

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2018

Item 6, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 21, 2018.

6 DELEGATION OF OFFICER APPOINTMENTS

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Community Services, dated February 6, 2018:

Purpose

In an ongoing effort to streamline administrative processes and to optimize the operation of City Council, staff are seeking authority to appoint Municipal Law Enforcement Officers (“MLEOs”) and Property Standards Officers (“PSOs”) delegated to the Director, By-law and Compliance, Licensing and Permit Services (“BCLPS”).

Recommendation

1. That City Council amend subsection 4.(b) of the City’s Delegation By-law No. 195-2015, as amended, to delegate the power to appoint Municipal Law Enforcement Officers and Property Standards Officers to the Director, By-law and Compliance, Licensing and Permit Services, subject to final wording and in a format satisfactory to the City Solicitor, Legal Services.

Report Highlights

- There is an ongoing need to appoint MLEOs and PSOs; currently these appointments must be ratified by City Council.
- To facilitate appointment, streamline administrative processes and optimize the operation of City Council, staff are recommending that the power to appoint MLEOs and PSOs be delegated to the Director, BCLPS.

Background

Under the current provisions of the City’s Delegation By-law No. 195-2015, the Director, BCLPS may place on the agenda for City Council, without prior consideration by a Standing Committee and without recommendation to Council, by-laws to appoint MLEOs.

Duties of MLEOs and PSOs

MLEOs enforce the City’s regulatory by-laws under the Municipal Act, the Planning Act, and other applicable legislation. MLEOs may be employees of the City, within the By-law and Compliance, Licensing and Permit Services Department or they may be agents of third-party parking enforcement providers that, under agreement with the City, enforce

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2018

Item 6, CW Report No. 6 – Page 2

only the City's parking provisions on private property. Such providers include both private companies and recently through an amendment adopted by City Council on December 11, 2017, public authorities.

PSOs enforce the City's Property Standards By-law, which is a by-law passed under the authority of the Building Code Act, 1992, S.O. 1992, C.23.

Appointment of MLEOs and PSOs

MLEOs are appointed by City Council under the authority of the Police Services Act, 1990. The Building Code Act defines PSOs as officers who have been assigned the responsibility of administering and enforcing by-laws passed under section 15.1 (i.e., relating to property standards).

Although, the Director, BCLPS, has the delegated authority to bring appointment by-laws before Council directly, the required approvals do not always coincide with the hiring of officers or with the changes associated with third-party parking enforcement providers. In addition, there can be numerous appointments required throughout any given year. Ultimately, this means that the Appointment By-law is often in need of being revised. The matter of MLEO and PSO appointments is strictly administrative in nature.

Delegation of power to enter into parking enforcement agreements

In December of 2017, City Council extended the scope of the existing authority of the Director to enter into agreements with third parties to provide parking enforcement on private property. The amendment was necessary to allow the City to permit other entities, such as the Toronto Parking Authority, to enforce the City's parking by-law. In going through this process, staff concluded that delegating the full appointment process would result in much greater efficiencies for both staff and Council.

Previous Reports/Authority

[Amendment to the City of Vaughan Delegation By-law #195-2015](#) (Item 18, Report No. 44, of the Committee of the Whole).

Analysis and Options

The recommendation from staff is intended to remove the administrative task of appointing enforcement officers from the agenda of City Council. The delegated authority will also allow staff to respond in a more timely way to changes in MLEOs and PSOs due to labour force changes and demands from third-party parking enforcement providers.

Authority to delegate powers

Under Section 23.1 of the Municipal Act, 2001, the City may delegate its powers and

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2018

Item 6, CW Report No. 6 – Page 3

duties to a person or body, subject to prescribed restrictions. A number of other Ontario municipalities have already delegated similar appointment powers to staff, including Hamilton, London and Burlington for the appointment of Building Inspectors.

Appointment Process

Staff are recommending an appointment process by which the Director, BCLPS, would be responsible for maintaining an up-to-date listing of all in-house MLEOs and PSOs, as well as all third-party MLEOs. The Director would file such list with the City Clerk and such list would be available for public inspection.

Financial Impact

The recommendation of this report does not have an impact on the City's 2018 budget.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

In their ongoing effort to improve service to the public, streamline and rationalize operations, and optimize the use of Council's time, staff are recommending that the appointments of MLEOs and PSOs be delegated to the Director, BCLPS. Such a delegation of powers and duties is authorized under the Municipal Act. To ensure accountability and transparency, the process will include making an up-to-date list of all appointments public through the Office of the City Clerk.

For more information, please contact: Rudi Czekalla-Martinez, Manager of Policy and Business Planning, ext. 8782.

Attachments

None.

Prepared by

Rudi Czekalla-Martinez, Manager of Policy and Business Planning, ext. 8782