserve will move to future hotel parking
- **Bastion Street Parkade** – 75% pass threshold, 25% public day parking. Full capacity annually between June & September
- **Wentworth & Cavan Lots** – 85% pass threshold, 15% public day parking. (Waitlists for both locations)
- **Selby Lot** – 75% pass threshold, 25% public day parking

- 2019 Parking Services Budget - \$1,270,282
- 2019 Revenue - \$1,667,749
- Downtown Parking Infrastructure
 - Three Parkades - 901 spaces
 - Four Surface pay lots – 165 spaces
 - Two free lots – Nicol Street, Prideaux Street
- 100+ single head parking meters removed in 2018 – loss of revenue \$120,000 annually
- Two new parking / bylaw enforcement officers in 2019
- New license plate recognition (LPR) vehicle in 2019
- Downtown Mobility Study underway – assessing parking conditions & rates
- Implementation of Hospital Area Parking Plan – January 2020
- Update to Traffic & Highways Bylaw – 2020 initiative



PARKING SERVICES

Quick Facts



Parking

Questions / Discussion?

Next – Animal Control



- Animal Control Services and operation of the City's animal shelter facility is contracted to a third-party operator
- The current contract is in a final year of extension and will be posted for competition in 2020.
- Current contract details:
 - \$436,039 per annum
 - \$21,000 for one seasonal employee May – September
 - Overtime, callouts & veterinary costs are additional
- Animal Control – quick facts
 - 2018 - 2,799 files
 - 210 dogs impounded / in care
 - 83% of dogs reunited with owners
 - 29 cats in care
 - 6 cats reclaimed by owners, 19 adopted to new homes

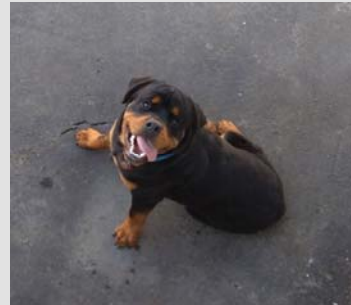
ANIMAL CONTROL SERVICES



ANIMAL CONTROL

2020 Key Initiatives

- Update Animal Control Bylaw
- Renewal of the Animal Control Contract
- Service Review
 - Existing shelter facility is requires extensive updating to meet current standards of animal care
 - Service levels have not increased since mid 1980's



Governance & Priorities Committee

BYLAW ENFORCEMENT

October 28, 2019

CONCLUSION

QUESTIONS



Delegation Request

Delegation's Information:

Wanda Thompson has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is October 28, 2019.

The requested meeting is: Governance and Priorities Committee
Choose an item.

Bringing a presentation: Yes

Details of the Presentation:

Walk in Nanaimo to speak regarding Bylaw Enforcement.

DATE OF MEETING OCTOBER 28, 2019

AUTHORED BY BILL CORSAN, DIRECTOR, COMMUNITY DEVELOPMENT

SUBJECT CITY OF NANAIMO SIDEWALK CLEARING PRACTICE

OVERVIEW

Purpose of Report:

To provide the Committee with background information on the City's efforts to keep sidewalks clear during snow events and vegetation management during the rest of the year.

BACKGROUND

At its Meeting on August 26, 2019, Council passed the following motion:

It was moved and seconded that Council defer consideration of the following motion and direct Staff to prepare a report for the 2019-OCT-28 Governance and Priorities Committee meeting on this topic:

"Whereas Council has stated that "livability" is a Council Priority in the 2019-2022 Strategic Plan, namely that "We proactively plan for Nanaimo's growth and focus on community infrastructure to support an inclusive, healthy and desirable place to live"; and that, "a safe and connected community" and "active transportation" are key focus areas of the 2019-2022 Strategic Plan; specifically, the necessity of clear and accessible sidewalks for Nanaimo pedestrians, who are disproportionately our most vulnerable citizens: children, the elderly, and the disadvantaged; regarding Bylaw 5000 (Consolidated), Sections 3, Paragraph 21; Section 18; and Section 22,

- a) Directs Staff to develop and launch a broad communications campaign by October 1, 2019, targeting businesses and commercial property owners and other key stakeholders, that indicates that the City considers compliance with these bylaw sections by commercial property owners a priority;
- b) Directs Bylaw Services to develop and implement a clear, concise and efficient enforcement policy for implementation by 1 November 2019, that outlines the specific systematic approach that will be taken to enforce these bylaw sections; and
- c) Supports the commitment and efforts of Bylaw Services to implement the new bylaw policies and procedures, and to enforce Bylaw 5000 (Consolidated), Sections 3, Paragraph 21; Section 18; and Section 22, with all commercial properties, in support of this Council's 2019-2022 Strategic Plan, in order to help make Nanaimo sidewalks safer for all its citizens.
- d) In six months following implementation, it is proposed that Staff return to Council with an evaluation of the effectiveness of the initiative including financial impacts."

DISCUSSION

The intent of the Presentation at today's Governance and Priorities Committee Meeting is to provide the context of Bylaw enforcement and illustrate some of the work Staff is undertaking in context of the proposed motion. The intent of the motion was interpreted to focus mainly on snow and ice control of sidewalks, so the focus of this discussion leans more towards this issue.

1. Each year, Staff issue routine communications and update the City's website, advising residents and businesses of the City's procedures around Snow and Ice Control (SNIC). Most communications reference the City's Bylaw requiring residents to remove snow within 24 hours. Communications are multi-faceted and include:
 - a. Website updates
 - b. Presentations to Council and community members if requested
 - c. Social media posts pointing to webpages and specific videos
 - d. Regular news releases leading up to, and through the season
2. Each year, Staff meet to debrief on lessons learned and look for opportunities for improvement. For example, this year, Staff are meeting regularly to improve the City's approach to snow clearing as follows
 - a. Managing SNIC operations from a central, unified command
 - b. Re-examining priorities to improve response on busy transit routes and trails
 - c. Optimizing equipment between Departments
 - d. Refreshed messaging and communications in response
3. Vegetation management along pedestrian routes is assessed as Staff become aware of an issue. If there is a sight line or safety issue, technical staff will review and either issue a work order for City forces, or issue a 90-day warning letter if vegetation is on private property. If there is no compliance, vegetation is removed. With the resources at the City's disposal, it is not feasible to proactively seek areas where vegetation is impinging on every sidewalk, nor does the City take on maintenance of privately-owned vegetation.
4. Most municipalities have similar policies requesting citizens clear sidewalks. It is beyond the current capability of the City of Nanaimo and local contractors to clear snow from all of its 439 km of sidewalks. In Staff's view it is unaffordable and impractical to equip the City (or look to contractors) to respond to sidewalk snow clearing for a condition that occurs on average 10 days per year.
5. Targeted specific land use in bylaw enforcement is likely to create conflict between residents or businesses and the City. Likewise, broad enforcement policies against property owners can be unfairly punitive, especially for those infirm or unable to clear their own walkways. Bylaw enforcement needs to consider individual circumstances.
6. Bylaw Enforcement resources deal with specific issues, such as contractors piling snow from private property onto roadways, hazards such as icicles hanging over sidewalks, or pooling water and ice hazard conditions. Currently, Bylaw enforcement follows the priority established by Council in Policy 93-02 (attached).
7. Creating a policy around a high level of service will hold the municipality to the liability expressed by that level of service.
8. The recommended, and likely most effective approach is to improve the level of communications and looking to citizen engagement to pitch in (e.g. a Snow Angels campaign).

CONCLUSION

While requiring clear sidewalks often appears straightforward, there are numerous complications when dealing with a wide variety of situations. Operations crews continue to strive to improve response to snow and ice events with the equipment available. Often, the best improvement can be made in communications, on which all Departments are focused as we come into the winter period. |

SUMMARY POINTS

- Staff continue to look for improvements to operations for snow removal.
- Operations Departments and Communications are actively updating communications for this winter season.
- Efforts in improving communications are more likely to have a beneficial effect, whereas increased Bylaw enforcement potentially create conflict.

ATTACHMENT

Attachment A – Policy 93-02

Submitted by:

Bill Corsan
Director, Community Development |

Concurrence by:

Bill Sims
General Manager, Engineering & Public
Works |

CITY OF NANAIMO

BYLAW SERVICES POLICY AND PROCEDURE MANUAL

POLICY NO. 93-02

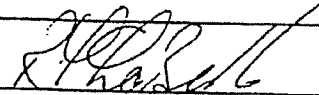
SUBJECT: SNOW REMOVAL SIDEWALKS CON'T

EFFECTIVE DATE: 93-DEC-06

COUNCIL POLICY ON SNOW REMOVAL FROM SIDEWALKS

Nanaimo City Council has adopted the following policy as it relates to the enforcement of Section 22(1) of the Traffic and Highways Bylaw 1993 NO. 5000. These priorities are listed due to the vast number of sidewalks in the community and the limited number of enforcement personnel available. As a rule high pedestrian traffic areas will receive priority over those with less pedestrian traffic.

1. Downtown core
2. Public Institutions
3. Commercially zoned properties
4. Multi family dwelling properties
5. Single Family dwelling properties
6. Vacant lots

AUTHORIZED BY: 
REVISED: _____

Governance and Priorities Committee – Agenda Planning

GPC Dates					
July	August	September	October	November	December
15	26	9	7	4	9
29		30	28	25*	

*cancelled

JULY

Sun	Mon	Tues	Wed	Thur	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST

Sun	Mon	Tues	Wed	Thur	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SEPTEMBER

Sun	Mon	Tues	Wed	Thur	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

OCTOBER

Sun	Mon	Tues	Wed	Thur	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

NOVEMBER

Sun	Mon	Tues	Wed	Thur	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

DECEMBER

Sun	Mon	Tues	Wed	Thur	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

	Council Meeting or Special Council Meeting
	Committee of the Whole Meeting
	Public Hearing (Special Council Meeting)
	Governance and Priorities Committee Meeting
	Finance and Audit Committee Meeting
	Statutory Holiday
	UBCM Convention

Governance and Priorities Committee – Agenda Planning

Agenda Topic	Strategic Theme	Meeting Date	Staff Member Responsible
Emergency management	Livability	25-MAR-19	Karen Fry/Karen Lindsay
CSR update	Governance Excellence	25-MAR-19	Sheila Gurrie
Planning 101	Governance Excellence	8-APR-19	Dale Lindsay
Committees & public engagement	Governance Excellence	8-APR-19	Sheila Gurrie
Transportation	Livability	29-APR-19	Bill Sims
Environment	Environmental Responsibility	13-MAY-19	Dale Lindsay/Bill Sims/Richard Harding
Downtown economic health	Economic Health	15-JUL-19	Dale Lindsay
Economic development session #2 Update on Downtown	Economic Health	29-JUL-19	Dale Lindsay
Economic development session	Economic Health	26-AUG-19	Dale Lindsay
OCP/Parks Master Plan/Active Transportation Plan	ALL	9-SEP-19	Multi Departmental
Council Procedure Bylaw, Engagement and Agendas Committee	Governance Excellence	30-SEP-19	Sheila Gurrie
Fire Department Update and Service Delivery Plan	Livability	7-OCT-19	Karen Fry
Scheduled Topics			
Bylaw Enforcement Function	Governance Excellence	28-OCT-19	Dale Lindsay
Public Safety	Community Wellness and Livability	2-DEC-19	Karen Fry
MIABC (liability/insurance)	Governance Excellence	9-DEC-19	Sheila Gurrie
Future Meeting Dates			
Downtown Mobility Hub/Fees and Charges	Community Wellness and Livability	4-NOV-19	Bill Sims, Richard Harding