



REQUEST FOR DECISION

To:	Trust Council	For the Meeting of:	March 12, 2024
From:	Director, Planning Services	Date Prepared:	February 20, 2024
SUBJECT:	Bylaw Compliance and Enforcement Review		

RECOMMENDATION: That Trust Council approve Bylaw Compliance and Enforcement Review Project Charter V1.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: The purpose of the project, as amended by the Regional Planning Committee, is to resolve bylaw enforcement matters efficiently and with minimal conflict by reviewing and amending Islands Trust Bylaw Enforcement policies and procedures to be administratively fair, reasonable and transparent with the aim of restoring public confidence.

1 PURPOSE:

To approve Regional Planning Committee’s Work Plan and Project Charter for implementation of the recommendations of the Bylaw Compliance and Enforcement report prepared by the Office of the Ombudsperson.

2 BACKGROUND:

At the September 2023 meeting, Trust Council received a presentation and report from the Office of the Ombudsperson reviewing and providing recommendations on bylaw enforcement policies and practices. Trust Council adopted the following resolutions:

“THAT Trust Council direct that the recommendations from the Office of Ombudsperson Report titled: “Voluntary Consultation on Bylaw Enforcement Policies and Practices within the Islands Trust”, dated August 2023, be implemented, and that staff develop an associated work plan and project charter and refer to the Regional Planning Committee.”

“THAT the work plan and project charter for implementing the recommendations from the Office of Ombudsperson Report titled: “Voluntary Consultation on Bylaw Enforcement Policies and Practices within the Islands Trust”, dated August 2023 be brought back to Trust Council with recommendations from the RPC for review within the next six months.”

At the February 16th meeting, Regional Planning Committee (RPC) received, amended, and endorsed a Project Charter and Work Plan (please see attachments). RPC also amended its work program to identify this project as a Top Priority. The scope of work is to review, assess and implement the recommendations of Ombudsperson’s report through changes to Trust Council policies, Bylaw Enforcement practices and procedures, and implement changes through staff training and regular communications. The project timeline anticipates three meetings for RPC to deliberate and review revisions to policy and procedures and final recommendations for policy amendments to Trust Council in December.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Staff resources will be applied delivering the project as per the attached project charter and workplan. The Regional Planning Committee has recommended that Trust Council endorse the Bylaw Compliance and Review project as one of its' top three priorities.

FINANCIAL:

RPC amended the Project Charter to include a legal review. The cost has not been included in the project charter. The costs and approval of a legal review would be subject to later approval.

POLICY:

- Bylaw Compliance and Enforcement Policy 5.5.1
- Bylaw Compliance and Enforcement Best Practices and Procedures
- Handling of Administrative Fairness Complaints Policy 7.1.2

IMPLEMENTATION/COMMUNICATIONS:

RPC has requested that communications are regular updates to the Islands Trust website.

FIRST NATIONS:

First Nations have not been specifically addressed in this report.

OTHER:

4 RELEVANT POLICY(S):

- Bylaw Compliance and Enforcement Policy 5.5.1
- Bylaw Compliance and Enforcement Best Practices and Procedures
- Handling of Administrative Fairness Complaints Policy 7.1.2

5 ATTACHMENT(S):

1. Bylaw Enforcement Review Project Charter and Work Plan

RESPONSE OPTIONS

Recommendation:

That Trust Council approve Bylaw Compliance and Enforcement Review Project Charter V1.

Alternative:

That Trust Council amend the Bylaw Compliance and Enforcement Review Project Charter by: **[list amendments]**, and that That Trust Council approve Bylaw Compliance and Enforcement Review Project Charter V1 as amended.

Prepared By: Stefan Cermak, Director, Planning Services

Reviewed By/Date: Russ Hotsenpiller, February 21, 2024

Bylaw Enforcement Review - Charter v1

Regional Planning Committee (RPC)

RPC Endorsement Date: 02-16-2024

Purpose: To resolve bylaw enforcement matters efficiently and with minimal conflict by reviewing and amending Islands Trust Bylaw Enforcement policies and procedures to be administratively fair, reasonable and transparent with the aim of restoring public confidence.

Background: Islands Trust Council requested that the Office of the Ombudsperson undertake a review of enforcement policies and practices and provide recommendations at the March 2023 Trust Council meeting. In August 2023 the Office of the Ombudsperson's Consultation and Training Team submitted the 'Voluntary Consultation on Bylaw Enforcement Policies and Practices within the Islands Trust' report. At the September 2023 Trust Council meeting directed that the recommendations of the report be implemented, that staff develop a work and project charter and was referred to the Regional Planning Committee.

Deliverables

- Revisions to Bylaw Compliance and Enforcement Policy 5.5.1
- Revisions to the Handling of Administrative Fairness Complaints Policy 7.1.2
- Revisions to Bylaw and Enforcement Best Practices and Procedures Manual ('the Manual')
- A public Bylaw Complaints and Enforcement document
- Updates and revisions to Bylaw Enforcement forms, templates and documents
- Training and information for Bylaw Enforcement Officers and other relevant staff
- Communications team work with planning staff to post regular Bylaw Compliance Review project updates to Islands Trust website.

In Scope

- Review the Report, compile recommendations
- Review current Trust Council policies
- Review the Manual
- Compile and review all LTC bylaw enforcement standing resolutions and policies
- Review selected policies of other relevant local governments
- Report to RPC with proposed revisions for direction
- Provide regular updates and recommended revisions to Trust Council
- Implement changes to policies and practices
- A legal review of draft documents

Out of Scope

- Amendments to bylaws
- Public consultation
- Referrals to LTCs
- External consultants

IAP2 Public

Engagement Level:

- Inform
- Consult
- Involve
- Collaborate

Workplan Overview

Deliverable/Milestone	Target Date
Draft Project Charter to RPC for review and endorsement	Feb 2024
RFD to Trust Council	Mar 2024
RPC review of preliminary policy revisions	May 2024
Briefing to Trust Council	June 2024
Draft policies and manual to RPC for review and changes	Sept 2024

<i>Referral of draft revisions to Ombudsperson's office for comment</i>	Sept 2024
<i>Briefing to Trust Council</i>	Sept 2024
<i>Final RPC review and referral to Trust Council</i>	Nov 2024
<i>Endorsement by Trust Council</i>	Dec 2024
<i>Implementation</i>	Jan – Mar 2025

Project Team	
<i>Stefan Cermak, DPS</i>	Project Champion
<i>Robert Kojima, RPM</i>	Project Manager
<i>Warren Dingman, Manager C & E</i>	Project Manager
<i>TBD</i>	RPC Planner
<i>David Marlor, DLS</i>	Advisor
Director Approval: <i>Stefan Cermak</i> Date: 02-16-2024	RPC Endorsement: Resolution #: 2024-001 Date: 02-16-2024

Budget		
Budget Sources: N/A – no budget has been assigned		
*legal review included in scope by RPC 02-16-2024		
Fiscal	Item	Est. Staff hours*
2023-24	Project initiation	20
2024-25	- Preliminary analysis and review	40
	- Drafting of policy revisions	50
	- Final policy	20
	- Updates to manuals and templates	40
	- Implementation	40
	- Contingency	40
	Total	250

*excludes any admin support, attendance at RPC/TC meetings, staff receiving training

