

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 23, 2009

Item 1, Report No. 15, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on March 23, 2009.

**1 CITY OF VAUGHAN PARKING STANDARDS REVIEW REPORT
FILE 15.101**

The Committee of the Whole (Working Session) recommends:

- 1) That Clauses 1 and 2 of the recommendation contained in the following report of the Commissioner of Planning, dated March 9, 2009, be approved;
- 2) That the Policy Planning staff and IBI Group proceed to complete the report based on this Working Session and Council's comments with respect to the next steps to establish an updated parking standards policy for the City of Vaughan; and
- 3) That the presentation by Mr. Brian Hollingworth, IBI Group, and presentation material submitted entitled, "Review of Parking Standards Contained within the City of Vaughan's Comprehensive Zoning By-law", dated March 9, 2009, be received.

Recommendation

The Commissioner of Planning recommends:

1. That the presentation by IBI Group Inc., and material submitted dated February 2, 2009 be RECEIVED;
2. That the Draft report, "Review of Parking Standards Contained Within the City of Vaughan's Comprehensive Zoning By-law", January 2009, be RECEIVED; and,
3. That Policy Planning staff and IBI Group proceed to complete the report based on this working session and Council's further direction with respect to the next steps to establish an updated parking standards policy for the City of Vaughan.

Economic Impact

The economic impact of the outcomes of this study are yet to be determined and will depend on decisions the City may make on final recommendations (e.g. cost of establishing a parking committee or authority).

Communications Plan

The consultation process to-date has included four half-day staff workshops with City and Regional staff members from the following departments: Policy Planning, Development Planning, Enforcement Services, Economic Development, Corporate Policy, Building Standards, Engineering, Public Works, York Region Transit, and York Region Planning and Development Services Department, Town of Markham Planning, and VIVA Transit).

Four half-day workshops were held with staff as follows:

February 27, 2008 – Presentation to review existing standards, best practices and preliminary survey parking results.

June 27, 2008 – Workshop with staff discussing study findings and draft recommendations and opportunity for feedback from staff.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 23, 2009

Item 1, CW(W/S) Report No. 15 – Page 2

October 2, 2008 – Workshop to review report highlights and discuss staff comments and concerns from circulation of the report.

January 6, 2009 - Workshop to continue discussion from October session and give participants opportunity to provide detailed feedback from the final draft report circulation.

A copy of the final draft has been circulated to these various departments within the City and the Region for their comment and feedback.

In addition to staff workshops, the consultation process has also included interviews with various stakeholders such as Kleinburg Ratepayers Association, Maple Ratepayers Association, Woodbridge Core Ratepayers' Association, Developers, Smart Commute North Toronto, and Vaughan Chamber of Commerce. Details of the interviews conducted by IBI Group are found in the "Review of Parking Standards Contained within the City of Vaughan's Comprehensive Zoning By-law: Consultation Report" (Appendix D of Attachment 1).

A City-wide community notice of statutory public hearing will be advertised as per the Planning Act, at such time as the zoning by-law is to be amended.

Purpose

The purpose of this report is to inform Council on the work to-date, and obtain direction for staff to proceed with next steps.

Background - Analysis and Options

Background

On February 13, 2006 Council requested that "the Commissioner of Planning, jointly with the Commissioner of Engineering and Public Works and the Commissioner of Legal and Administrative Services be directed to prepare a report on the feasibility of implementing a City-wide cash-in-lieu of parking by-law, the intent of which is to establish reserve funds for municipal parking initiatives".

On February 13, 2006, Council also requested that the "Planning and Engineering Departments be directed to undertake a joint review of opportunities and options for guaranteeing a sufficient number of parking spaces available for use by the public within the Woodbridge core, whether on private or public lands or both." In keeping with this direction, Woodbridge has been identified as a historic urban place within the Terms of Reference and final draft of the report. Specific recommendations have been suggested for the Woodbridge Core as requested by Council.

On April 2, 2007, Council approved the Pedestrian and Bicycle Master Plan for the City. As part of this approval, staff was requested to examine the feasibility of including suitable facilities for bicycle parking within the City's Zoning By-law.

On June 11, 2007 (Item 29, Report No.28), Council adopted the Terms of Reference for the Parking Standards Study and directed staff to commence the tendering process for qualified professionals "to carry out a review of City-wide Parking Standards at a total cost not to exceed \$70,000 (including GST)".

On October 17, 2007, City staff awarded IBI Group for "Consulting Services for the Preparation of a Review of Parking Standards contained within the City of Vaughan's Comprehensive Zoning By-law."

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 23, 2009

Item 1, CW(WS) Report No. 15 – Page 3

On November 10, 2008 (Report No, 53, Item 35), Committee of the Whole directed planning staff to bring forward a report to future Committee of the Whole meeting, to “deal with the issue of drive-throughs”. Policy staff are currently looking into undertaking the analysis and development of policies for drive-through uses.

Analysis

The “Parking Requirements” contained within By-law 1-88 demonstrate an auto-oriented approach which ensures that each destination can accommodate peak parking demand on site, thereby minimizing the potential for off-site impacts. The existing requirements do not give consideration to the availability of alternative forms of transportation, urban context, or development forms. Large tracts of dispersed development patterns in Vaughan, strengthen automobile dependence and discourage alternative forms of transportation, such as cycling and walking. Many of the recommendations in the draft final report offer alternative and sustainable forms of addressing the issue of parking in Vaughan.

The overall approach adopted in this study is that parking zoning standards should be responsible, implementable, and promote more sustainable forms of development. Multiple approaches for assessing and developing parking standards are used. Highlights identified in the report include:

- “Responsible” Parking Requirements – balancing the need to require appropriate levels of parking without contributing to extensive oversupply and inefficient land use
- Reducing Number of Uses – to simplify the standards and improve their accuracy, the proposed standards consolidate uses, where appropriate, particularly for retail, restaurant and industrial/employment uses
- Sensitivity to Urban Context – The proposed standards specify alternative minimum and maximum (in certain instances) parking requirements for four different urban categories, reflecting alternative transportation conditions and planning objectives for these areas
- Sensitivity to Parking Demand and Existing Supply – adjustment factors are also specified to tailor parking requirements to local conditions (e.g. reduction of parking for sites within close proximity to public transit)
- Cash-in-lieu and Public Parking – Cash-in-lieu is recommended as one strategy to help fund for the provision of parking spaces as well as improvements to public parking (e.g. signage, site access, pedestrian realm)
- Improved Parking Design – recommendations are provided regarding parking space access and dimensions, and potential by-law requirements for design aspects such as landscaping, location, layout and stormwater management
- Bicycle Parking – bicycle parking requirements are specified for office, retail, restaurant, multi-unit residential and school and other institutional uses for both interim and long-term spaces
- Accessible Parking – it is anticipated that Vaughan will conform to the Province’s Accessible Built Environment Standards, currently being developed as part of the Accessibility for Ontarians with Disabilities Act, therefore recommendations are not proposed at this time

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 23, 2009

Item 1, CW(W) Report No. 15 – Page 4

The framework for determining parking standards involves:

a) Background Studies

- Review of relevant, OPA's, By-laws and Background reports
- Assessment of best practices in other jurisdictions such as: City of Mississauga, City of Toronto, Town of Markham, City of Vancouver, City of Calgary, City of London, City of Hamilton, City of Ottawa, and City of Winnipeg
- Review of existing parking data and trip generation rates in the City of Vaughan
- Stakeholder consultation, a multi-faceted approach has been pursued to-date including four half-day staff workshops with City and Regional staff, and in-person meetings and telephone interviews with development planners, zoning staff, developers, landowners, ratepayers groups, BIA's and Vaughan Chamber of Commerce

b) Technical Studies

- Empirical surveys of on-site demand/supply
-
- First principles approach based on observed mode shares and trip generation rates

c) Policy Input

- Transportation Demand Management (TDM) and transit-supportive development goals
- Urban design and land use objectives
- Innovative approaches (e.g. cash-in-lieu, public parking, shared parking, off-site parking, and land banking)

Options:

The proposed parking standards are summarized in the full report (Attachment 1), of particular note are the following:

a) Reduction of the number of uses – Currently, parking requirements are specified for over 60 uses, many of which have significant overlap or are not justified in having their own parking requirement (e.g. video store versus convenience store versus retail store). To simplify standards and improve accuracy, the proposed standards consolidate uses, where appropriate, particularly for retail, restaurant, and industrial/employment uses.

b) Cash-in-Lieu and Public Parking – With development of the Vaughan Corporate Centre and the growth of development in historic places, one of the options is for Vaughan to take a greater managerial role concerning parking. Cash-in-lieu is recommended as one strategy to develop and sustain funding for public parking and also provides flexibility for developers to provide less parking on-site. Funds could be used for constructing and operating public parking, improved signage and access to existing lots, and reducing parking demand in an area (e.g. pedestrian improvements, pathways, sidewalks, etc.).

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 23, 2009

Item 1, CW(WS) Report No. 15 – Page 5

If Vaughan opts to increase its role in parking management and the provision of public parking, it will need an appropriate organizational structure to guide and implement these activities. Five parking management types are considered in the report. However, the recommended option is the creation of a Parking Advisory Committee and creation of a Parking Manager position to provide and coordinate staff support for this committee from various City Departments. This is the approach that the Town of Markham has taken.

c) Shared Parking – Shared parking using shared parking rates is recommended for individual uses on a particular site. If there is change in use on the site, shared parking calculations should be recalculated and additional parking will only be required if the minimum requirement increases by more than 10% (exceptions are places of worship and banquet halls due to the generation of parking demand outside of expected peaks).

d) Off-site Parking – Off-site parking agreements must at least be registered on title of the donor site as a restrictive covenant and easement. The registration of an easement on title will solidify the agreement, and the City will not need to police/enforce the agreement, rather the receiving and donor landowners will be obliged to resolve issues themselves.

e) On-Street Parking – The recommended approach is to: provide reductions in on-site requirements for lay-by parking provided on-street; consult with the Region to have them modify their lay-by policy to allow this parking to be used towards on-site requirements; and, create a policy that on-street parking can be substituted for off-street parking requirements where appropriate and secure into the future.

f) Transit – York Region Transit (YRT) would like the support from the City to create park and ride spaces. Park and ride activity is already occurring informally at a number of private lots. YRT would like to formalize these agreements. This option would require a policy to be formulated rather than a provision in the zoning by-law. Transit adjustment factors may need to be specified as a policy, since transit routes are often changing.

g) Historic Places – The areas designated as “Historic Places” (Woodbridge Core, Thornhill Heritage Conservation District, Maple Heritage Conservation District, Kleinburg-Nashville Heritage District) in the draft study report, are proposed as having a relatively low minimum and maximum requirement which applies to surface parking. This would discourage large surface parking developments in areas within this designation. It was discussed in staff workshop #4 (January 6, 2009), that a maximum of 4.5 spaces /100m² for retail uses (as recommended in the report) would be too high and might allow too much surface parking. The minimum standard proposed for retail uses is 3 spaces /100m² (refer to Exhibit ES-3 in Attachment 1). Alternatively, staff suggested in Workshop #4 that the parking standards should only specify minimum standards and require any spaces above the minimum to be provided in structured or underground parking areas.

h) Woodbridge Core – Council directed that Staff conduct a specific review of opportunities and options to guarantee a specific number of parking spaces available for use by the public within the Woodbridge Core. Empirical studies conducted by IBI Group shows that there is significant parking availability at peak times. Only 60% of the customer and publically accessible parking supply is occupied over the surveyed area within the Woodbridge Core. The study concludes that the majority of the lots that are underutilized are those that are less convenient and less visible. The report recommends:

1. Improved signage – much of the parking supply in the Woodbridge Core is behind buildings and not directly visible. Collaboration between the City, existing businesses and, developers in the Woodbridge Core is recommended to develop more consistent and clear approach to parking signage.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 23, 2009

Item 1, CW(WS) Report No. 15 – Page 6

2. Consistent parking enforcement for time limits – the study results found that the parking turnover rates were inconsistent. It is recommended that additional reinforcement combined with improved signage and public awareness of parking options is required (e.g. area maps highlighting parking areas/lots).
 3. Improved design of existing and new facilities – the study recommends new development should be designed with appropriate lighting, pedestrian pathways, and rear entrances from the parking lot should be established wherever possible. This would encourage pedestrian access from parking lots to destinations.
 4. Facilitate cooperation among the business community – no business improvement association currently exists in the Woodbridge Core today. The study recommends that the City and the business community establish a business group to communicate needs, cooperate on, and lead initiatives related to parking and other business concerns.
 5. Revise parking standards – proposed requirements should be reflective of actual parking demand in the area and require new development to provide sufficient on-site parking, in addition to provisions for shared parking and off-site parking.
 6. Cash-in-lieu – participation of cash-in-lieu provision must be approved by the City and based on the justification that necessary parking cannot be provided on-site. The study also recommends that maximum participation should be set to the greater of 15 spaces or 10% of required parking. This would enable small developments to proceed with no parking, while larger developments would be able to provide cash-in-lieu of a portion of their required parking.
 7. Seek opportunities to increase on-street parking supply – the study recommends that opportunities to increase the supply of on-street spaces should be pursued. Road and sidewalk reconstruction projects could include the objective of maximizing on-street spaces.
- i) Urban Design Guidelines / Drive-Throughs – Additional supplemental studies regarding green urban design guidelines for surface/structural/underground parking structures are required. These are being prepared and will be available in the near future. Drive-Throughs also require further in-depth analysis, recommendations and guidelines.

Relationship to Vaughan Vision 2020/Strategic Plan

The final draft City-wide Parking Standards Review report is consistent with Vaughan Vision 2020 Strategic Plan, through the following initiatives, specifically:

Service Excellence:

- Lead and promote Environmental Sustainability

Management Excellence:

- Enhance productivity, cost effectiveness & innovation
- Plan and Manage Growth and Economic Vitality
- Demonstrate Leadership & Promote Effective Governance

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

There are three instances that were identified in the draft recommendations of the report that may have Regional Implications:

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 23, 2009

Item 1, CW(WS) Report No. 15 – Page 7

- YRT would like support from the City in creating park and ride spaces. YRT would like to formalize these agreements in the form of a policy as opposed to Zoning By-law amendment.
- The option for on-street parking may require Vaughan staff to consult with the Region to have modifications made to the lay-by policy to permit parking to be used towards on-site requirements.
- Should the City consider the option to establish a Parking Committee or Authority as discussed in the draft final report. The City may consider coordinating efforts with the Region (as recommended in York Region Transportation Masterplan).

Conclusion

As the City continues to evolve into an increasingly urban environment with more wide-spread and frequent public transportation, the City has recognized the need to review its parking standards. The draft Parking Standards Review Report proposes new parking standards for the City of Vaughan regulating the supply and design of private, off-street parking. It also discusses options and provides recommendations regarding the development of public parking. Should Council concur with the recommendations, staff will proceed with the next steps to obtain further feedback on the options respecting the update to the City's By-law 1-88.

Attachments

1. Draft Review of Parking Standards Contained within the City of Vaughan's Comprehensive By-law: Final Report (MAYOR AND MEMBERS OF COUNCIL only)

Report prepared by:

Melissa Rossi, Policy Planner 1, ext: 8320

Wayne L. McEachern, Manager of Policy Planning, ext: 8026

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 23, 2009

Item 2, Report No. 15, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on March 23, 2009.

2

ADMINISTRATIVE PENALTIES

The Committee of the Whole (Working Session) recommends that this matter be referred to the Committee of the Whole meeting of March 31, 2009.

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, in conjunction with the Director of Enforcement Services, recommends:

The Commissioner of Legal and Administrative Services and City Solicitor, in conjunction with the Director of Enforcement Services, recommends:

- 1) That the implementation of a system of Administrative Penalties be approved;
- 2) That appropriate public notice of the proposed by-law amendments be provided prior to the summer hiatus; and
- 3) That Council identify a committee of Council members to interview and recommend suitable candidates for the position of Hearings Officer.

Economic Impact

The one time Capital costs to implement an Administrative Penalties system in the City of Vaughan is \$110,000. These funds are for software upgrades to existing systems, \$63,000, and required hardware, \$45,000. These funds are included in the 2009 Capital Budget for approval.

The ongoing impacts to the Operating Budget to operate the Administrative Penalties system are expected to be \$35,000. These funds are included in the 2009 Operating Budget for approval.

It is expected that the costs to implement and operate this system will be completely offset by revenue within the first year.

Communications Plan

An extensive communication strategy will be developed as part of the project and is attached to the report (Attachment #1).

Purpose

This Report is to provide additional information related to the implementation and requisite by-laws for the Administrative Penalties system.

Background - Analysis and Options

Council, at its meeting of November 10, 2008, Item 3, Report 52, approved the recommendation regarding Administrative Penalties:

"That the following report of the Commissioner of Legal and Administrative Services and City Solicitor, dated October 28, 2008, be received and referred to staff for a further report to be brought forward to a Committee of the Whole meeting for consideration.."

Administrative Penalties are an alternative to the traditional method of issuing *Provincial Offences Act* tickets to enforce the Parking and Licensing By-laws.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 23, 2009

Item 2, CW(WS) Report No. 15 – Page 2

Bill 130, the *Municipal Statute Law Amendment Act, 2006* amended the *Municipal Act* to permit municipalities to establish a system of Administrative Penalties. This amendment also allows a municipal council to delegate its quasi-judicial and administrative functions to individuals approved by Council.

Under a system of Administrative Penalties, an Officer will issue a Penalty Notice to an alleged offender. The penalty becomes a debt owed to the City. The recipient of the penalty may contest the penalty to a Screening Officer and then a Hearing Officer, both of whom are appointed by Council. Court is not an available option as the Hearing Officer's decision is final.

It is estimated that there are approximately 1,800 parking tickets with a face value of \$180,000 awaiting trial at Provincial Offences Court. Due to the lack of Court time to hear these trials, most may be dismissed for delay. Similarly, there are close to 200 licensing charges pending trial with potential fines of \$75,000. These too are in danger of being lost due to the amount of time it takes to get the matters before a Justice of the Peace. Generally speaking, delays for trials are ranging from 10-24 months.

- **Project Benefits**

This project will generate a number of positive enhancements including increased customer service and increased administration of justice. The project benefits are outlined below.

- a) Increased Service to Citizens

- Both the First Attendance (Screening Officer) and the Hearing components of the process are located in Vaughan. This eliminates the need for defendants to drive to either Newmarket or Richmond Hill to have their matters heard.
- The public will have their matters dealt with in an expeditious fashion, normally within a few weeks versus many months, or years.
- This initiative brings the City of Vaughan closer to the model of other municipalities in the GTA (excluding York Region) that have their own municipal courts. This will reduce the reliance on the Region for some less serious matters.
- Removing parking and licensing from the Provincial Offences Court docket frees up additional court time so that citizens will have other matters of concern dealt with in a more efficient and timely manner. This will allow the City to more effectively deal with such other enforcement matters.

- b) Increased Administration of Justice

- The public interest is not well served having trial matters waiting in queue for up to 24 months for a trial date. This will result in these matters being quashed due to the length of time between charge and trial, which increases customer and staff frustration. This process will allow hearings to occur within weeks of the offence date, resulting in a more streamlined and efficient offence dispute resolution process.
- The court time that will be able to be re-allocated as a result of the removal of most of the parking and licensing matters for the court schedule will allow more serious matters such as Building Code or Fire Code charges to be dealt with faster. This will result in the decision (and penalty if there is a finding of guilt) to be handed down more quickly, potentially increasing compliance.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 23, 2009

Item 2, CW(WS) Report No. 15 – Page 3

c) Reduced Environmental Impacts

- As a result of the parking and licensing matters being dealt with, through First Attendance to Hearing, in Vaughan, the defendant, staff, and any other witnesses will not have to drive the distance to Newmarket or Richmond Hill, therefore reducing the consumption of fuel and carbon emissions.

d) Revenue Timeliness

- While it is not expected to increase revenues through the issuance of more tickets or increased fines, there is a benefit to the Administrative Penalties in that less fine revenue is lost through delays in the prosecution and collection by the courts.
- Under the Administrative Penalties system, the penalty is a debt owed to the City and there are stronger collection powers available to the City to pursue payment. The powers include, but are not limited to, license plate denial for parking offences, to business license suspensions.

• **Administrative Penalty By-laws**

When establishing Administrative Penalties for parking matters, the *Municipal Act* requires that a municipality implement a series of policies and procedures. Although there is no corresponding requirement for licensing Administrative Penalties, it is recommended that such a system closely mirror the requirements for parking. The requisite policies and procedures include:

- Guidelines for Conflict of Interest
- Financial Management and Reporting
- Public Complaints
- Extension of Time for Payment
- Extension of Time to Request a Review
- Prevention of Political Interference
- Relief from Undue Hardship

To effectuate the majority of these policies and procedures, and to create the actual Administrative Penalty Systems, it is recommended that three by-laws be passed: a By-law amending the Licensing By-law, a By-law amending the Parking By-law, and a By-law that creates the position of a Screening Officer and Hearings Officer.

a) Licensing and Parking By-laws

The processes under the Licensing and Parking Administrative Penalty Systems will be substantially identical. When a By-law Enforcement Officer witnesses a contravention of the relevant By-law, the By-law Enforcement Officer may issue a penalty notice to the alleged offender. In the case of a licensing infraction, the set penalty will be \$350. With parking matters, the set penalty will range between \$25 and \$100, depending on the infraction.

Once the offender receives the penalty notice, the offender will have 15 days in which to either pay the penalty or request a review of the penalty notice. If no action is taken within these 15 days, the offender will have an additional 15 days to request an extension to review, provided that he or she establishes that there are extenuating circumstances that warrant granting the extension. If nothing is done in the 30 day period after which the penalty notice is given, the penalty is deemed to have been affirmed.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 23, 2009

Item 2, CW(WS) Report No. 15 – Page 4

A Screening Officer is responsible for reviewing the penalty notice. The Screening Officer is similar to a First Attendance Adjudicator in the Provincial Offences context. In reviewing the penalty notice, the Screening Officer will hold a meeting with the offender, and will either affirm, vary, or cancel the penalty. The Screening Officer may cancel or vary the penalty if the offender establishes that he or she did not commit the infraction, or if the penalty would cause undue hardship.

The offender may appeal the Screening Officer's decision to a Hearings Officer within 15 days of being notified of the decision. The offender will have an additional 15 days to request an extension to appeal, provided that he or she is able to demonstrate that there are extenuating circumstances that warrant granting the extension. If nothing is done in the 30 day period after which the offender is notified of the Screening Officer's decision, the decision is affirmed.

The Hearings Officer will hold a Hearing where the offender is given an opportunity to be heard. At the conclusion of the hearing, the Hearings Officer may either affirm the penalty notice, or cancel or vary the penalty notice only if the offender establishes that he or she did not commit the infraction, or if the penalty would cause undue hardship. The decision of the Hearings Officer is final.

Where an administrative penalty is not paid by 15 days after it became due and payable to the City, the City may adopt enforcement measures to collect the penalty. In the case of a licensing infraction, the City may commence legal proceeding in court to collect the penalty, or suspend or revoke the business license of the offender. With respect to the parking infractions, the City may obtain a certificate of default and inform the Registrar of Motor Vehicles of the default so that vehicle permits are not validated.

Staff are also recommending that the City adopt the following administrative fees as part of the Administrative Penalty process:

| | |
|---|------------|
| Each late payment of an administrative penalty | \$50 |
| Each failure to attend hearing before Screening Officer or Hearings Officer | \$100 |
| Documentation Fees | |
| - Plate Denial | \$35 |
| - Civil Filings | \$150 |
| - Copy of Charges | \$15 (per) |

An amendment to the City's General Fees and Charges By-law is necessary to effectuate these changes.

Attached as Attachment #2 and #3 respectively are the draft Licensing By-law Amendment and the draft Parking By-law amendment.

b) Screening Officer and Hearings Officer By-law

It is also recommended that the City pass a By-law that creates the position of Screening Officer and Hearings Officer. This By-law would require Council to appoint appropriately qualified individuals to the positions of Screening Officer and Hearings Officer. With respect to the Screening Officer, it is anticipated that Staff will be recommending current Staff to be the Screening Officer (and alternates). With respect to the Hearings Officer, Staff are recommending that Council create a committee of Council members to interview suitable candidates and recommend a candidate to Council for the Hearings Officer position.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 23, 2009

Item 2, CW(WS) Report No. 15 – Page 5

This By-law will prohibit Members of Council and their relatives from being appointed Screening Officer. It will also prohibit employees, Members of Council, and their relatives from being appointed as Hearings Officer. The term “relative” has the same meaning as found in the City’s Hiring and Nepotism Policy No. 05.5.17. These provisions will prevent the appearance of conflicts of interest.

This By-law will also make it an offence for any person to communicate with the Screening Officer or Hearings Officer for the purpose of influencing their decision. This will address the political interference requirements of the *Municipal Act*.

Attached as Attachment #4 is the draft Screening and Hearings Officer By-law.

c) Policies not codified into By-laws

Policies relating to Financial Management and Public Complaints are being developed. Also, Staff will adopt standing operating procedures to deal with these issues prior to the final implementation of the Administrative Penalty System.

• **Project Timelines**

The vendors have advised that they require 6 – 8 weeks to deliver their products to Vaughan, and the ITS Department will need a week or two to test the product. As the vendors are unable to commence their work until the 2009 Capital Budget is approved, presumably on April 7, 2009, the earliest implementation date of this program will be August 1, 2009. Earlier reports had indicated that the launch date could be June 1, 2009, but this is no longer possible. The remaining major steps in the project are outlined in the table 1.1 below, with a target completion date.

**Table 1.1
(March – July 2009)**

| Identified Task | Responsible Dept |
|-------------------------------------|--------------------------|
| Software Modifications | External Vendor |
| Software Testing | External/ITM |
| Ticket Design and Order | Enforcement/External |
| Ticket Machine/Hardware Acquisition | External |
| Staff Training Manual | Enforcement |
| Collection Protocols | Enforcement/Finance |
| Communication Strategy | Corp Comm/Enforcement |
| Retain Hearing Officer | Enforcement/HR |
| Establish Hearing Schedule | Enforcement |
| Bylaws Approved | Council |
| Update Departmental Website | Corp Comm/Enforcement |
| Establish New Revenue Accounts | Finance |
| Re-allocation of court time | Region/Legal/Enforcement |

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 23, 2009

Item 2, CW(WS) Report No. 15 – Page 6

Although the majority of the work thus far has been performed by Enforcement Services staff, the stakeholders and departments listed above will be requested to provide support to complete the outstanding tasks in Table 1.1

Relationship to Vaughan Vision 2020

This project is in keeping with the Vaughan Vision in that it speaks to Enhancing Productivity, Cost Effectiveness and Innovation ; Pursuing Excellence in Service Delivery; and, Enhancing and Ensuring Community Safety, Health & Wellness.

Regional Implications

As the Region operates the Courts used by the City to prosecute our by-law matters, they will be involved in the re-allocation of court time.

Conclusion

The project to implement a system of Administrative Penalties has developed well and is now at the stage where final approvals are required to permit the ordering of equipment and to commence the process of retaining the services of a Hearings Officer in time for an August 1 launch date.

Attachments

1. Communications Strategy
2. Draft Licensing By-law Amendment
3. Draft Parking By-law Amendment
4. Draft Screening and Hearings Officer By-law

Report prepared by:

Tony Thompson, Director, Enforcement Services
Rick Girard, Managing Supervisor, Enforcement Services
Chris G. Bendick, Solicitor

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)