



Corporate Services, Strategy, Risk and Accountability Committee Meeting

Addendum

**Date:** February 23, 2021  
**Time:** 9:30 am  
**Location:** Council Chambers - members participating remotely

Pages

**3. Consent Items:**

- 3.2. *Memorandum of Understanding for COVID enforcement funding (BB-03-21)*

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Note: This item will be the subject of a Special Council meeting immediately following the February 25, 2021 Corporate Services, Strategy, Risk and Accountability Committee meeting.

Authorize the Mayor and City Clerk to negotiate and execute a Memorandum of Understanding with the Regional Municipality of Halton, Town of Halton Hills, the Town of Milton, and the Town of Oakville, which provides a framework for COVID-19 enforcement, reporting and one-time funding for all regional municipalities, substantially in accordance with the Memorandum of Understanding attached as Confidential Appendix A to building and by-law department report BB-03-21, in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

**4. Regular Items:**

- 4.1. 2021 operating budget review and approval (F-04-21-1)

- a. *Delegation from Lawson Hunter regarding 2021 operating budget review and approval (F-04-21-1)*
- b. *Delegation from Siva Kumar regarding 2021 operating budget review and approval (F-04-21-1)*

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**5. Confidential Items:**

5.2. *Confidential Appendix A to Memorandum of Understanding for COVID enforcement funding (BB-03-21)*

Pursuant to Section 239(2)(k) of the Municipal Act, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.



**SUBJECT: Memorandum of Understanding for COVID enforcement funding**

**TO: Corporate Services, Strategy, Risk & Accountability Cttee.**

**FROM: Building and By-law Department**

Report Number: BB-03-21

Wards Affected: All

File Numbers: 155-03-10

Date to Committee: February 23, 2021

Date to Council: February 25, 2021

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**Recommendation:**

Authorize the Mayor and City Clerk to negotiate and execute a Memorandum of Understanding with the Regional Municipality of Halton, Town of Halton Hills, the Town of Milton, and the Town of Oakville, which provides a framework for COVID-19 enforcement, reporting and one-time funding for all regional municipalities, substantially in accordance with the Memorandum of Understanding attached as Confidential Appendix A to building and by-law department report BB-03-21, in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

**PURPOSE:**

To obtain approval to enter into an agreement with the Region of Halton and regional municipalities which outlines parameters for COVID-19 enforcement and reporting across the Region in exchange for one-time funding.

**Vision to Focus Alignment:**

- Deliver customer centric services with a focus on efficiency and technology transformation

## **Background and Discussion:**

In response to the continued demand on enforcement resources related to the COVID-19 Pandemic, the Region of Halton has approved approximately \$800,000 in the 2021 Budget and Business plan to support COVID-19 enforcement activities in 2021.

On February 17, 2021, Regional Council approved allotment of this funding using a weighted assessment formula which results in \$247,000 to be distributed to Burlington to cover operating costs for additional enforcement resources. Details can be found in Region of Halton report CA-03-21 attached as Appendix B.

Receipt of this funding is dependent on all municipalities signing a Memorandum of Understanding (MOU) which outlines parameters for enforcement and reporting on enforcement activities.

Staff have no issues with the parameters set by the Region in the MOU. Burlington is already participating in the Joint COVID-19 Task Force which is made up of by-law representatives from regional municipalities (Oakville, Milton, Halton Hills), Halton Regional Police Service and Public Health. The purpose of this group is to discuss by-law issues, strategies and interpretation to ensure consistent enforcement throughout the Region. The MOU formalizes the intent of this task force as well as reporting requirements. Staff have been working with the Business Intelligence (BI) section to improve enforcement reporting so the parameters noted in the MOU are reasonable and timely.

Adding additional By-law Officers improves our ability to maintain customer service levels and provide coverage outside of regular business hours. As the COVID-19 pandemic continues, staff have noted an increase in activity where people are proactively encouraging violations of the Emergency Orders, Reopening Ontario Act and COVID-19 By-laws. Focused enforcement is required to limit these types of violations.

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## **Financial Matters:**

In anticipation of this potential funding, a Business Case was added into the City of Burlington operating budget requesting approval of two temporary by-law enforcement officers (Business Case #2021-75) with an estimated amount of \$234,000 as shown in Appendix C. The approval of \$247,000 will allow recovery of these costs.

## **Source of Funding**

Region of Halton one-time COVID funding in the amount of \$247,000.

**Other Resource Impacts**

Two additional By-law Officers will be hired with the funding provided. Recruitment is underway with Officers expected to start in March.

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**Climate Implications**

Not Applicable

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**Engagement Matters:**

Not Applicable.

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**Conclusion:**

Entering into a Memorandum of Understanding with the Region of Halton will provide funding to enhance COVID-19 enforcement efforts reducing the risk public health and safety.

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Respectfully submitted,

Kerry Davren

Manager of By-law

905-335-7600 extension 7800

**Appendices:**

- A. Confidential – Memorandum of Understanding
- B. Region of Halton Report CA-03-21
- C. Business Case 2021-75

**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.



## The Regional Municipality of Halton

Report To:	Regional Chair and Members of Regional Council
From:	Jane MacCaskill, Chief Administrative Officer
Date:	February 17, 2021
Report No:	CA-03-21
Re:	COVID-19 Enforcement Funding

### RECOMMENDATION

1. THAT Regional Council approve payments to support the enforcement of COVID-19 as described in Report No. CA-03-21, re: "COVID-19 Enforcement Funding".
2. THAT the Commissioner of Legislative and Planning Services and Corporate Counsel be authorized to negotiate and execute a COVID-19 Enforcement Funding Memorandum of Understanding.
3. THAT Report No. CA-03-21 be forwarded to the City of Burlington, the Town of Halton Hills, the Town of Milton, and the Town of Oakville for their information.

### REPORT

#### **Executive Summary**

- The Halton COVID-19 Joint Enforcement Task Force has been coordinating and tracking pandemic related by-laws and order enforcement and includes representatives from the Local Municipalities, Halton Region and the Halton Regional Police Service.
- COVID-19 has had an impact on the demand for service from Regional and Local Municipal enforcement staff across the Region. Enforcement which includes education and progressive enforcement measures will require additional resources for the Local Municipalities to support COVID-19 enforcement demands in 2021.
- Halton Region's approved 2021 Budget and Business Plan included a one-time provision of \$800,000 to support COVID-19 enforcement activities in 2021. This provision was financed from the COVID-19 reserve which is funded from the Provincial Safe Restart funding.

- It is recommended that Halton Region and the Local Municipalities enter into a Memorandum of Understanding related to the funding.
- Authorization is required for the Commissioner of Legal and Planning Services to negotiate and execute a COVID-19 Enforcement Funding Memorandum of Understanding.

## **Background**

Halton Region's 2021 Budget and Business Plan included one-time funding to provide support for COVID-19 related by-law enforcement. The purpose of this report is to seek approval to enter into a Memorandum of Understanding with the Local Municipalities to support COVID-19 by-law enforcement resources.

On March 27, 2020 the provincial government signed a ministerial designation under the *Provincial Offences Act* to authorize municipal by-law enforcement officers, among others to enforce *Emergency Management and Civil Protection Act* COVID-19 orders. In addition, Halton Region and in some cases Local Municipalities, have approved by-laws in response to the COVID-19 pandemic. The provincial government encouraged municipalities to manage the impact of the pandemic in communities by implementing a proactive approach to awareness, compliance, and enforcement of public health restrictions and emergency orders.

Halton's Joint Enforcement Task Force, comprised of representatives from each of the local municipalities, the Halton Regional Police Service, and staff of Halton Region, are currently coordinating and tracking pandemic related by-laws and order enforcement. Weekly enforcement data is available to the Joint Enforcement Task Force and the Ministry of the Solicitor General is requesting reporting of enforcement activity to ensure compliance. The Joint Enforcement Task Force has been effective at coordinating COVID-19 enforcement efforts.

## **Discussion**

Enforcement of COVID-19 orders, regulation and by-laws is an important measure to assist in reducing the spread of COVID-19 in the community. Demands related to COVID-19 enforcement activities are expected to continue in 2021. While the vaccination program has been initiated, it is expected to be later in the year before a majority of the population will be vaccinated.

In response to the continued demand on enforcement resources related to COVID-19, the Halton Region 2021 Budget and Business Plan includes a one-time provision of \$800,000 to support by-law enforcement activities. It is recommended that Halton Region and the Local Municipalities enter into a Memorandum of Understanding for this funding. The terms of the Memorandum of Understanding would confirm on-going coordination of the enforcement activities through the Joint Enforcement Task Force, identification of opportunities for coordinated, targeted enforcement, and sharing of best practices. The

Memorandum of Understanding would also establish common reporting standards to the Task Force.

It is recommended that the \$800,000 be distributed to the Local Municipalities based on weighted assessment as shown in the table below.

Local Municipality	Weighted Taxable CVA		Fund Allocation
	\$	%	
Burlington	51,702,172,206	30.9%	247,000
Halton Hills	15,383,644,635	9.2%	73,000
Milton	28,618,882,089	17.1%	137,000
Oakville	71,778,174,218	42.9%	343,000
	<b>167,482,873,148</b>	<b>100.0%</b>	<b>800,000</b>

FINANCIAL/PROGRAM IMPLICATIONS

The \$800,000 to support COVID-19 enforcement was included in the approved 2021 Budget and Business Plan as a one-time expense financed from the COVID-19 reserve. These funds are from the Provincial Safe Restart funding received in 2020.

Respectfully submitted,



Ralph Blauel  
Acting Director, Business Planning  
and Corporate Initiatives



Tony Oliveri  
Acting Commissioner, Strategic  
Transformation

Approved by



Jane MacCaskill  
Chief Administrative Officer

If you have any questions on the content of this report,  
please contact:

Ralph Blauel

Tel. # 3450

Attachments: None

**Risk Mitigation Measure - Additional Bylaw Enforcement Officers - COVID**

<b>Number:</b>	2021-075	<b>Service:</b>	By-law Enforcement
		<b>Business Case Type</b>	Service Enhancement

**Purpose**

<b>Description</b>	<p>The purpose of this business case is to add two additional By-law Enforcement Officer positions on a contract basis to aid with municipal law enforcement. Costs to be offset by funding from the Region of Halton with the agreement that COVID-19 enforcement be prioritized.</p> <p>Resources dedicated to by-law enforcement were last increased in 2019, however growth in the city and more specifically development intensification has increased the frequency and complexity of issues. In the last 5 years, the volume of regular calls to the By-law Section has doubled. When compared to the other lower tier municipalities in the region, Burlington has approximately 50% less staff on a per capita basis.</p> <ul style="list-style-type: none"> <li>• Burlington – 1 by-law officer per 27,461 population</li> <li>• Milton – 1 by-law officer per 12,232 population</li> <li>• Oakville – 1 by-law officer per 10,065 pop</li> <li>• Halton Hills – 1 per 7,333</li> </ul> <p>The COVID-19 pandemic has highlighted the importance of enforcement in maintaining public safety. The lack of staffing resources has made it difficult to maintain appropriate service levels during the pandemic and has increased the levels of staff fatigue. COVID-19 related regulations require regular enforcement outside of regular business hours. Current staffing levels make it difficult to cover all required shifts. Staff previously operated on a Monday-Friday 8:30-4:30 schedule so their work-life balance has been greatly impacted by this pandemic.</p>
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**Justification**

<b>V2F Workplan Initiative / Strategic Alignment</b>	Additional By-law Officers help us achieve Focus Area #5 of Vision to Focus - Delivering Customer Centric Services with a Focus on Efficiency and Technology Transformation. Specifically, it allows us to maintain a reasonable customer service level response.
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## Risk Mitigation Measure - Additional Bylaw Enforcement Officers - COVID

<b>Benefits of Implementation</b>	Improves ability to maintain customer service levels and provide coverage outside of business hours and focus on proactive enforcement of COVID-19 public safety regulations.
<b>Consequences / Risks of Not Implementing</b>	Risk to Public Health/Safety and reduced customer service levels as staff are unable to address issues in a timely manner and there is not enough capacity to patrol outside of regular business hours.  Potential for staff burnout, mental/physical illness, loss of experienced staff and inability to attract new staff due to workload pressures.

### Financial Impact

<b>Account Category</b>	<b>2021 Budget</b>
Human Resources	\$ 222,413
Operating & Minor Capital	\$ 10,747
Purchased Services	\$ 840
<b>Total</b>	<b>\$ 234,000</b>
Controllable Revenues	\$ 234,000
<b>Total</b>	<b>\$ 234,000</b>
<b>Net Total</b>	<b>\$ 0</b>

### Capital Impacts

Additional vehicles and relevant equipment (radios, computers) required.

### Human Resource Impact

	<b>2021 Budget FTE Impact</b>
Full Time / Contract	2.00

## Risk Mitigation Measure - Additional Bylaw Enforcement Officers - COVID

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Part Time	0.00
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<b>Total FTE</b>	<b>2.00</b>
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<b>FTE Type</b>	One-time / Contract
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<b>Position(s)</b>	By-law Enforcement Officers
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Delegation to Corporate Services committee re: Report F-04-21-1

Mayor, Councillors. I wish to delegate as a private citizen of Burlington. My opinions are mine alone though I believe I speak on behalf of others who are concerned with both the process the City has put before the public on the proposed city Budget, and specific items as noted in the Budget Action Request Forms.

I watched the Council proceedings over the Capital Budget hoping to hear Councillors discuss various items within the proposed budget only to discover that, basically, anything that wasn't discussed essentially meant that no one had objections and therefore met with approval. I listened as Councillors turned to discuss (for some four plus hours) various items on a list of items known as Budget Action Request Forms – items that up until that point were not revealed to the public.

I won't get into detail here with any of the items, some of which have been described as 'a wish list' or goodies for residents of individual wards. It's a moot point as the Capital Budget has been approved. A done deal.

Then there was a Town Hall to discuss the Budget, hosted by the Mayor. My problem with that bit of 'public engagement' is that it occurred after Council approved the Capital Budget and before the proposed Operating Budget had been revealed to the public. What was there to discuss?

So let's move on to the proposed Operating Budget. Again, it appears that Council will not be going through the proposal, line by line to seek out efficiencies or perhaps to respond to questions from the public. We seem to be here today to discuss another list of personal items in a Budget Action Request Form.

Maybe I'm wrong to think that I'm the only one with questions. Maybe the rest of the city are too occupied with just getting through this pandemic, this endless pandemic, to care very much. Perhaps, the thought is that 'we elected these people to take care of the City – let them do it'.

So let's discuss a couple of items that are on my radar when I look at the BAR Forms. And forgive me, I'm no expert at reading these charts. They're nothing like what I ever saw in my professional life. There's no background to explain why different Councillors have proposed, or supported, what is presented. I assume that's what today is all about.

I see the Mayor and Councillor Nisan questioning the need to continue Free Transit to seniors into 2022. I also see Councillors Bentivegna, Galbraith, and Sharman wanting to remove Free Transit to seniors. Thus saving \$116,700 out of a \$5million Transit budget.

The Free Transit for Seniors – restricted to a 4 1/2 hour window each day – was instituted, to great fanfare, as a test pilot with results documented to determine if the plan was successful, appreciated by the public, and helped to increase ridership – which we all know increases transfer payments from senior levels of government. Anecdotally, and by accounts before COVID lockdowns, it appeared to be a success.

We're in the middle of a pandemic. The total ridership of Burlington Transit has been compromised and 'artificially' reduced through no fault of anyone here. How can you cut a pilot program off when you don't have good statistical data to inform you of its success, or failure. I remind Council of the first line of the Staff report before you – under the heading of 'Purpose: Vision to Focus Alignment' – Improve integrated city mobility. I suggest you continue the pilot program for another year, perhaps even once we get out of this COVID cloud we are living under.

I don't know where to begin when I read in the "Follow Up questions" from Councillors – "Can an additional handi-van be put into service without the need for an additional driver?" Perhaps the question could be framed a little differently. I'll leave it up to the Staff response, "The additional van cannot be put into service without an operator."

Continuing on the subject of cutting off a program at the knees. I question the removal of three Full Time positions in the Forestry department after Council's big announcement regarding a Private Tree By-Law (which seems to be a revenue generator for the City, if I'm reading the figures correctly).

If these three staff are not hired, for jobs not related to the Private Tree By-Law, then who will look after this project while the entire department deals with over 2,000 incomplete work orders. And how underfunded is this department that such a backlog can accrue?

I could go on about Leaf pick-up or snow clearing of roads and sidewalks, or a salary increase for Council while others in our community struggle to keep up, but I'm here to talk about the process.

I get it. It's tough to get the public engaged in 436 pages of Budget gobble-gook but when Council cherry-picks its pet projects, or fights amongst each other to dominate the discussion – it serves no one.

When you spend \$2 million dollars to beautify the main lobby of City Hall; when you create a Green Initiatives Reserve Fund but don't put any money into it; when you quibble about cutting \$10,000 from Advisory Committee budgets – out of an Operating Budget of \$183 million – I have to ask, 'What priorities does this Council have?'

I'm also concerned about items such as line 21 of the BAR Form, marked CONFIDENTIAL. What is it that the public doesn't need to hear? At least tell us what is to be discussed behind closed doors.

Please, find a way to better explain to the citizens of Burlington what, and why decisions are being made with taxpayers footing the bill of over \$183 million. Please find a better way to get the public involved in the process. And please don't mistake the lack of delegations to budget meetings as a sign of acceptance. It just might mean the process is lacking.