



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Giovanni (John) Miceli	Report Date: May 17, 2019
Author's Phone: 519 736-0012 ext. 2228	Date to Council: May 27, 2019
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To: Mayor and Members of Town Council

Subject: Conversion of Part-time By-Law Enforcement Officer to Full Time By-law Enforcement Officer Position

1. **RECOMMENDATION:**

It is recommended that:

1. The report from the CAO dated May 17, 2019 regarding the conversion of a Part-Time By-law Enforcement Officer to a Full-Time By-law Enforcement Officer Position **BE RECEIVED**;
2. Administration **BE AUTHORIZED** to convert the approved Part-time By-law Officer to a Full time By-law Enforcement Officer in accordance with recommendations of the report; and,
3. An over-expenditure not to exceed \$3,000 **BE APPROVED** in the Licencing and Enforcement budget center for 2019 for the cost to employ a Full Time By-law Enforcement Officer.

2. **BACKGROUND:**

Since its inception in 2007, the By-law Enforcement Program has evolved into a highly utilized service elevating the level of service in areas such as property standards, yard maintenance and weed control.

The Town of Amherstburg Licensing and By-law Division is guided by municipal by-laws, and provincial legislation, including but not limited to, the Municipal Act, Building Code Act, Highway Traffic Act, Dog Owners' Liability Act (DOLA) and the Provincial

Offenses Act. By-laws enforced by the Town's Enforcement Officer include, but are not limited to:

Yard Maintenance By-law	Parks By-law
Swimming Pool By-law	Kings Navy Yard By-law
Traffic By-law	Zoning By-law
Property Standards By-law	Sign By-law
Exotic Animal By-law	Business Licence By-law
Fence By-law	Dog By-law
Dangerous Dog By-law	Right of Way By-law
Noise By-law	Discharge of Firearm By-law
Firework By-law	Open Burning By-law
Water Supply By-law	Smoke Free By-law
Tree By-law	

By-laws enacted by municipalities reflect community values and standards. These values and standards are not static; they evolve over time as a community changes – for example, transitioning from rural to urban, residential growth, the inflow of residents relocating to Amherstburg from other jurisdictions and priorities surrounding tourism attraction. Changes in the composition of communities over time means that By-laws and enforcement practices need to evolve as well to respond to the inevitable conflicts that arise in the “interface” areas between different types of land uses and competing priorities. When a By-law is enacted by Council there is an expectation from the residents and Council that Town Enforcement staff will interpret, apply and enforce the approved Council By-laws fairly and reasonably.

3. DISCUSSION:

Legislative changes and impacts have affected the Licensing and By-law Division's workload over the years. Currently the Town organizational structure provides for one (1) full-time officer and one (1) *part-time officer (*currently vacant and in the recruitment phase).

Since the adoption of the 2019 operating budget administration has received a significant amount of resident feedback and Council inquiries as it relates to municipal By-laws and the enforcement thereof. In fact, during the development of the 2019 municipal operating budget, senior administration discussed the need for a Full time By-law officer however proceeded with a part time By-law Enforcement position as there were many unknowns at the time. It is undoubtedly an issue for staff to manage the workload within the By-law Enforcement Division as there has been an increase in the number of By-laws to be enforced that has resulted in an increase in the volume of By-law complaints received. Many times complaints lead to charges and a significant amount of time is required in order to move forward in developing a file for prosecution. After careful review of the circumstances and the workload demands, Administration felt that it was important to come before Council to request that the Part-time By-law Officer approved in the 2019 Operating Budget be converted to a Full-time position.

The current recruitment process for a part-time officer has also highlighted this issue as the skillset required for an individual to successfully perform the duties of this position are not readily available. Administration is of the position that the conversion of this

position to full time will not only result in an additional ½ time body but will also open the opportunity for the Town to attract a more suitable candidate for the position. In light of this and due to the current vacancy in the Part-Time Officer position, Administration recommends the elimination of the Part–Time By-law Enforcement Officer from the organizational complement and converting that position to an additional Full-time By-law Enforcement Officer.

A full time officer allows the Town to expand enforcement hours beyond what a part time officer allows. The benefits that will be realized include the following:

- Service levels will be enhanced as additional hours of service for enforcement will be offered. A full-time position will result in an additional 702 hours of service or a 36 % increase.
- The Town will be in a position, based on scheduling, to provide increased coverage for By-law enforcement. It is also the intention of Administration in accordance with Article 18.04 of the collective agreement to enter into an agreement with the IBEW that would allow the Town to significantly enhance the service level through a Memorandum of Agreement that will allow the Town the capability of scheduling staff with flexibility for a 7-day operation with the new position. Administration will not proceed with the recruitment of the new position without the agreement of the Union to the proposed service level enhancements. Presently the Town is limited to Monday to Saturday from 7 am to 5:30 pm.
- The present Full-Time By-law enforcement officer is a unionized position within the IBEW and is entitled to 4 weeks' vacation based on the collective agreement. During this time the Town has limited By-law enforcement capabilities effectively leaving the Town with limited or no coverage with the exception of health and safety related complaints that arise when the individual is off on vacation or sick leave. The addition of a Full-Time position allows the Town to introduce measures to minimize the times when by-law enforcement is not offered by the Town. It is important to note that the collective agreement allows for progressive vacation entitlement of up to 7 weeks depending on seniority.

The Town's vehicle fleet includes one enforcement vehicle for the department a 2012 F-150. In an effort to minimize the cost implications of By-law Enforcement the present model of enforcement utilizes the part-time staff member during hours when the full-time officer is not present. With the proposed enhancement to the level of services Administration requires that the addition of a Full-time staff member would require an additional enforcement vehicle. Administration proposes to allocate one of the two surplus 2015 Ford Taurus realized from the Police outsourcing initiative for this position. Although there is no initial outlay of cash for this vehicle, going forward in 2020 the Town will budget corporately for the replacement of the vehicle through the Towns fleet replacement program.

The conversion of the Part–time position to Full-time will allow the Town to be in a better position to:

1. Address complaints of residents
2. Assess and address the impacts of upcoming legislative changes such as cannabis
3. Allow for increased enforcement capabilities through increased scheduling flexibility while remaining in compliance with the collective agreement (subject to MOU)

4. Allow the Town to increase the number of enforcement hours on a daily and weekly basis and address some key complaints received by residents such as the lack of parking in the downtown core.

4. RISK ANALYSIS:

It is important for Council to note that Council itself decides which By-laws to enact and enforce. By-laws are created by municipal councils to address things the town may wish to regulate. This is typically as a result of decisions based on what Council determines to be the priorities of the community as well as those actions that will maintain or enhance the quality of life, health and safety of the residents, protect the environment and the reputation of the Town which are all in the interest of the public.

The By-law Enforcement Policy outlines that the Town will respond to formal complaints from residents, thereby being a reactive enforcement approach. The Policy also outlines that proactive enforcement will be performed upon observation of a By-law violation where the matter is considered to be in the public's interest or of an immediate threat to health and safety.

With the impacts listed above and the amount of staff required to educate the public and effectively sustain this approach is contingent on the level of service Council wishes to provide. The credibility of the Town and its By-laws are directly contingent on the Town's ability to enforce complaints. Administration and Council regularly receive complaints and inquiries from residents questioning the Town's ability to enforce its own by-laws which have a direct impact on the creditability of both staff and Council. There is significant political risk that is associated with the Town's inability to react in an efficient and effective manner when it comes to resident complaints and By-law enforcement. It has also been brought to the attention of Administration that residents have taken to social media to express their displeasure of the level of service as it relates to issues such as property standards and parking enforcement. Social Media has increased the political risk associated with the manner in which the Town conducts its affairs. The conversion of the Part-time position to Full-time will have a positive impact and will assist the Town in preserving the Town's reputation and position on providing reactive enforcement on By-law related matters.

5. FINANCIAL MATTERS:

The 2019 Budget, Licensing and Enforcement budget centre, includes funding for one Full time By-law Enforcement Officer and one Part Time By-law Enforcement Officer. The Budget also includes the other operating costs for the two positions, such as communication devices (smartphone, radio), uniform, training, etc.

The Budget does not include the costs for purchase and operation of a second vehicle for By-law enforcement. As is indicated in the report above, Administration will reallocate one of the two 2015 surplus Ford Taurus's realized as a result of the contracted police services to By-law Enforcement for the provision of enhanced by-law enforcement.

Licensing and Enforcement 2019 Budget

	2019 Approved Budget	2019 Proposed	Variance
Operating Expense:			
Salary – Full Time	\$217,776	\$246,676 ⁽²⁾	(\$28,900)
Salary – Part Time	\$33,213	0	\$33,213
Benefits	\$78,469	\$85,310 ⁽³⁾	(\$6,841) ⁽⁴⁾
Capital Expense:			
Vehicle	0 ⁽¹⁾	0	0

- (1) No capital vehicle cost due to surplus vehicle as a result of police outsourcing
- (2) 2018 fulltime salary is adjusted for ½ of the year based on annual starting salary of By-law enforcement officer of \$57,800
- (3) Benefit costs have been adjusted to reflect the reduction of P/T staff and replacement of F/T staff for half of the year
- (4) Annualized benefit cost for a F/T By-law Enforcement Officer \$21,964 based on 2019 rates. This will result in a 2020 variance of \$17,823 in benefit costs.

The Full-Time Officer position, if approved, is anticipated to be filled by July 2019. This will result in a negative variance not to exceed \$3,000 in the 2019 Licensing and Enforcement budget. Based on the chart above the negative variance is anticipated to be \$2,528. This will also result in an enhanced level of service for one half of the year of approximately 351 hours in By-law enforcement (f/t =37.5 hrs/week vs p/t 24 hrs/week).It is also important to note that no additional revenues have been assumed. Administration will be in a better position to report those revenues to Council in the third and fourth quarter variance reports which in effect may mitigate the 2019 variance in its totality.

Going forward in 2020, the annualized cost of the full-time By-law enforcement officer will have a greater impact and may create additional budgetary pressures for Council to consider. It is estimated that in 2020 the cost associated as a result of the annualized enhanced service level of an additional 702 hours in by-law enforcement will result in an increased cost to the town of approximately \$44,303 inclusive of salary and benefits and will be presented for Council’s consideration in the 2020 operating budget.

6. CONSULTATIONS:

The Treasurer, the Manager of Licensing and Enforcement and the Manager of Human Resources were consulted on this report.

7. CONCLUSION:

The 2019 impact on the Town's budget will have minimal impact on the Town finances however will have a notable increase in the level of service offered. The 2020 impact will be considered by Council in totality with the presentation of the 2020 operating budget. It is the recommendation of Administration that the hiring of an additional Officer with the added duties and hours will benefit the Town. This new position will allow the Town to expand levels of service, increase flexibility and potentially allow for opportunities for additional revenue to be realized.

Giovanni Miceli

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Chief Administrative Officer

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