

NO: **R133**

COUNCIL DATE: **June 25, 2012**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **June 20, 2012**

FROM: **City Solicitor
City Clerk**

FILE: **0340-05**

SUBJECT: **Update on the Review of City Policies – Red Tape Reduction Initiative**

RECOMMENDATION

The Legal Services Division and the Legislative Services Division recommend that Council:

1. Receive this report as information; and
2. Resolve to rescind each of the City Policies that is listed in Schedule "A" attached to this report, all of which are obsolete.

BACKGROUND

In January 2011 City Council announced it would be undertaking measures to eliminate antiquated regulations and create more efficient processes and procedures, which would include the establishment of a Mayor's Red Tape Reduction Advisory Committee chaired by Councillor Linda Hepner.

The Red Tape Reduction Advisory Committee (RTRAC) is comprised of 16 industry leaders from across the Region. The purpose of the Committee is to leverage the expertise of its members to improve how the City does its business. The Committee is supported by City staff from various City Departments.

The Committee's mandate includes:

- reviewing City by-laws, policies, regulations and procedures with a view to determining in each case whether elimination or simplification could occur without material impact, starting with areas where changes will be most economically productive; and
- making recommendations with respect to eliminating or amending City-by-laws, policies, regulations and procedures based on the above-referenced review.

Staff with the assistance of the Committee has undertaken a review of City policies and by-laws with a view to improving business interactions with the City while ensuring that the interests of the City's residents are protected and the quality of life in the City is maintained.

DISCUSSION

City policies are the written basis for how the City operates and are subordinate to legislation and by-laws. Policies provide guidance in relation to the decision-making and act to define how the prerogatives of legislation and by-laws will be exercised by staff. They also often define procedures that will be followed in relation to the decision-making process. Policies assist in ensuring that decisions and actions within the City are being undertaken in a consistent manner.

Policies should be written using simple, clear, concise language that can be understood by everyone, ranging from lay people through to subject matter experts. Language should be used consistently, both within a policy and across policies. It is good practice that policies be organized in a clear and logical manner and follow a consistent format.

Policies address or clarify what the rule is rather than *how* to implement it.

Procedures define the steps or sequence of events that will be followed in the implementation of a policy or in making a decision.

Guidelines outline a range of reasonable courses of action and/or define a range of acceptable outcomes in relation to a decision.

The fundamental point to draw from these distinctions is that procedures and guidelines – although they do serve a purpose – should not be present in the City's policy manual.

Changes to legislation, by-laws or City strategies may affect a policy's ongoing accuracy and relevance. Therefore, it is considered critical that City policies be reviewed on a periodic basis to ensure that they remain relevant and properly positioned.

Work to Date:

Staff is undertaking a current review of the City's policies. Based on the review to date, sixty-one (61) policies have been identified as being no longer relevant and, as such, can be rescinded. The policies which are recommended to be rescinded are listed in Schedule "A", which is attached to this report. With respect to Schedule "A", the policy number for each policy is listed in the left-hand column with their titles appearing in the second column. A brief description of each policy is provided in the third column with the right-hand column documenting in brief the rationale underlying the recommendation to rescind the policy.

The following terms appear within the 'Rationale' column of Schedule "A":

Functions evolved

Lists of departmental functions inevitably become outdated over time, and frequently fail to describe everything that occurs within the relevant Department; itemizing Departmental functions also restricts the ability of Departments to be responsive in the event that public expectations evolve and/or technology changes.

Not required – outdated

The policy as written does not reflect the City's current practices. When this rationale is listed after a policy, neither amending the policy nor drafting a replacement policy is necessary. Such policies do not accurately reflect how the City currently operates which is why they are recommended for deletion.

Procedure only

A guideline and/or procedure are not appropriate for inclusion within a policy manual.

Legislative change

Requirements imposed by legislation, and which were reflected in the policy, have been modified. Where this rationale is listed after the policy, the policy typically pre-dates legislation, which obviates the need for the policy.

Regulated via By-law

The subject matter of the policy is now regulated through a City By-law.

Inconsistent or replaced with

The policy is inconsistent with and has been replaced by another policy (neither legislation nor by-law) that guides the City's conduct. An example of such a circumstance would include the adoption by Council of the City's Sustainability Charter as a policy.

On-going Work:

This report represents the results of the first phase of the review of City policies. It is expected that a further report complete with recommendations will be forwarded for Council consideration in the fall of this year.

CONCLUSION

Based on the above discussion, it is recommended that Council to rescind each of the City Policies that is listed in Schedule "A" attached to this report, all of which are obsolete.

JANE SULLIVAN
City Clerk

CRAIG MacFARLANE
City Solicitor

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Schedule "A": Policies Recommended for Rescission

Schedule "A" – Policies Recommended for Rescission

Policy #	Policy Title	Description	Rationale
D-1	Policy Statement – Council	Sets out the various roles performed by Council.	Functions evolved
D-8	Attendance of Staff Members at Public Meetings	City Staff are permitted to attend public meetings on behalf of the City provided the City Manager approves and advises Council in advance.	Not required – outdated
D-10	Police Matters	Non-urgent Police matters shall be referred to the Police Committee for consideration.	Procedure only
D-17	List of Meetings	A list of Council, Committee, Board and public meetings scheduled for the following week shall be included in Council members' packages.	Procedure only; Legislative change
D-20	Availability of Agenda Packages to the News Media	Agenda packages for the news media shall be available after 8:00 a.m. on the day of Regular Council meetings.	Procedure only
D-21	Availability of Agenda Packages to Community Associations	Agenda packages for community associations shall be available after 8:00 a.m. on the day of Regular Council meetings.	Procedure only
D-22	Distribution of Agenda Packages	Subscriptions for agenda packages shall be available to the public for an annual cost of \$530.00. News media and community associations shall receive one complimentary copy of the agenda package. A complete copy of the agenda package, which may not be lent or given away, shall be kept at the Clerk's Department counter.	Procedure only
D-23	Recording of Votes in Committee Minutes	Council members who oppose any recommendation in the Committee shall have their names recorded in the minutes.	Regulated via By-law 15300 ("Council Procedure By-law")
D-30	Damages as a Result of Injunction	The City undertakes to be bound by any award for damages that the court or a judge may make if it is found that an injunction should not have been granted and the defendant has suffered damages as a result of the injunction.	Procedure only
D-35	Special Council Agenda Items	The City shall implement a weekly news release generally reflecting the agenda for current Special Council Agenda items.	Not required – outdated; Legislative change
F-1	Surrey Officer and Indemnification By-law, 2006, No. 15912	Sets out the entirety of the named by-law.	Regulated via By-law 15192 ("Officer and Indemnification By-law")
G-3	Manager's Signing Authority	The City Manager has the authority to approve and sign prescribed documents and to settle property acquisitions and rights-of-way for public works and utilities projects.	Regulated via By-law 16895 ("Authorized Signatories By-law")

H-1	Functions of the Engineering Department	Construction, operation, maintenance, administration and planning of transportation infrastructure and municipal utilities, and the planning for and administration of land development servicing, land surveying, and other specified facilities and services.	Functions evolved
H-18	De-Watering of Private Sewer Connections	The Municipal Engineer has discretion to de-water the area of an inspection chamber at the City's expense in prescribed circumstances.	Procedure only
H-19	Bridgeview Sewer Program	Existing buildings must have a fully assembled interface valve unit housed inside a chamber as part of their sanitary sewer connection.	Procedure only
H-27	Community Mailboxes	Prohibits cooperation by the Planning and Engineering Departments with Canada Post Corporation in the installation of community mailboxes.	Not required – outdated
H-36	Residential Land Development Applications	Grants priority to residential land development applications that have been in the Engineering queue for more than 3 months.	Procedure only - outdated
H-42	Response to Public Inquiries Re: Development Servicing Issues	When development servicing is being provided, detailed responses to questions posed by the public relating to development approvals, servicing policies and standards shall include provisions of the applicable municipal policies and by-laws, consultant's reports and existing internal reports.	Procedure only
I-1	Functions of the Fire Department	Provide fire prevention, fire protection, public education and related emergency response services. The duties of the Fire Chief are delineated.	Functions evolved
I-4	Recruitment of Paid Firefighters	Sets out department recruitment procedures necessary for the hiring of paid Firefighters. Also identifies and specifies the qualifications required for full-time Firefighters.	Not required – outdated;
I-9	Fireworks Applications	The Mayor and Clerk have authority to approve fireworks applications in conjunction with the Fire Prevention Officer's approval.	Regulated via By-law 4200 ("Fireworks Regulation By-law")
L-1	Functions of Parks and Recreation Department	Among other things, manage museums/cultural/heritage and recreational facilities, assist in selection of school and park sites, develop and preserve park areas and urban forests, maintain municipal cemeteries as well as promote and develop the City's beautification program.	Functions evolved
L-2	Park Standards	Establishes overall standard of 20 acres of park per 1,000 population, founded upon distinct standards for Neighbourhood Parks, Village Parks, Town Parks, Regional Parks and Special Areas.	Not required - outdated

M-1	Functions of the Permits and Licences Department	Provide and issue various permits, conduct inspections, review plans, regulate the installation of various works, administer, supervise and maintain the construction and repair of all City's buildings and the City's Towing Yard, control and regulate businesses and the operation of mobile homes, as well as draft and enforce the City's by-laws.	Functions evolved
M-5	Dog Licences	Individuals purchasing Dog Licences shall be provided with an information sheet outlining the requirements of the Dog License By-law and shall be advised that Dog License fees are non-refundable.	Procedure only
M-9	Procedure Under Section 936	The Permits and Licenses Department will administer action when investigating written complaints by preparing a report to the Clerk which sets out prescribed information and a recommended course of action.	Legislative change
M-11	Procedure Under "Highway Scenic Improvement Act"	A report, complete with photos, will be submitted to Council when there are materials on a property within 500 feet of the centerline of a highway. A notice requiring the removal of the materials within 30 days shall be served upon the owner and an affidavit of service will be sworn by the person serving such notice.	Procedure only
M-12	Trade Licence Fee – Non-Profit Organizations	The Permits and Licenses Department shall issue business licenses to charitable non-profit organizations and non-profit organizations. These types of organizations will pay according to the business license fee for their category of business as prescribed on the fee schedule of the Business License By-law. Applications for a grant in lieu of the business license may be made and granted as prescribed.	Regulated via By-law 13680 ("Business License By-law")
N-1	Functions of the Personnel Department	Provide quality service to employees and the public, and to promote the best use of the City's human resources.	Functions evolved
N-5	Employee's Disclosure Under the "Public Officials and Employees Disclosure Act"	All City employees shall be exempt from the requirements of the <i>Public Officials and Employees Disclosure Act</i> , except senior staff members designated by Council.	Legislative change
N-7	Indemnification Under Section 262	Council shall indemnify any officer or employee in accordance with Section 262 of the <i>Municipal Act</i> .	Legislative change
N-14	Recruitment of Paid Firefighters	Upon the recommendations of the City Manager and Fire Chief, Council will review the need for additional paid personnel and authorize the appointment of additional paid Firefighters. Notices of permanent Firefighter vacancies will be posted in all Fire Halls.	Procedure only
O-1	Function of the Planning Department	The Planning Department advises Council on change and development in the City and will administer policies and programs, focusing on land use matters, including social, economic, environmental, and other related considerations.	Functions evolved

O-9	Attendance of Staff Members at Public Meetings	The Director of Planning may attend or authorize staff members to attend public and professional organizations meetings, provided that the Manager and Council are informed of such meetings prior to their occurrence. Staff may seek outside input into policies and preparation of policy review.	Not required – outdated
O-14	Compact and Gross Density Housing – Road Construction	Pavement widths shall be a minimum 8.5 metres to accommodate street parking. Consideration shall be given to providing parking islands in cul-de-sac heads in compact housing developments.	Regulated via By-law 8830 ("Subdivision and Development By-law")
O-18	Municipal Incentives Grant for Rental Housing	Multiple-family rental housing development projects shall be fast-tracked to obtain final approval of either a rezoning permit or a building permit within 4 months of a rezoning application or a building permit application.	Procedure only
O-22	Development Control Process	Applications for designated classes of buildings will be referred to the appropriate Advisory Design Panel. The Director of Planning shall keep Council advised as to meetings held and items discussed at public meetings on planning issues.	Procedure only
O-24	Affordable Housing Strategy	A policy created to provide information regarding adequate shelter, opportunity for home ownership, the creation of diverse communities, land use objectives, roles and responsibilities of the City, and the strategies and objectives as to how to achieve the foregoing.	Inconsistent or replaced with City's Housing Action Plan, as described in CR R235
O-29	Access to Public Facilities	An architect shall review public facility designs with an "access advisor" to ensure access for those with special needs.	Inconsistent or replaced with 'Measuring Up' Plan
P-1	Functions of the Property Department	Provide property acquisitions, school site acquisitions (agent for School District No. 36 (Surrey)), appraisals, conveyancing of municipal lands, road and lane closing and exchanges, right-of-way acquisitions, sale and development of properties, leasing of municipal properties, leasing of properties for municipal purposes, and rental of municipal houses and other properties.	Functions evolved
P-5	Purchase of Property	The City Manager has authority to settle property acquisitions and rights-of-way for public works and utilities projects, and settle claims for rights-of-way not exceeding \$75,000. Full text of a school site acquisition agreement between the City and The Board of School Trustees of School District No. 36 (Surrey) is enclosed.	Regulated via By-law 16535 ("Purchase and Expenditure Authorization By-law"); Regulated via By-law 16895 ("Authorized Signatories By-law")
P-7	Rights-Of-Way	Provides information respecting payment for rights-of-way, right-of-way acquisition procedures for major trunk sewer, water and drainage rights-of-way, and the signing of an acquisition of or a release of a right-of-way.	Regulated via By-law 16535 ("Purchase and Expenditure Authorization By-law"); Regulated via By-law 16895 ("Authorized Signatories By-law")

P-14	Irrevocable Tender Deposit	Imposes requirements and conditions regarding tender deposits - a 10 percent deposit is to be submitted, but in the event of a breach of contract, the City shall retain \$2,500.00 as liquidated damages. The City's standard tender forms obviate this policy.	Not required – outdated; Procedure only
Q-3	Security for Development Projects	Specifies the acceptable forms of security for development projects and payment of DCC's.	Duplicate of policy O-7; Legislative change; Regulated via By-law 8830 ("Subdivision and Development By-law")
Q-4	Funds for Park Lands	Funds required for the purchase or leasing of lands to be used for park purposes shall be included in the Municipal Capital Budget Schedules. The Parks and Recreation Department's Operating Budget Schedules are to reflect the costs of operation and maintenance of the City Parks system.	Procedure only; Legislative change
Q-5	Gravel Purchase Reserve	The City Treasurer shall set up and maintain a reserve fund to be utilized for specified purposes. The reserve fund shall be maintained by setting aside the sum of \$0.25 per tonne of gravel removed from any municipally owned gravel pit and used by the City.	Not required – outdated; Legislative change
Q-7	Purchasing Policy	Describes the various definitions of purchasing documents and acquisition methods, the principles utilized to ensure there is a minimum standard of performance, the activities that are prohibited, cooperative acquisition ventures, and the responsibilities of the Purchasing Team and the General Managers.	Regulated via By-law 16535 ("Purchase and Expenditure Authorization By-law")
Q-10	Purchase Contracts for New Equipment	All new equipment contracts must contain language indicating that parts for the equipment being purchased must be available within 30 days, or penalties will prevail against the seller.	Not required – outdated; Procedure only
Q-12	Time Limit on Contracts	All tenders called or contracts awarded for work must state a deadline for completion of the work.	Procedure only
Q-13	Disposal of Municipal Assets	The City will not dispose of any major municipal assets except as prescribed.	Legislative change; Procedure only; Regulated via By-law 16535 ("Purchase and Expenditure Authorization By-law")
Q-14	Records Retention	Describes the various classes, authorization, and assessment information for records retention.	Procedure only; Regulated via By-law 17002 ("Corporate Records By-law")
Q-15	Public Tendering of Documents	Contracts will not be renewed without going to public tender at least every 10 years.	Not required – outdated
Q-16	Tenders for Vehicles	Calls for tenders for vehicles will not be called until mid-year.	Procedure only

Q-20	NSF Cheque Charge	Council approves NSF cheque charge of \$20.00 per cheque.	Regulated via By-law 14577 ("Fee-Setting By-law")
Q-28	Contracts – Trade Orders	Describes what a contract change order is, how a change order shall be authorized, the changes within the original scope of work and funding from the project contingency, and who will track a change order.	Procedure only; Regulated via By-law 16535 ("Purchase and Expenditure Authorization By-law")
R-5	Disposal of Municipal Assets	Substantially the same as Policy Q-13.	Legislative change; Procedure only; Regulated via By-law 16535 ("Purchase and Expenditure Authorization By-law")
R-8	Records Retention Schedule	Sets out the steps to be followed by City Departments with respect to the retention and disposal of City records.	Procedure only; Regulated via By-law 17002 ("Corporate Records By-law")
R-10	Quotations Received	Quotations received (for potential calls for tenders) will not be made public before Council decides whether the matter will go to tender.	Not required – outdated; Procedure only; Regulated via By-law 16535 ("Purchase and Expenditure Authorization By-law")
R-11	Time Limits on Contracts	Calls for tender or contracts awarded for work for the City must state a date for completion of the work.	Procedure only; Legislative change
R-13	Working on Remembrance Day	Prohibits contractors working on behalf of the City from working on Remembrance Day, except under emergency conditions.	Not required – outdated