

DATE OF MEETING JULY 12, 2021

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

SUBJECT POLICY AND BYLAW RENEWAL PROJECT UPDATE

OVERVIEW

Purpose of Report

To update Council on the status of the Policy and Bylaw Renewal Projects and to present a number of outdated or redundant Council policies for repeal.

Recommendation

That the Governance and Priorities Committee recommend that Council repeal the 100 outdated or redundant Council policies highlighted in red within the Table of Contents linked to the July 12, 2021 report by the Deputy City Clerk.

BACKGROUND

As outlined in the Governance Excellence section of Council's Strategic Plan, one of the action items identified was to have a comprehensive review undertaken on Council's bylaws and policies.

On October 19, 2020 staff presented a report that provided a timeline and deliverables for undertaking both projects (see Attachment 1).

Staff is bringing forward this report to provide Council with a status update on the deliverables and to present a number of outdated or redundant Council policies for formal repeal.

DISCUSSION

Bylaw Project Update:

The following 5 deliverables for the bylaw project were outlined in the October 19, 2020 staff report that were slotted for completion or noted as on-going for 2021. The status of those deliverables are as follows:

1. To develop a new Animal Responsibility Bylaw (original target for completion December 21, 2020)

Status: It was anticipated that the new Animal Responsibility Bylaw would be adopted by the end of 2020; however, at the November 16, 2020 meeting, Council asked for further public input and directed staff to post the bylaw to the City's Bang the Table platform for 3 weeks. Staff were then asked to create a report on that input for consideration at a January,

2021 meeting. The report and revised bylaw was presented to Council at the January 11th GPC and given its first three readings on February 1, 2021 and sent to the Ministry for approval. The Ministry provided their response and requested some minor amendments be made to the bylaw. The requested changes were presented to Council on June 7, 2021 and the bylaw was given third reading, as amended. The bylaw has now been sent back to the Ministry and is awaiting approval.

2. Development of a Master Bylaw Registry for the City's 6500 bylaws (original target for completion 2021-Q4)

Status: Work commenced on the Master Bylaw Registry in Q4 of 2020; however, as noted above, the research, development, and stakeholder/ community consultation associated with the new Animal Responsibility Bylaw took longer than anticipated. There was also a desire to shift the focus to the policy project so that it could be completed in 2021. As a result, the target for completion of this project has changed. Staff will be in a position to resume work on the Bylaw Registry in Q3 and Q4 of 2021.

3. Streamlining the City's ticketing system and doing housekeeping amendments to include consistent violation and penalty language within each regulatory bylaw (on-going)

Status: To date, 5 regulatory bylaws have had their violation and penalty language updated which also prompted required amendments to the Bylaw Notice Enforcement Bylaw. As regulatory bylaws continue to come forward for amendments, the language will be reviewed and updated at the same time.

4. To develop a comprehensive Fees and Charges Bylaw whereby any bylaws that are up for amendments would have their fees transferred into one single Fees and Charges Bylaw (on-going).

Status: This project is also on-going whereby any bylaws that come up for amendments that have fees included in them will be transferred to the Fees and Charges bylaw. Currently the only bylaw that has come forward in this regard related to the licencing fees associated with the new Animal Responsibility Bylaw.

5. Scanning of all "signed" bylaws (target for completion 2021-Q4)

Status: This project has been completed ahead of schedule.

Policy Project Update:

Commence with Developing a Master Policy Registry (target for completion 2021)

Staff identified that the policy project would commence once the bylaw project was well underway and that more specific deliverables on the project would be identified in conjunction with an update to Council on the bylaw project. However, as noted above, there was a desire to move the timeline up for the policy project so that it could be completed in 2021. As such,

staff's priorities shifted from the bylaw project to the policy project. The following work has been undertaken on the policy project since that time:

- Established new Council and Administrative Policy Templates (December, 2020)
- Developed a Master Policy Registry outline with a numbering system for Council and Administrative policies (December, 2020)
- Conducted an inventory on all Council policies (both electronic and hard copy) which included a fulsome audit of the historical Council minutes to confirm when the policies were endorsed by Council. Through this process, 283 Council policies were identified. Seventy did not meet the criteria of being a true Council policy as they were simply resolutions of Council placed into a policy template; 28 were confirmed as historical which had been formally repealed by Council. This left 185 policies that needed to be reviewed by staff (December/January, 2021)
- Transferred all policies into the new templates (January, 2021)
- Introduced the Master Policy Registry and reformatted policies to the Senior Leadership Team and advised on next steps (February, 9, 2021)
- Met with each City department to apprise staff who develop policies of the project. During these meetings, staff were also advised that the next step would be to review the Council policies pertinent to their department and identify which ones were: 1) ok as is and still applicable; 2) which policies needed amending and why; and 3) which policies could be repealed and why. Staff were given until May 14, 2021 to provide their feedback (February 15 – mid March).
- While waiting for responses from staff on the Council policies, work commenced on compiling and auditing the Administrative policies from various departments (mid-March – May)
- Once responses on the Council policies were received, they were tallied and placed into a Table of Contents. The results were: 39 policies identified as “ok as is”; 46 policies identified as “needing amendments”; and 100 identified “for repeal” (May, 2021)
- Finalized Table of Contents and responses presented to the Senior Leadership Team for review (June 1, 2021)
- July 12, 2021 - Project update report, with 100 Council policies proposed for repeal resented to the Governance & Priorities Committee for consideration (see link to the Table of Contents at the bottom of the staff report).

Please note, hyperlinks to each of the policies have been in-bedded in the title of each policy within the Table of Contents.

Next Steps:

Once Council has formally considered repealing the outdated and redundant policies, the Council policy section on the City's website will be updated. This will ensure that Council and members of the public have access to, and the ability to search, all the relevant Council policies. Staff will then turn to next phase of the project, which will be to update the 46 policies that were highlighted to be amended. Work will also continue with reviewing and updating Administrative policies.

The Master Policy Registry (which is a tool for staff) will provide access to both current policies and historic ones for reference. The Registry is in an excel format which will make it easy for staff to search policies alphabetically, by policy number, or by department. This should eliminate the potential for policy conflict or duplication in the future.

OPTIONS

1. That the Governance and Priorities Committee recommend that Council repeal the 100 outdated or redundant Council policies highlighted in red within the Table of Contents attached to the July 12, 2021 report by the Deputy City Clerk.
 - The highlighted policies within the Table of Contents have been identified by staff as policies that are either redundant and conflict with other Council policies, are no longer legal, reflect outdated processes or practises, or are no longer relevant due to the age of the policy.
 - Should Council select this option, all 100 policies would be repealed and become historical Council policies.
 - Should Council wish to retain any of the 100 policies, staff recommend that Council consider option 2 whereby specific policies could be excluded from the list.
2. That the Governance and Priorities Committee recommend that Council repeal the Council policies highlighted in red within the Table of Contents attached to the July 12, 2021 report by the Deputy City Clerk, with the exception of the following policies: (insert name of the specific policies Council wishes to retain)
 - Under this option, Council could choose to retain specific policies that are slotted for repeal.

SUMMARY POINTS

- One of the action items identified in Council's Strategic Plan was to have a comprehensive review undertaken on Council's bylaws and policies.
- In October, 2020, staff presented a report that provided a timeline and deliverables for undertaking both projects.
- The status of the deliverables are being presented to Council along with 100 Council policies to be repealed that are either outdated, redundant, no longer legal, reflect outdated processes or practices, or are no longer relevant due to the age of the policy.

ATTACHMENTS:

Attachment 1 – October 20, 2020 staff report – Bylaw and Policy Renewal Project Timeline
Table of Contents and Policies Link - <http://www.nanaimo.ca/goto/councilpolicyreview>

Submitted by:

Karen Robertson, Deputy City Clerk

Concurrence by:

Sheila Gurrie, Director of Legislative Services
Bill Sims, General Mgr, Engineering & Public Works
Dale Lindsay, General Mgr, Dev Services
Richard Harding, General Mgr, Parks, Rec & Culture
Shelley Legin, General Mgr, Corporate Services

Laura Mercer, Director of Finance
Tim Doyle, Fire Chief
Lisa Fletcher, Inspector of Police
John Van Horne, Director of HR
Jake Rudolph, CAO