



Staff Report

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Report To:	General Government Committee	
Date of Meeting:	November 30, 2020	Report Number: LGS-005-20
Submitted By:	Rob Maciver, Director of Legislative Services/Municipal Solicitor	
Reviewed By:	Andrew C. Allison, CAO	Resolution#: C-265-20/C-386-20
File Number:	L2030-02-61E	By-law Number:
Report Subject:	Municipal Law Enforcement Policy	

Recommendations:

1. That Report LGS-005-20 be received;
2. That Council Adopt the Municipal Law Enforcement Policy, as Attachment 1 to Report LGS-005-20;
3. That the draft by-law found at Attachment 3 to Report LGS-005-20, be enacted; and
4. That all interested parties listed in Report LGS-005-20 and any delegations be advised of Council's decision.

Report Overview

This report is provided in response to the Council direction to prepare a Municipal Law Enforcement Policy which is similar to the City of St. Catharines regarding frivolous and vexatious requests. The draft policy also clearly establishes the role of Council in enforcement activities, in response to an earlier request from Council for further clarification from the Municipal Integrity Commissioner.

1. Background

- 1.1 This report is the culmination of multiple independent directions to staff in relation to the transparent, fair, and consistent enforcement of municipal by-laws, and the proper relationship between Council members and municipal law enforcement staff.
- 1.2 On, May 11, 2020, the General Government Committee requested a response from the Municipal Integrity Commissioner to the following question: “can a Council Member who believes that a by-law infraction has occurred report the alleged infraction to the Municipal Law Enforcement Division?” The Integrity Commissioner’s response was provided to Council on June 15, 2020.
- 1.3 In response to a request for further clarification, council passed Resolution #C-265-20, which provided:

That Correspondence Item 9.1 be referred back to staff to enquire if Members of Council are permitted to follow up with Municipal Law Enforcement staff on whether a matter has been rectified, and if not why; and

That a policy detailing Council's role in enforcement be developed.
- 1.4 On September 14, 2020 Report CLD-013-20, Addressing Frivolous, Vexatious or Malicious Enforcement complaints, was considered during the Joint Committee Meeting. At the September 21, 2020 Council meeting, Council passed Resolution # C-386-20, which provided:

That Report CLD-013-20 be received; and

That Staff be directed to report back on developing a By-law that is similar to St. Catharines' regarding frivolous, vexatious or malicious enforcement complaints.

2. Discussion

- 2.1 As was indicated by the former Municipal Clerk during the September 21, 2020 Council meeting, a Municipal Law Enforcement Procedure was in development and had just been reviewed with the Enforcement Team. The management of frivolous and vexatious complaints has been included as a component of the draft procedure. The Draft Municipal Law Enforcement Policy is found at Attachment 1 of this report.
- 2.2 In response to Resolutions #C-265-20 and #C-386-20, staff have undertaken a review of policies and By-laws implemented or considered by other municipalities, including Oshawa, Mississauga, and St. Catharines.
- 2.3 Staff incorporated many of the elements from other municipalities into the draft Municipal Law Enforcement Policy and provided the draft to the Municipal Integrity Commissioner for additional input.
- 2.4 The Municipal Integrity Commissioner was also provided with the recordings of the Council and Committee meetings at which the issue of interactions between Council members and municipal law enforcement staff were discussed. A response from the Integrity Commissioner is attached to this report as Attachment 2.
- 2.5 In response to the direction from Council and having regard for the advice of the Integrity Commissioner, staff recommends that the by-law found at Attachment 3 be enacted to adopt the draft Municipal Law Enforcement Policy.

3. Concurrence

Not Applicable.

4. Conclusion

It is respectfully recommended that Council enact the draft by-law attached to adopt the Municipal Law Enforcement Policy.

Staff Contact: Rob Maciver, Director of Legislative Services, 905-623-3379 ext. 2013 or rmaciver@clarington.net.

Attachments:

Attachment 1 – Draft Municipal Law Enforcement Policy

Attachment 2 – Memorandum from Integrity Commissioner Guy Giorno, dated Oct. 15, 2020

Attachment 3 – Draft By-law to adopt Municipal Enforcement Policy

Interested Parties:

There are no interested parties to be notified of Council's decision.