



Date: 21/02/2019

AGENDA ITEM SUMMARY

To: Chair and Directors, Cariboo Regional District Board

And To: John MacLean, Chief Administrative Officer

From: Alice Johnston, Manager of Corporate Services/Deputy CAO

Date of Meeting: eSCRIBE Meeting Date

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Short Summary:

Policy Amendments Recommended by Policy Committee

Voting:

Corporate Vote - Unweighted

Memorandum:

Before the previous Policy Committee was dissolved, it reviewed the entire policy manual with a view to prioritizing which policies need attention first. Below is a summary of the Committee's recommendations that can easily be put into action:

1. Delete Policy B2.1 from the policy manual and incorporate it in a staff procedure manual.

B2.1 Bylaw Enforcement Procedures

Policy No. 95-10-96

The Cariboo Regional District does not have the resources to formally review properties on a regular basis in order to determine whether or not its various bylaws and other regulatory tools are being complied with at all times. However, it should be noted that the CRD has the authority and may utilize the authority to enforce any and all regulations it imposes.

The Cariboo Regional District will initiate enforcement action if it is aware of a bylaw contravention for the following bylaws:

1. Building Bylaw
2. Solid Waste Disposal Bylaw
3. Invasive Plant Bylaw; and
4. Water Management Bylaw

The Cariboo Regional District will also initiate enforcement action for agreements (i.e. covenants) and authorizations such as Temporary Permits, Development Permits, Development Variance Permits, etc.

For all remaining bylaws, it is the policy of the Cariboo Regional District to rely on citizen complaints as a means of enforcing these bylaws. In order to encourage only valid complaints and to reduce the opportunity for intimidation and neighborhood conflict, the Cariboo Regional District wishes to establish a policy with a balance of accountability and confidentiality among the various parties to this process. The following policies shall therefore apply regarding bylaw enforcement procedures:

(1) To be considered valid by the Cariboo Regional District, a complaint must be submitted either in person, by telephone, in writing by mail, facsimile or email provided the complaint contains the name, address and phone number of the complainant and must describe the nature and location of the alleged infraction. This policy does not preclude Directors or staff from referring complaints by the same methods to Bylaw Enforcement provided all of the required information is included with the complaint. Nor does this policy preclude staff from identifying and conducting investigations of a similar nature in the immediate vicinity of an active enforcement file. Due to the time sensitivity of complaints, referrals to Bylaw Enforcement must occur in a timely manner.

(2) Complaints that are received in retaliation to previously received complaints are to be processed in the same manner as (1) above. Retaliatory complaints are to be treated as being as valid as the original complaint that initiated them. Bylaw Enforcement will investigate these complaints with the same efforts as the original complaint and apply the appropriate enforcement.

(3) As a matter of practice, the identity of the complainant and the written complaint itself shall not be disclosed to the alleged violator or any member of the public. It is not necessary for the complainant to request confidentiality. Likewise, the response of the alleged violator shall not be disclosed to the complainant, whether it is in writing or made orally. This policy is in recognition of the fact that many complaints take place in the context of other disputes between neighbours and the motivation for the complaint itself may be retribution. Disclosure could serve to exacerbate the dispute and may even put persons at risk of harm.

(4) The anonymity and confidentiality given to complainants and alleged violators under this policy cannot be assured if the investigation results in court proceedings.

(5) Upon receipt of a valid complaint, the Cariboo Regional District will then initiate an investigation. Should an infraction be suspected, the Bylaw Enforcement Officer, in considering whether a remedy is necessary, will consider such matters as the scale, number and duration of the infraction(s); the current short and long term impacts caused by the infraction; the potential for precedents; and the resources available to resolve the matter. If, during the course of the investigation, similar infractions are noted on other properties within the specific area, the Bylaw Enforcement Officer shall, as directed by the Provincial Court, deal with all such situations at the same time. It will not be the policy of the Cariboo Regional District to necessarily seek a final legal remedy for all alleged infractions.

(6) If persons request the Cariboo Regional District for disclosure of personal information about them in complaints and responses to the complaints under the “Freedom of Information and Protection of Privacy Act”, it shall be the policy of the Cariboo Regional District to refuse disclosure under section 15 of the Act, unless consent is obtained from the person who supplied the information and who would otherwise be assured of confidentiality under this policy. The

Cariboo Regional District, however, is subject to orders issued by the Information and Privacy Commissioner under the Act and will not necessarily appeal an order for disclosure.

(Resolution No. 95-10-96)
(Amended by Resolution No. 99-6-26(7))
(Amended by Resolution No. 08-08A-60)
(Amended by Resolution No. 13-08A-30)

2. Delete the following Policy:

E1.2 Public Consultation Prior to Referendum
Policy No. . 98-3-24(3)

That all capital project proposals that will require the assent of the electors by means of a referendum be presented to the Board, via the Executive Committee, during the early stages in the preparation of the proposal in order that the Board can determine the following:

1. whether or not the proposal is deemed worthy of proceeding to referendum;
2. the public consultation process required, if any, during the development of the proposal; and,
3. the public consultation process required, if any, to be conducted in addition to the statutory advertising requirements, following the finalization of the proposal and prior to the referendum.

(Resolution No. 98-3-24(3))

3. Delete the following Policy:

F1.1 Distribution of Revenue and Expense Statements
Policy No. 91-4-4(m)

That the appropriate Schedules of the monthly Finance Statement be forwarded to the Director concerned and any local committee or commission concerned with each function.

(Resolution No. 91-4-4)
(Amended by Resolution No. 02-11B-5(5)(14))

4. Delete the following Policy:

F1.6 Taxation Goal
Policy No. 99-11-20(11)

That there be no increase in grand total taxpayer billings collected through property taxes except for service improvements, new services, changes in assessment or inflationary cost increases. Further, that staff develop annual inflationary factors for consideration by the Board at its June meeting in each year.

(Resolution No. 99-11-20(11))
(Amended by Resolution No. 03-09B-24)
(Further Amended by Resolution No. 05-11B-36(1))

5. Remove the word “Directors” from the following Policy, as it is covered in the Directors’ Remuneration Bylaw:

F3.1 Kilometerage Rates

Policy No. 91-4-4(q)

That kilometerage rates for management staff and Directors be paid in accordance with the approved rates under the current collective agreement.

(Resolution No. 91-4-4)

(Amended by Resolution No. 02-11B-5(5)(26))

6. Delete the following Policy:

F5.5 Parcel Tax/Boundary Amendment

Policy No. 96-46(4)

That the memorandum dated June 28, 1996 from R.M. Fish, Treasurer, regarding the natural gas parcel tax policy, be received. Further, that it be Board policy that properties within natural gas main financing function boundaries that do not have access to the natural gas main through standard connection hookups, be exempted from paying parcel taxes for this service and that the boundaries of natural gas functions be adjusted to remove these properties only once annually through a revised function establishment bylaw. Further, that the Treasurer be authorized to refund incorrect property tax billings and/or remove the affected parcels from the parcel tax roll only after the revised establishment bylaw has been approved.

(Resolution No. 96-46(4))

7. Delete the following Policy:

M4.1 Public Input – Groups, Societies and Other Organizations

Policy No. 99-10-11(13)

Whereas, the Cariboo Regional District values, and regularly solicits, input from its electorate on all aspects of local governance and services;

And Whereas, the Cariboo Regional District wishes to ensure that the opinion of all participants and/or respondents is evaluated fairly;

Therefore, input from individuals claiming to represent the opinion of a group, Society, or other organization, shall be considered as input from the spokesperson as an individual, rather than made on behalf of the group, Society, or other organization, unless the following criteria is met:

1. The input is in the form of a written submission signed by the individuals within the group, in which case the submission shall be considered as a joint submission and viewed as input from all of the signatories. *or*
2. Verbal input is provided by a spokesman for a group of individuals that are in attendance and indicate that the spokesman is representing their collective point of

view, in which case the input shall be considered as input from each of the members of the group that are in attendance. *or*

3. The input, whether verbal or written, is accompanied by a letter from the Society or other registered / incorporated organization, providing verification of membership and authorizing the individual as its official spokesman for the purposes of the input. Under these circumstances, the input shall be considered as the opinion of the Society or other organization and due regard shall be given to the size of the membership.

(Resolution No. 99-10-11(13))

Attachments:

None

Financial Implications:

None

Policy Implications:

This item requests amendments to/deletion of existing CRD Policies.

Alignment with Strategic Plan:

- ☐ Ensuring Sufficient and Sustainable Funding
- ☐ Building on our Relationships
- ☐ Providing Cost Effective High Quality Services
- ☒ Focusing on Being Well Governed

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CAO Comments:

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Options:

- 1) Endorse recommendations;
- 2) Receipt and other action;
- 3) Defer.

Recommendation:

#1: That the agenda item summary from Alice Johnston, Manager of Corporate Services, dated March 12, 2019, regarding recommendations from the Policy Committee for amendments and deletions of certain CRD Policies, be received. Further, that Policy #95-10-96 Bylaw Enforcement Procedures, be deleted as a Policy of the CRD and added to a staff Procedures Manual.

#2: That Policy #98-3-24(3) Public Consultation Prior to Referendum be deleted.

#3: That Policy #91-4-4(m) Distribution of Revenue and Expense Statements be deleted.

#4: That Policy #99-11-20(11) Taxation Goal be deleted.

#5: That Policy #91-4-4(q) Kilometerage Rates be amended by deleting the word, “Directors” in the policy.

#6: That Policy #96-46(4) Parcel Tax/Boundary Amendment be deleted.

#7: That Policy #99-10-11(13) Public Input – Groups, Societies and Other Organizations be deleted.