



REQUEST FOR DECISION

To: Regional Planning Committee **For the Meeting of:** February 16, 2024
From: Director, Planning Services **Date Prepared:** January 31, 2024
SUBJECT: **Bylaw Compliance and Enforcement Review**

RECOMMENDATION:

1. That Regional Planning Committee endorse the Bylaw Enforcement Review Project Charter and Work Plan and that staff provide a briefing to Trust Council on the status of the project.
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1 PURPOSE:

To consider a draft project charter and work plan for the Bylaw Enforcement Review project which would implement the recommendations of the Office of the Ombudsperson to ensure fairness within the policies and procedures for bylaw enforcement by the Islands Trust.

2 BACKGROUND:

Islands Trust Council (Trust Council) received a report from staff in March 2023 describing the bylaw enforcement process, authorities, open files, the issues, and number and nature of complaints, along with a presentation from staff of the Office of the Ombudsperson and the Attorney General's office. Trust Council subsequently passed the following motion:

“THAT the Director of Planning Services request the Office of the Ombudsperson to undertake a comprehensive review of the enforcement related policies and practices of the Islands Trust, and recommend such improvements and changes to them as may be required to bring the policies and practices into conformity with best practices for local government by law enforcement.”

The Ombudspersons Report was completed in August 2023. The Report evaluated how administrative fairness may be enhanced and provided detailed recommendations to improve policy and procedure. At the September meeting, Trust Council received the report, along with an RFD, and adopted the following recommendations:

“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.”

This RFD attaches a draft project charter and work plan, as requested by Trust Council, for review and endorsement by Regional Planning Committee. Staff will provide a briefing for the March Trust Council meeting with the work plan and project charter.

The proposed scope of work would be 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 public communications. The project timeline anticipates three meetings for RPC to deliberate and review revisions to policy and procedures. Any changes to the proposed scope of work could result in changes to the timeline or the requirement for additional resources.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Updating Bylaw Compliance and Enforcement Policies and Procedures would be added to the Regional Planning Committee work program. Staff resourcing will be challenging and will depend upon availability of staff to support this project along with the other RPC top priorities.

FINANCIAL:

There is currently no budget approved for this project. The work plan assumes that all work will be undertaken by staff.

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:

Communications propose to be drafted when revised policies and procedures are presented to Trust Council. New policies and procedures will require staff orientation and training.

FIRST NATIONS:

First Nations have not been specifically addressed in this report.

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. Draft Project Charter
2. Draft Project Work Plan
3. Draft Project Work Plan Chart

RESPONSE OPTIONS

Recommendation:

That Regional Planning Committee endorse the Bylaw Enforcement Review Project Charter and Work Plan and that staff provide a briefing to Trust Council on the status of the project.

Alternatives:

That Regional Planning Committee not proceed with the project as proposed, and report back to Trust Council.

That Regional Planning Committee request staff for more information [list requested information].

Prepared By: **Robert Kojima, Regional Planning Manager**

Reviewed By/Date: **Stefan Cermak, Director, Planning Services**