

## **COMMITTEE OF THE WHOLE – NOVEMBER 15, 2004**

### **PROTOCOL FOR ISSUES MANAGEMENT INTERDEPARTMENTAL COMMUNICATIONS ENFORCEMENT OF BY-LAWS AND STATUTES UNDER THE CITY'S JURISDICTION**

#### **Recommendation**

The City Manager, in consultation with the Senior Management Team, recommends that:

1. The "Compliance Measures Coordinating Committee" BE CREATED for the purposes of identifying, managing and resolving complex enforcement/compliance matters, requiring enhanced cross-jurisdictional and cross-discipline communications;
2. The Organizational Chart forming Attachment No. 1 to this report form the basis for the operation of the Compliance Measures Coordinating Committee;
3. The Committee, in consultation with Corporate Communications, will:
  - i) establish procedures and a "priority checklist" for communicating event occurrences immediately to key personnel in an effective and timely manner;
  - ii) establish a "communications checklist" to ensure effective and timely communications with both internal and external stakeholders, including procedures for media releases, website postings and the distribution of resident notices;
  - iii) establish a "communications protocol" and that the establishment of this protocol be a priority of the Committee and a report be prepared and forwarded to a Committee of the Whole meeting for approval in January 2005.
4. The Committee begin operations immediately following approval of this report; and
5. The Committee operate for a period of one (1) year for the purposes of evaluation and that Staff report back to Council at the end of the year on its effectiveness.

#### **Purpose**

To recommend a plan to improve the effectiveness of enforcement/compliance measures, applying to all legislation under the jurisdiction of the City of Vaughan, through enhanced interdepartmental communications.

#### **Analysis and Options**

##### **Background**

###### **a) Council Action**

On October 25, 2004, Council ratified the recommendation of Committee of the Whole (Closed Session) from October 13, 2004, directing that staff provide a report to the Committee of the Whole meeting on November 15, 2004, for the purpose of establishing a protocol for communicating relevant information that is interrelated to all departments that are responsible for a particular issue, in order to ensure that the respective departments take appropriate actions in a cohesive manner.

This resolution was in response to the situation surrounding the fire at 10,525 Keele Street in Maple (310 – Waste Ltd.).

b) Area of Concern

The fire at 10,525 Keele Street presented a complex situation, where there were a number of charges laid in respect of violations of municipal by-laws, which fell under the enforcement responsibilities of several City departments. In addition, Fire and Rescue Services had given 310 – Waste notice of several Fire Code violations. A further complication was a concurrent prosecution by the Ministry of the Environment relating to the operator's alleged violation of its Certificate of Approval.

The concern was raised that, given the multiple charges, each of the enforcing departments were acting largely within their own area of jurisdiction. This minimized the communication between each of the enforcement "silos", limiting the opportunity to adopt a comprehensive enforcement strategy. In the past a number of cross-department teams have been formed to deal with specific issues on an *ad hoc* basis. A standardized protocol to improve interdepartmental communications will assist in the identification and management of similar situations in the future.

c) Challenges

There are three lead departments involved in the enforcement of the City's by-laws and any responsibilities emerging from Provincial legislation. They are Enforcement Services (Commissioner of Legal and Administrative Services), the Vaughan Fire and Rescue Service (City Manager) and the Building Standards Department (Commissioner of Planning). There may well be incidents where Public Works Department staff is required. All draw upon the expertise of the Legal Services Department.

Improving communications between the respective enforcement units can enhance the City's ability to address complex situations like the fire at 10,525 Keele Street. The timing of the communications is critical in a strategic sense.

In dealing with compliance issues, it would be much preferred if the necessary communications links were in place across the entire life of the file. This would include the initial investigation and the laying of charges, through prosecution to conviction and responding to any related incidents throughout the process. This would allow the relevant authorities to be more pro-active, perhaps obtaining compliance before a serious incident arises. Therefore, identifying, responding to and preventing potential problems should be treated as a priority.

Most enforcement activities do not require an extraordinary level of scrutiny. They can be dealt with routinely within each department's areas of jurisdiction. However, from time to time, cases will emerge that are complex and require a comprehensive response. They may have some or all of the following characteristics:

- There are multiple infractions or charges crossing jurisdictional boundaries within the City;
- Concurrent charges have been laid by an external agency under a Federal or Provincial Statute;
- It constitutes an on-going threat to public health and safety;
- It diminishes opportunities for the use and enjoyment of neighbouring lands;
- There is a history of multiple infractions or convictions, without a satisfactory resolution of the problem; and
- The failure to obtain a resolution diminishes public respect for the system of enforcement and fails to provide the necessary sense of deterrence to potential violators.

Based on recent events, the enforcement system would be improved if there were a procedure in place that would distinguish the complex from the routine as early in the process as possible and allow the complex issues to be targeted for extra attention.

Applying a higher standard of review to routine matters would result in the inefficient use of staff time and detract from other more productive activities. One of the primary challenges will be to identify the potential problem situations and to then deploy the necessary resources to ensure a positive outcome.

Therefore, enhancements to the current system should take into account the following objectives:

- The system should promote the identification of problem situations as early in the process as possible;
- It should ensure timely interdepartmental communications through a standardized protocol;
- It should use staff time efficiently;
- The system should bring together the resources of the necessary departments;
- It should provide a forum where:
  - Serious issues can be identified and prioritized;
  - Enforcement/compliance plans are developed;
  - Lead responsibility for the file is assigned;
  - Actions are monitored.
- It should provide the point of contact for dialogue with external agencies responding to the same or a related issue.

### Issues Management

In addition to improving communications between the respective enforcement units, it is also critical that effective and timely communications with both internal and external stakeholders be implemented immediately. Once a problem is identified, and it is determined whether the issue is complex or routine, an issues management protocol must be in place to develop and communicate “key messages” to Council, the Senior Management Team, and other key personnel.

To accomplish this, the Committee will be tasked to establish procedures and a “priority checklist” for immediately communicating event occurrences to key personnel in an effective and timely manner. In addition, a “communications checklist” will be established to ensure effective and timely communications with both internal and external stakeholders, including procedures for media releases, website postings and the distribution of resident notices.

Due to the importance of effective communications when a complex issue arises, the Committee will introduce and implement a working model of the issues management protocols as soon as possible.

### The Proposed Response

It is recommended that a “Compliance Measures Coordinating Committee” be created for the purposes identified above. Attachment No. 1 illustrates the recommended organizational structure.

The Committee would be composed of representatives from Enforcement Services, the Vaughan Fire and Rescue Service and the Building Standards Department and would be chaired by the Commissioner of Legal and Administrative Services or his designate. On-going support from Legal Services will be critical to the success of the Committee.

The Committee would meet once a month to identify any files requiring priority action in the form of comprehensive enforcement/compliance plans. Once a file is identified for priority consideration, the Committee would devise and implement a plan and monitor its progress.

The files coming to the Committee for consideration would originate with each of the respective departments. The departments would screen out non-complex issues and the more complex matters would be submitted to the Committee for consideration. Once before the Committee, each potential file would be assessed for potential risk, based on criteria identified above. These include:

- Multiple infractions and charges crossing jurisdictional boundaries within the City;
- Concurrent charges laid by an external agency under a Federal or Provincial Statute;
- Constitutes an on-going threat to public health and safety;
- Diminishes the use and enjoyment of neighbouring lands;
- A history of multiple infractions and convictions, without a satisfactory resolution of the problem.

These criteria are not considered to be exhaustive. The Committee will have the latitude to develop and consider additional criteria, depending on the situation.

The purpose of the Committee is to improve the City's response to complex enforcement issues. This would be best served by the creation of a comprehensive enforcement plan. The nature of the plan will vary depending on the circumstances surrounding the targeted issue. Generically, the Committee will need to:

- Appoint a lead department in each instance, which will take primary responsibility for the file;
- Assign the roles and tasks for each of the supporting departments;
- Seek out the assistance of any other City departments;
- Liaise with external agencies or authorities;
- Establish timelines and milestones; and
- Execute the plan and monitor its progress to completion.

It will be necessary for the Committee to update Senior Management of its work on a regular basis. First reporting would be to the Commissioners responsible for the Committee's core departments, specifically the City Manager (Vaughan Fire and Rescue), the Commissioner of Legal and Administrative Services (Enforcement Services) and the Commissioner of Planning (Building Standards). Monthly updates to the entire Senior Management Team will be provided. Council will be kept apprised of all major enforcement issues as required.

### **Relationship to Vaughan Vision 2007**

This measure is consistent with the policies of Section 1.1, "Improve community safety through design, prevention, enforcement and education", including:

Section 1.1.5: Review and update all City emergency-planning, response and prevention methodologies.

Section 1.1.6: Review the level of enforcement, compliance and monitoring of regulations relating to public safety.

### **Conclusion**

The creation of a Compliance Measures Coordinating Committee provides the City with a means of managing the risk associated with complex enforcement/compliance matters. Identifying potentially problematic situations allows the opportunity to develop responses early in the process and possibly prevent a major incident affecting life or property.

The approach suggested crosses departments and disciplines with the objective of bringing the lead enforcement departments together, supported by Legal Services, to identify problems and

develop a comprehensive response. The key will be to identify the potential problems as early as possible and then manage the process to a successful outcome.

Therefore, it is recommended that the Compliance Measures Coordinating Committee be created and that it begin its work begin immediately. Recommendation 5 provides that the Committee operate for a period of one year. During this time the Committee's work will be evaluated. Staff will then report to Council on whether it is appropriate for it to continue or whether alternative solutions should be considered.

In addition to the improvement of communications between enforcement units, it is also critical that effective and timely communications with both internal and external stakeholders be implemented immediately. In order to achieve this, it is also recommended that a multi-stakeholder communications protocol be established as first priority.

Should Council concur, the recommendation set out in the "Recommendation" section of this report should be adopted.

### **Attachments**

1. Compliance Measures Coordinating Committee – Organizational Chart

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Respectfully submitted,

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# Compliance Measures Coordinating Committee Organizational Chart

