



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

File 0550-06

August 9, 2012

N O T I C E

**A REGULAR MEETING OF COMMITTEE OF THE WHOLE
WILL BE HELD ON MONDAY, AUGUST 13, 2012, AT 7:00
P.M., IN THE COUNCIL CHAMBERS, ESQUIMALT
MUNICIPAL HALL, 1229 ESQUIMALT ROAD.**

**ANJA NURVO
CORPORATE OFFICER**



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

A G E N D A **COMMITTEE OF THE WHOLE**

Monday, August 13, 2012
7:00 p.m.
Esquimalt Council Chambers

1. CALL TO ORDER

2. LATE ITEMS

3. APPROVAL OF THE AGENDA

4. MINUTES

- (1) Minutes of the Regular Committee of the Whole, June 11, 2012 Pg. 1 – 3

5. STAFF REPORTS

Development Services

- (1) Creation of a Second Advisory Planning Commission to Be Known As the “Esquimalt Advisory Design Panel”, Staff Report No. DEV-12-032 Pg. 4 – 14

RECOMMENDATION:

That the COTW receive Staff Report No. DEV-12-032 for information, provide any additional direction to staff as the COTW considers necessary, and direct staff to proceed with the preparation of a report for Council's review.

Administration

- (2) Bylaw Amendments – Priority Targeted List, Staff Report No. ADM-12-043 Pg. 15 – 18

RECOMMENDATION:

That the Committee of the Whole:

1. Receive Staff Report No. ADM-12-043 for information,
2. Provide any additional direction to staff regarding the targeted list and priorities for Bylaw review, as attached to the Report, as the Committee considers necessary, and
3. Direct staff to proceed with the preparation of revised bylaws for Council's review.

6. OTHER BUSINESS

- (1) Policing Services – Mediator's Report and Discussion Re: Response Pg. 19 – 52

7. PUBLIC QUESTION AND COMMENT PERIOD

*Excluding items which are or have been the subject of a Public Hearing.
Limit of two minutes per speaker.*

8. ADJOURNMENT



Corporation of the Township of Esquimalt

COMMITTEE OF THE WHOLE

Monday, June 11, 2012

Esquimalt Municipal Hall – Council Chambers

7:00 p.m.

MINUTES

PRESENT: Mayor Barbara Desjardins (Chair), Councillor Meagan Brame, Councillor Dave Hodgins, Councillor Lynda Hundleby (7:30 pm), Councillor Robert McKie, Councillor Tim Morrison, Councillor David Schinbein

STAFF: Laurie Hurst, Chief Administrative Officer
Jeff Miller, Director of Engineering and Public Works
Bill Brown, Director of Development Services
Anja Nurvo, Manager of Corporate Services
Louise Payne, Recording Secretary

1. CALL TO ORDER

Mayor Desjardins called the meeting to order at 7:00 p.m.

2. LATE ITEMS

The following was added to the Agenda:

- Verbal Report on Buccaneer Days - Councillor McKie as Item 4. (3).

3. APPROVAL OF THE AGENDA

MOTION: Moved by Councillor Brame/Councillor Morrison:
That the Agenda be approved as amended.

CARRIED UNANIMOUSLY.

4. MINUTES

MOTION: Moved by Councillor McKie/Councillor Brame:
That the following minutes be adopted as circulated:

- (1) Minutes of the Special Committee of the Whole, May 14, 2012
- (2) Minutes of the Regular Committee of the Whole, May 14, 2012

CARRIED UNANIMOUSLY.

- (3) Verbal Report on Buccaneer Days – Councillor McKie

Councillor McKie expressed his appreciation to the volunteers of Buccaneer Days for another successful event.

5. STAFF REPORTS

Engineering and Public Works

- (1) Update on Admirals Road Upgrade Project, Staff Report No. EPW-12-011

The Director of Engineering and Public Works presented a Power Point presentation regarding Staff Report No. EPW-12-011 and answered questions from Council.

MOTION: Moved by Councillor Hodgins/Councillor McKie:
That Staff Report No. EPW-12-011 be received for information.

CARRIED UNANIMOUSLY.

Development Services

- (2) Review of the City of Victoria's Proposed Official Community Plan, Staff Report No. DEV-12-027

The Director of Development Services presented Staff Report No. DEV-12-027 and answered questions from Council.

Council comments:

- Add reference to sewage treatment – question why there was no indication of smaller sites for sewage treatment in OCP;
- Appreciate comment regarding omission of E & N rail corridor.

MOTION: Moved by Councillor Brame/Councillor Morrison:

The Committee of the Whole recommends to Council that the comments on the City of Victoria's proposed Official Community Plan that are attached as Schedule "A" to Staff Report No. DEV-12-027 be endorsed with the addition of a question why there was no mention of smaller sites for sewage treatment, and forwarded to the City of Victoria via a letter from the Director of Development Services followed by a letter from the Mayor once Council adopts the recommendation of the Committee of the Whole.

CARRIED UNANIMOUSLY.

6. PUBLIC QUESTION AND COMMENT PERIOD

Scott Attrill, resident, expressed concern for the timeline for the proposed Admirals Road Upgrade project and its effect on his business during construction.

7. ADJOURNMENT

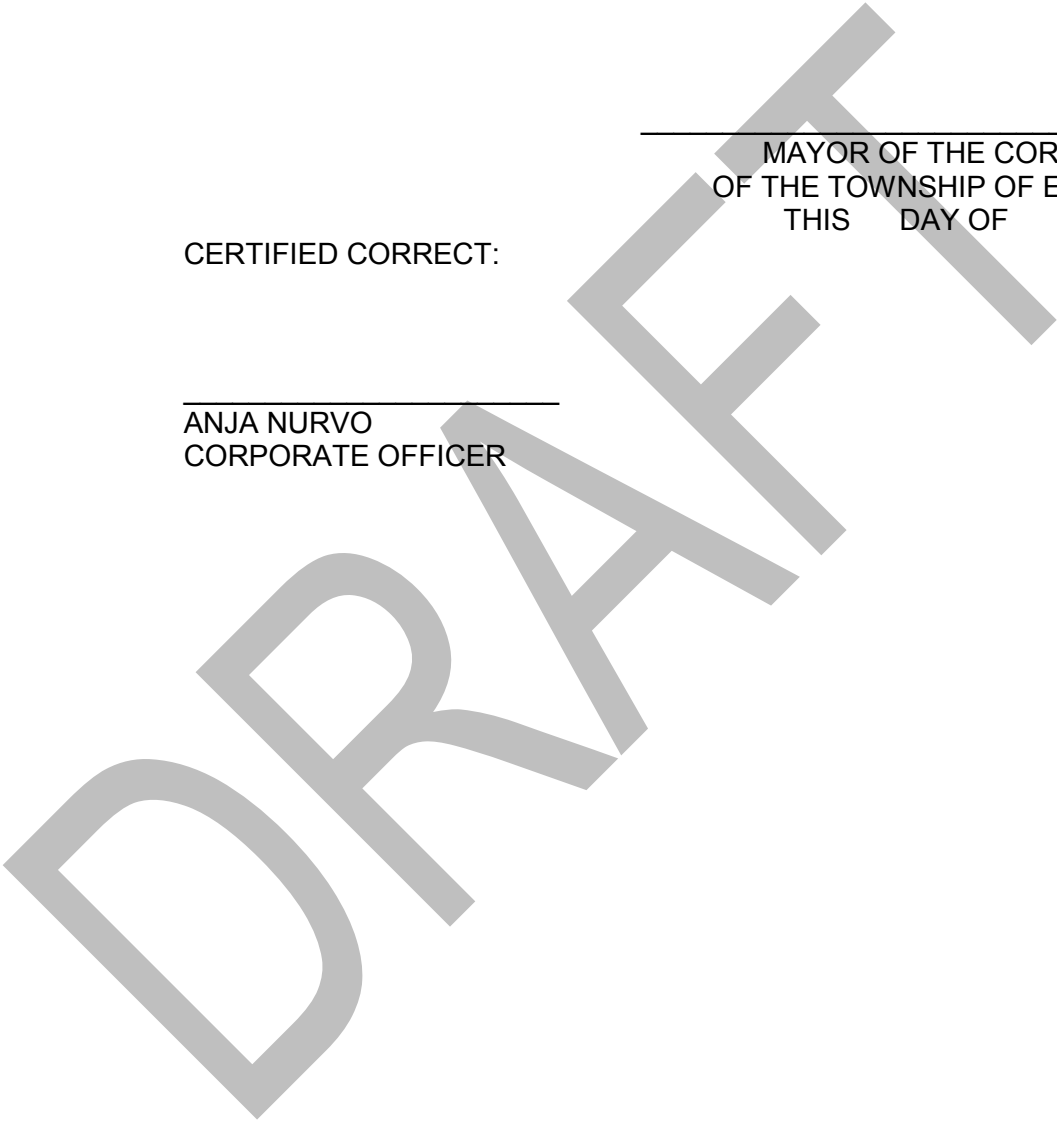
MOTION: Moved by Councillor Brame/Councillor Morrison:
That the Committee of the Whole Meeting of June 11, 2012 be adjourned at
7:58 p.m.

CARRIED UNANIMOUSLY.

MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS DAY OF _____, 2012

CERTIFIED CORRECT:

ANJA NURVO
CORPORATE OFFICER





CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

COTW Meeting: August 13, 2012

STAFF REPORT

DATE: August 07, 2012 Report No. DEV-12-032
TO: Laurie Hurst, Chief Administrative Officer
FROM: Bill Brown, Director of Development Services
SUBJECT: Creation of a second Advisory Planning Commission
to be known as the "Esquimalt Advisory Design Panel"

RECOMMENDATION:

That the COTW receive Staff Report No. DEV-12-032 for information, provide any additional direction to staff as the COTW considers necessary, and direct staff to proceed with the preparation of a report for Council's review.

BACKGROUND:

Many communities that strive for a high standard of urban design have "Advisory Design Panels" to review development permit applications and some rezoning applications and provide professional design advice to staff and council. ¹ A typical "Advisory Design Panel" will include several professional architects selected by the Architectural Institute of British Columbia, several landscape architects selected by the British Columbia Society of Landscape Architects, and additional members with expertise in accessibility, crime prevention through environmental design, and development. Typically, "Advisory Design Panels" provide recommendations on:

- 1) Project Analysis
 - a. Objectives
 - b. Programme
 - c. Design philosophy
 - d. Sustainability objectives
- 2) Township Context
 - a. Effect on view
 - b. Contribution(s) to the public realm
- 3) Neighbourhood Context
 - a. Effect on adjacent buildings and streets
 - b. Effect on land use

¹ City of Victoria, City of Vancouver, City of Richmond, Resort Municipality of Whistler, City of North Vancouver, City of Surrey, City of Pitt Meadows, District of Saanich, Corporation of Delta, City of Nanaimo, District of Squamish, Sunshine Coast Regional District, City of Parksville, District of Maple Ridge, and the City of White Rock.

- c. Effect on quality of life issues, such as privacy and safety
 - d. Pedestrian and vehicular systems
- 4) Site Context
- a. Environmental issues
 - b. Topography
 - c. Daylight and shadows
 - d. Climate and microclimate response
- 5) Building Design
- a. Materials
 - b. Building mass
 - c. Roof forms
 - d. Façade articulation and fenestration
 - e. Building character
 - f. Building systems (Architectural Institute of British Columbia, 2012)

A copy of the Architectural Institute of British Columbia's Bulletin 65: Advisory Design Panels – Standards for Procedures and Conduct, is attached for information (Schedule "A").

The recommendations of an Advisory Design Panel are recorded in minutes that are forwarded to Council.

In Esquimalt's case, the Advisory Design Panel will be constituted as a second Advisory Planning Commission pursuant to Section 898 of the Local Government Act. It is important to note that the existing Advisory Planning Commission will remain. Its function will primarily be as a land use and development policy advisory committee. The two Advisory Planning Commissions, one providing policy advice and one providing design advice, will have complementary roles.

ISSUES:

Development Services staff are reviewing a number of high profile rezoning and development permit applications. These include:

- 1) The Esquimalt Village Project;
- 2) The Triangle Lands Project; and
- 3) The redevelopment of the Legion site

Several other projects have been put on hold but may be activated soon. Other significant projects are in the very preliminary stages of staff review. Council, staff, and the "Policy Advisory Planning Commission", would benefit greatly from a design review provided by a group of professional designers. The advice provided by an Advisory Design Panel will be invaluable in helping Esquimalt reach the next level of urban design thereby creating an urban fabric that is attractive to residents, visitors, and investors.

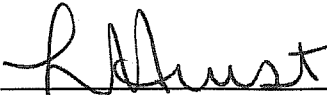
Staff will be bringing forward a new Advisory Planning Commission Bylaw in the near future for Council's consideration. This bylaw will create two Advisory Planning Commissions; one that will deal with "land use and development policy" and one that will deal with "design".

ALTERNATIVES:

1. That the COTW receive Staff Report No. DEV-12-032 for information, provide any additional direction to staff as the COTW considers necessary, and direct staff to proceed with the preparation of a report for Council's review.
2. That the COTW request further information from staff.
3. That the COTW provide alternative direction to staff.



Bill Brown
Director of Development Services

<p>Approved for Agenda:</p>  Laurie Hurst, CAO
Dated: <u>Aug 9/12</u>

Bibliography

Architectural Institute of British Columbia. (2012, August 08).
http://www.aibc.ca/bulletins/Bulletin_65.pdf. Retrieved
August 08, 2012, from Architectural Institute of British
Columbia: <http://www.aibc.ca>



ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA

ARCHITECTURE CENTRE
SUITE 100 - 440 CAMBIE STREET
VANCOUVER BC CANADA
V6B 2N5

TEL: 604 683 8588 / TOLL FREE IN BC: 1 800 667 0753
* FAX: 604 683 8568 / 1 800 661 2955
E-MAIL: AIBC@AIBC.CA
INTERNET: WWW.AIBC.CA

BULLETIN 65: ADVISORY DESIGN PANELS – STANDARDS FOR PROCEDURES AND CONDUCT

SECOND EDITION: MARCH 2001 (SECOND REVISION: JUNE 2010)

(This revision replaces its November 2007 predecessor. It reflects new language to clarify and reinforce the intention that architects are nominated to design panels and removes reference to disclosure of information which is covered by provincial Freedom of Information & Protection of Privacy legislation.)

Architects nominated by the Architectural Institute of British Columbia (AIBC) serving as volunteer members of Advisory Design Panels (ADPs) are dedicated to carrying out their duties and responsibilities to high professional standards in the public interest. To assist architects in meeting their obligations, the AIBC has developed a set of standards, endorsed by Council, presented under headings 'A' through 'E' below.

NOTE: *For purposes of this bulletin only, the words "member" or "architect" are deemed to include only those registered as architects. It does not include any other registrant of the AIBC.*

The AIBC acknowledges that ADPs are regulated by various levels of government. This bulletin is not intended to conflict with governmental regulations but, rather, to provide terms of reference that would ensure standards of consistency and fairness for all persons involved. Any conflicts that are identified should be brought to the attention of the AIBC.

ADPs are to be advisory only. They are not to be used as a mandatory or authoritative (i.e. decision-making) element of a regulatory process. The contrary situation exposes its participants to inappropriate risk and will cause withdrawal of AIBC support.

A. NOMINATION AND SERVICE OF ARCHITECTS ON ADPs

The AIBC encourages architects to serve on ADPs. The AIBC Design Panel Committee (DPC) is empowered to review the qualifications of architects who indicate a willingness to serve, and to recommend nominations on behalf of the AIBC for appointments by municipalities with legally constituted ADPs.

1. Objectives

- (a) To provide the municipalities of B.C. with an appropriate selection of architects prepared to devote such time and attention as is necessary to provide objective advice that will protect the public good in matters relating to the physical environment.
- (b) To demonstrate to the public the philosophies, objectives and capabilities of architects.
- (c) To provide an opportunity for all architects to contribute to the public good and gain broader experience through serving on an ADP.

2. Eligibility for Nomination and Service

All architects in good standing (including DPC members, with disclosure of that fact to municipalities) as defined in the *Architects Act*, and who are nominated by the DPC, are eligible to serve as ‘architect-members’ of ADPs.

(Associates of the AIBC are eligible and encouraged, as are architects, to become appointed to ADP ‘at-large’ positions or on behalf of other organizations or community interest groups. Such nominations are not the business of the AIBC.)

3. Criteria for Nomination

In reviewing qualifications and preparing nominations to a municipality, the DPC considers the following criteria for candidates:

- (a) willingness to serve on that municipality’s ADP, as indicated on the completed AIBC Design Panel Application;
- (b) familiarity with (but not necessarily residence in) that municipality;
- (c) professional experience relevant to the types of project usually reviewed by that municipality’s ADP;
- (d) record of experience on ADPs; and
- (e) freedom from any conflict of interest that might affect the objectivity of advice given as an ADP member. Both business and personal relationships enter into this consideration.
(cf. Code of Ethics ruling (a) under Bylaw 31.0).

An architect’s race, ethnicity, age, gender, sexual orientation, religion or political affiliations shall not be criteria for nominations. Architects nominated shall reflect the overall commonality and diversity of the membership of the AIBC.

4. Procedure for Nomination

- (a) Before new nominations are required, the DPC contacts the municipal representative responsible for its ADP and obtains the following information:
 - i. current membership of ADP;
 - ii. number of positions becoming vacant requiring nominations;
 - iii. duration of ADP appointment;
 - iv. frequency and length of ADP meetings;
 - v. types of projects usually reviewed;
 - vi. recommendations for nominations; and
 - vii. special considerations.

- (b) Before new nominations are required, the current architect-members of the ADP are contacted by the DPC and the following information obtained:
 - i. opinions and recommendations on the ADP's operation;
 - ii. time and commitment required to serve on the ADP;
 - iii. recommendations for nominations; and
 - iv. special considerations.
- (c) Before nominations are required, the DPC reviews the information received from the municipality and its current architect-members. This information is combined with a review of the candidates' qualifications in order to create a list of nominees. Where possible there shall be a minimum of two nominations for each position available.

In the event there are insufficient candidates available, the DPC directly seeks architects who have not yet indicated a willingness to serve, and elicits their agreement to serve if appointed.
- (d) A minimum of two weeks before nominations are required, a list of nominees is forwarded to the appropriate municipal representative.
- (e) Once forwarded, the list is not altered without a written request from the municipality and a majority agreement of the DPC.

Nominations by the AIBC of architects (or their direct invitations) to sit on various other advisory or interest groups (e.g. civic library board) are not handled through the DPC.

All architects (regardless of nomination or appointment source) are obligated to conduct themselves in a manner consistent with AIBC Bylaws, Code of Ethics and policies (cf. Bylaw 33.3 and ruling thereunder).

5. Length of Appointment

Architects shall serve no more than one term (two years maximum) on an ADP unless approval has been obtained from the AIBC for one additional term. In no case shall an architect serve more than four consecutive years on a particular ADP. A period of no less than four years shall occur between service on a particular ADP and reappointment to the same panel.

Exemption may be granted regarding the lengths and intervals of appointment, but only in special circumstances and with the prior written permission of the DPC of the AIBC.

B. PROFESSIONAL CONDUCT OF ARCHITECTS ON ADPs

The following roles and responsibilities articulate the policies of the AIBC as to the professional obligations of architects and behaviour relative to participation on ADPs.

1. Roles

- (a) To give impartial, professional advice directly on any proposal or policy affecting the community's physical environment.
- (b) To assist the Planning Department and Municipal Council in the formulation of design policy and criteria.

- (c) To protect the public from persons fraudulently professing to have the qualifications to practise architecture or architectural design.
- (d) To represent the profession as architects performing a public service. In compliance with AIBC Bylaws 34.5 and 34.6, along with Code of Ethics rules and commentary thereunder, architects' statements or criticisms must be fair and honest, characterized by courtesy and good faith.

2. Responsibilities

- (a) **Objectivity:** to offer objective views on design that relate to the context of the community's physical environment, but refrain from expressing subjective views against the "style" selected by design proponents.
- (b) **Freedom from Conflict:** to act according to standards of unbiased credibility. In compliance with AIBC Bylaw 32.1 and Code of Ethics rulings thereunder, ADP members must disclose any involvement in an application being reviewed or any other personal or business relationship that might constitute or be perceived as a conflict of interest. They must withdraw from the meeting and refrain from any statement, discussion or evaluation of the merits of that application or the parties to it.
- (c) **Independence:** to resist lobbying by the applicants and to refrain from making professional overtures to the clients of applicants.
- (d) **Ethical Business Practice:** to refrain from using their positions on the ADP to promote their own business in the municipality where they are panel members. Architects may list their present or prior membership on ADPs as a statement of fact in advertisements or client promotions, but are not to make undue claims or imply any ability to influence ADPs.
- (e) **Protection of Public:** to inform the AIBC of alleged contraventions of the *Architects Act*, AIBC Bylaws or Council rulings (e.g. misrepresentation, illegal practice or unprofessional conduct). In compliance with AIBC Bylaws 32.5 and 33.3 and Code of Ethics rules thereunder, the architect must withdraw from the meeting and any discussion or evaluation of the merits of the application.
- (f) **Responsibility:** to attend meetings regularly and on time.
- (g) **Feedback:** to advise the Planning Department of any requirements of change in the zoning bylaws.
- (h) **Renewal:** to resign from the ADP after serving two consecutive years.
- (i) **Process:** to obtain permission from the DPC of AIBC prior to accepting any appointment (including an extension of term) as an architect-member to an ADP of a municipality.

C. DESIGN CRITERIA FOR CONSIDERATION BY ADPs

The following design criteria are examples of what would reasonably be considered for review by the applicant and members of the ADP. The scope and nature of the criteria used may vary with the size or special circumstances of a project. The intent is not to judge the design or to propose solutions in any form but, rather, to articulate the issues. This *can be* facilitated by the existence of an Official Community Plan (OCP), *sustainability checklist* and/or endorsed design guidelines. It is incumbent upon the applicant to provide clarifications and solutions.

1. Project Analysis:

- (a) Objectives
- (b) Programme
- (c) Design philosophy
- (d) Sustainability objectives

2. City Context:

- (a) Effect on view
- (b) Contribution(s) to the public realm

3. Neighbourhood Context:

- (a) Effect on adjacent buildings and streets
- (b) Effect on land use
- (c) Effect on quality of life issues, such as privacy and safety
- (d) Pedestrian and vehicular systems

4. Site Context:

- (a) Environmental issues
- (b) Topography
- (c) Daylight and shadows
- (d) Climate and microclimate response

5. Building Design:

- (a) Materials
- (b) Building mass
- (c) Roof forms
- (d) Facade articulation and fenestration
- (e) Building character
- (f) Building Systems

The items above are examples of what may be considered when the community has specific regulatory policies in place for neighbourhood character or building types.

D. RECOMMENDED PROCEDURES FOR ADPs

1. The objectives of these recommended procedures are to:

- (a) establish and ensure a predictably consistent and transparent application and review process;
- (b) standardize the procedures in all Municipalities while considering specific localized objectives;

- (c) ensure a fair, effective and open forum for Design Review;
- (d) ensure that the process with respect to each project is clearly communicated to all parties concerned;
- (e) encourage well-documented records detailing the ADP's deliberations and issues discussed, allowing for the appropriate response from the applicant where necessary; and
- (f) enable applicants to know in advance what the presentation requirements are.

2. Municipal staff procedures should provide:

- (a) due notice of meetings to applicants and ADP members;
- (b) copies (if reduced, must be discernible) of the application, including all relevant information; to ADP members;
- (c) for a return appearance (if applicant previously received non-support) a summary of previous appearance, prepared by the authority having jurisdiction and accompanying the current application documents; and
- (d) a start time for the meeting sufficient to allow time for members to become familiar with the presentation materials (e.g. models, renderings, materials boards) not included with the advance information package.

3. The following ADP procedures should be in place:

- (a) Municipal staff will present (in the presence of the applicant) the general facts about the scheme and outline the Municipality's reactions and concerns as they relate to Municipal zoning and design guidelines. Municipal staff should not indicate their opinion of the project.
- (b) The applicant may make a brief presentation to summarize their design criteria, as appropriate.
- (c) Prior to further detailed examination of the display materials, the ADP may ask questions of the applicant.
- (d) The ADP shall review the submission in open discussion and may ask further questions of the applicant.
- (e) The Chairperson shall ask ADP members for final comments before considering a decision regarding the Project.
- (f) The applicant is invited to make their final comments.
- (g) The ADP shall prepare a motion or a statement of review. This should be done in an open forum, by a show of hands with the applicant present.
- (h) Formal minutes of proceedings shall be prepared by the ADP Secretary and reviewed by the Chairperson, for accuracy only, prior to distribution.

E. RIGHTS & OBLIGATIONS OF APPLICANTS TO ADPs

A Design Review process should be conducted in a manner that respects the rights of the applicant. These rights in turn create an inherent duty for the applicant, chief amongst which is the submission of a professionally prepared application (including signed and sealed drawings).

The applicant's rights include:

1. Prior to Making an Application:

- (a) receive from the Municipality either a list of required materials for review by the ADP, or preferably, a generic list of submission requirements with those required for a specific application noted. This list should be appropriate to the scale of the project;
- (b) receive from the Municipality a date and time commitment for presentation of the proposal, as well as submission deadlines which pertain to the scheduled date;
- (c) receive a schedule of all ADP meetings;
- (d) receive a list of ADP members, both voting and attending-but-not-voting, by name and affiliation;
- (e) receive copies of any material or information not provided by the applicant but which will be available for review by the ADP in the context of the submission;
- (f) have the opportunity to identify potential conflicts of interest, so that specific ADP members may be asked to step down for specific applications;
- (g) receive a specific agenda, indicating the identity and ordering of all items on the agenda;
- (h) be assured that Municipal staff have sufficiently reviewed an application such that basic staff concerns have been provided to the applicant in a timely fashion, so that they may be addressed in a submission;
- (i) be assured that members have received sufficient information in advance to be able to make informed commentary;
- (j) expect ADP members to understand their responsibilities; and
- (k) be assured that any unresolved urban design issues between the applicant and staff are clearly tabled for review by the ADP.

***NOTE:** No persons other than the applicant, architect, applicant's consultant, or municipal staff shall be given permission to make a presentation, except under special circumstances agreed to by the applicant and municipal staff. (cf. Bylaw 34.1 and ruling (c) thereunder in Code of Ethics)*

2. At the First Appearance:

- (a) be introduced or able to introduce oneself to the ADP;
- (b) have each ADP member in attendance identified, by name and affiliation, preferably with a written name card or similar;
- (c) have the opportunity to respond to any presentation made by a member or staff member, prior to deliberations taking place;
- (d) after questions to the applicant are complete, and comments have been made by ADP members, be able to listen to the formulation and decision of support or non-support, all given in open forum.

- (e) be able to attend at deliberations, to hear comments and suggestions first hand and be aware of the decision regarding support/non-support prior to leaving the meeting;
- (f) in the case of non-support, be able to hear from members their concerns and any comments they may have to address their concerns.

NOTE: During the review process for any project, the Municipality and ADP shall decide whether or not parties other than the applicant and its representatives, the architect, the ADP and Municipal staff may be present in the venue and such policy is to be consistent for all Design Reviews in the Municipality.

3. After the First and Subsequent Appearances:

- (a) receive promptly a written summary of the ADP deliberations, decision and comments, as well as potential revisit date(s) with attendant resubmission deadlines and a clear indication of what materials are required for resubmission;
- (b) have the opportunity to request clarification or amendments to minutes where the applicant feels they are inaccurate or incomplete, with the understanding that any suggested clarifications and amendments with which staff are in disagreement will be reviewed with the ADP;
- (c) be able to focus revisions on the above deliberations; and
- (d) receive a clear statement from Municipal staff about procedures in lieu of ADP reappearance, as provided in the Local Government Act and in accordance with policies and procedures adopted by the relevant Municipal Council. For example, these options could include comments which, if incorporated by the applicant in their proposal, would result in support for the proposal, thereby eliminating the need for reappearance.

4. Prior to a Subsequent Appearance:

- (a) receive copies of any material or information not provided by the applicant but which will be available for review by the ADP in the context of the submission; and
- (b) receive a specific agenda, indicating the identity and ordering of all items on the agenda.

5. At Subsequent Appearance(s):

All as for the first appearance, plus the following:

- (a) have ADP discussion, deliberations and comments limited to the items in question from the previous submission, without revisiting earlier accepted work or work not criticized and therefore deemed to be adequate.

The AIBC's Design Panel Committee welcomes feedback and suggestions.

The AIBC does not provide legal, accounting or insurance advice and expressly disclaims any responsibility for any errors or omissions with respect to legal, accounting or insurance matters that may be contained herein. Readers of AIBC documents are advised to consult their own legal, accounting or insurance representatives to obtain suitable professional advice in those regards.



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Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

COTW Meeting: August 13, 2012

STAFF REPORT

DATE: July 23, 2012 Report No. ADM-12-043
TO: Laurie Hurst, Chief Administrative Officer
FROM: Anja Nurvo, Manager of Corporate Services
SUBJECT: BYLAW AMENDMENTS – PRIORITY TARGETED LIST

RECOMMENDATION:

That the Committee of the Whole:

1. receive Staff Report No. ADM-12-043 for information,
2. provide any additional direction to staff regarding the targeted list and priorities for Bylaw review, as attached to the Report, as the Committee considers necessary, and
3. direct staff to proceed with the preparation of revised bylaws for Council's review.

BACKGROUND:

The Strategic Priorities Report approved by Council for 2012 includes 'Bylaw Review' in the Corporate Services Staff Operational Strategies. The Strategic Priority Work Program attached as Appendix 4 to the Report states that staff is to prepare a short list for targeted bylaw review and commence working through the high priority targets.

The intent of the bylaw review process is to ensure that the Township's bylaws continue to be relevant, fair, up-to-date and consistent with existing legislation, policies and practices, user friendly with plain language, and aimed at encouraging community compliance with our standards and regulations. In prioritizing the bylaws for review, staff has included the following criteria: health and safety related, reduce the Township's risk and liability, criticalness, and consistency with Council's goals and strategic direction.

Staff has initiated this process firstly by ensuring a complete, up-to-date and accurate paper and electronic directory and record of all existing bylaws, including those that are currently in force and those that have been amended, repealed, defeated, abandoned or consolidated. We currently have in excess of 400 active bylaws, several with numerous amendments.

Staff then compiled a list of the bylaws that staff deals with the most frequently and that have the greatest direct impact on our residents and the community. These are largely those bylaws that set out regulatory requirements, impact the quality of life in our neighbourhoods and are subject to enforcement. From those regulatory bylaws, staff has identified the most problematic bylaws and prioritized the ones in need of updating.

The bylaws identified and prioritized by staff for review, together with the rationale as to why they have been targeted for review, are summarized on the attached chart.

ISSUES:

Some of the bylaw revisions may have impacts on the Township’s resources, for example increased staff time and costs incurred on public awareness and enforcement activities. However, it is expected that these will be offset by an increase in the collection of revenue through tickets, fines, charges and updated fees. Staff also expects that one of the benefits of the bylaw review process will be an increased public awareness which will result in increased voluntary compliance with our regulations.

Staff has identified the need for a new Tempest MTI Module to deal more effectively with MTIs. This addition of this Module would result in an enhanced process for recording, monitoring and tracking of unpaid fines, and increased collection rates. The cost for the purchase, installation and training of this Module will be included as a supplemental request in the 2013 budget.

The legislation requires that some of the bylaw revisions will have to go through a mandatory public process, including the Council Procedure Bylaw as well as the OCP and Zoning Bylaw updates. In addition, as required by the *Community Charter*, as part of its report to Council recommending the bylaw revisions, staff will prepare and make available to the public upon request a report justifying any increased or new fees and charges.

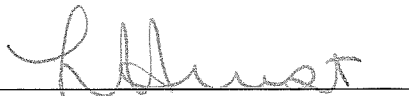
The Strategic Priorities Report also identified the review of the Township’s Bylaw Enforcement Policy as one of Council’s priorities. Our current Policy was approved in 2007. The review of this Policy is a parallel process to the review of targeted bylaws, and will be addressed in a separate Staff Report in the near future.

ALTERNATIVES:

1. That the COTW receive Staff Report No. ADM-12-043 for information, and provide any additional direction to staff regarding the targeted list and priorities for Bylaw review as attached to the Report as the Committee considers necessary, and direct staff to proceed with the preparation of revised bylaws for Council’s review.
2. That the COTW request further information from staff.
3. That the COTW direct alternative bylaws and priorities for review by staff.


Anja Nurvo
Manager of Corporate Services

Encl.

<p>Approved for Agenda:</p> <p> Laurie Hurst, CAO</p> <p>Dated: <u>July 27/12</u></p>

BYLAWS IDENTIFIED BY STAFF FOR REVIEW

No.	Bylaw Cite	Reasons for Review
1. Corporate Services		
2495	Animal BL, 2002	Strengthen enforcement provisions; clarify maximum number of dogs per household; update fines, fees & charges (not done since 2002); tie into pending MTI Bylaw process; update off leash parks provisions; clarify regulations dealing with urban hens; original bylaw + 4 amendments to be consolidated into new comprehensive bylaw; update references to LGA to refer to CC
2715	Council Procedure BL, 2009	Update rules of procedure by eliminating unnecessary provisions; update to ensure compliance with current practices; clarify presentations versus delegations sections; confirm timing of meetings including <i>in camera</i> meetings to reduce need for Special meetings; ensure compliance with FOIPPA; revise COTW and Committee sections in accordance with current practice, consolidate bylaw + one amendment
2484	Fees & Charges (Miscellaneous) BL, 2001	Review to ensure rates and services charged for still appropriate and accurately reflect recovery of resources; ensure fair user pay system and recovery of fee for service provided
2482	Business Licence and Regulation BL, 2001	Update (1) to ensure compliance with Intermunicipal Business Licence Agreement; (2) revise references to LGA to refer to CC; (3) definitions and terms; (4) references to Esquimalt Parks and Recreation Commission; (5) enforcement provisions and fees; (6) to ensure compliance with Zoning Bylaw requirements for Home Occupations; and (7) clarify impact of non-compliance with other Township requirements
2669	Council Delegation Purchasing and Disposal BL, 2007	Update to include TILMA requirements & "green" practices (ie fleets) and current generally accepted LG accounting/procurement practices
2619	MTI BL, 2005	Update schedules and fines to ensure compliance with bylaws as amended; incorporate zoning offences; bylaw + 8 amendments to be consolidated into new comprehensive bylaw; ensure improved process in place for recording, monitoring, and enforcement of all issued tickets; ensure compatibility with proposed Tempest MTI module software
2. Development Services		
2562	Development Approval Procedures BL, 2003	Bylaw + 4 amendments to be re-written to update and eliminate out-of-date provisions; update delegation to Director; incorporate provisions under Part 27 LGA relating to heritage conservation; add LGA requirements re development information areas
2268	Advisory Planning Commission Bylaw, 1996	Update legislative references and requirements; create second APC to deal with design and technical aspects; existing APC to continue to deal with policy and land use review

2175	Subdivision & Development Control BL, 1997	Bylaw to be completely re-written to update and eliminate out-of-date provisions and references; ensure compliance with current statutory requirements
2018	Subdivision Fee BL, 1991	To be repealed and incorporated into new pending Subdivision & Development Control Bylaw
2203	Fees (Development Applications) BL, 1995	Bylaw + 2 amendments to be repealed and incorporated into new pending Development Approval Procedures Bylaw
2646	Official Community Plan BL, 2006	Amend to add West Bay Development Permit Area
2050	Zoning BL, 1992	Bylaw to be completely re-written starting in 2013 (+206 amendments)
3. Engineering & Public Works		
1687	Sewer Connection BL, 1981	Update legislative references; ensure compliance with CC; review and update enforcement provisions; ensure compatibility with Township policies
2630	Garbage Disposal BL, 2006	Bylaw to be re-written to update legislative references; add provisions to deal with organic wastes; update collection procedures
4. Parks & Recreation		
1527	Noxious Weeds By-law 1976	Update references to Municipal Act and ensure compliance with CC; ensure compliance and compatibility with policies and bylaw dealing with pesticide use
2686	Pesticide Use Reduction Bylaw, 2008	Review to ensure continued compliance with current legislation, policies and procedures
2665	Parks and Recreation Regulation Bylaw, 2007	Bylaw + 5 amendments, including Fees and Charges provisions to be reviewed and updated
2635	Parks and Recreation Commission Bylaw, 2006	Review to determine if still relevant or repeal
2664	Tree Protection Bylaw, 2007	Review and update to ensure compliance with legislation and procedures; strengthen enforcement provisions
5. Fire Department		
N/A	Lock Box Bylaw 2013	New bylaw to be developed, with public consultation, to address issue of access to multiple unit apartment and strata titled residential buildings quickly and safely at all hours in case of emergencies

A Framework for Effectiveness

Report on Victoria and Esquimalt Policing - Governance and Funding Issues -

January 31, 2012

JEAN GREATBATCH & ASSOCIATES
Creating Collaborative Organizations

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Executive Summary

The police services of the Township of Esquimalt were amalgamated with the Victoria Police Department in 2003 because its elected officials and the Solicitor General believed it was in the best interests of its citizens to do so. A collaborative process between the Esquimalt's and Victoria's Mayors and staff and the Police Services Division of the Ministry of Public Safety and the Solicitor General resulted in a quick transition to the new structure. The transition plan dealt with the immediate logistical problems rather than setting up structures and processes for the long term health of the new department or board. The plan contained no process for resolving issues that arose during the period following the amalgamation. No consideration was given to providing the new amalgamated Police Board with the tools it would need to successfully operate with members from different perspectives and histories who did not have a common vision of policing.

The intent of those involved in the Transition Committee was that the formula for sharing costs, the name of the amalgamated force and other details would be reviewed (and perhaps adjusted) after one year. Unfortunately, the review did not take place. As a result, when disagreements over governance, funding and service delivery surfaced structures and processes were not adjusted. In short, the new Board and Department were not given the structure they needed to succeed.

In conducting this study Jean Greatbatch interviewed those most involved in the current governance structure and conducted an exhaustive review of relevant documents. She canvassed concerns and perspectives to develop a list of issues that must be addressed. Jean sought input from interviewees about possible solutions.

In light of the concerns expressed and the history contained in the documents, Ms. Greatbatch is making recommendations in three broad areas. Her overarching recommendations include continuing the amalgamation; changing the names of both the Department and the Board to reflect a true partnership; the negotiation of a Framework Agreement between the City of Victoria and the Township of Esquimalt that would deal in detail with financial processes and service delivery; and a review of the new structure, funding formula and processes after five years. She recommends an improved strategic planning process and new structures for increasing community input to improve governance. Ms. Greatbatch's key recommendations about financial decision-making include more control for each Municipality over patrol staffing and costs, improved budgeting processes and an efficiency review to look at cost-savings. To ensure that disagreements are dealt with both quickly and constructively Ms. Greatbatch is recommending a conflict resolution process.

There are 43 recommendations in total, each designed to address specific concerns raised. Taken together they provide a framework for effectiveness in the governance of the police services in Esquimalt and Victoria.

Introduction

January 31, 2012

In October 2011, Clayton Pecknold, Director of Police Services for British Columbia, appointed Jean Greatbatch to study the issues causing conflict between the City of Victoria, the Township of Esquimalt and the Victoria Police Board. This report summarizes the concerns and insights of those involved. It recommends procedures and practices to ensure the Township of Esquimalt and City of Victoria have a more effective policy-driven Police Board, and as a result, more effective delivery of police services.

In 2002 a process was put in place to amalgamate the Esquimalt and Victoria Police departments. Although both Municipal Councils had approved the amalgamation and the initial outcome was positive, over time they became concerned that the Police Board was not functioning effectively and there were no agreed upon procedures to improve the situation.

The City of Victoria and the Township of Esquimalt serve two distinct populations and have different visions of service delivery. To be successful, the amalgamation required the new Police Board to acknowledge there was a difference in cultures between the two communities. The Board needed to provide an overall vision, policy directives in accordance with the *Police Act* that responded to community needs, strong leadership and ongoing evaluation.

The urgency of the initial set up—the amalgamation Transition Committee only had a few weeks—militated against setting up practices and procedures to ensure ongoing Board effectiveness. It was assumed that at a later date mechanisms would be put in place to ensure the Board would meet the requirements for effective oversight of policing in both communities.

As a result, Board members faced a number of challenges: lack of clarity of their role (policy) and the role of staff (operations); no effective strategic planning mechanism and evaluation process; and no means to address concerns. Over time, as Board members, the Municipal Councils and their constituents saw no means of addressing their community policing concerns, there were piecemeal attempts to address issues. This often led to a worsening situation.

This report outlines how, following *the BC Police Board Handbook* and building on the expertise of those involved, procedures and practices can be set in place to address these concerns. These will ensure that, under the direction of the Police Board, staff can provide more effective, community-responsive police services to Esquimalt Township and the City of Victoria.

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Over the course of the study Jean Greatbatch reviewed hundred of documents and interviewed over thirty people who had significant involvement with the policing issues under review. All interviewees were eager to share their observations, opinions and thoughts about the history of the conflict and possible resolutions to the issues. Senior staff at the Victoria Police Department, the City of Victoria and the Township of Esquimalt were very helpful in this process by providing her with information, documentation and data. The Executive Assistant to the Victoria Police Board answered questions about Board procedures and supplied historical documents. Staff at Police Services assisted Ms. Greatbatch's work by giving her invaluable background information and documentation.

Terms of Reference

The terms of Reference for the study were set as follows:

I. Overview

Under Police Act Section 42 (1) "the director [of Police Services], may under the director's own initiative or on request of a council or board, study, investigate and prepare a report on matters concerning law enforcement and crime prevention in British Columbia or in a designated area of British Columbia."

II. Framework

As per Section 42, the Director of Police Services, will conduct a study into issues pertaining to the policing of the City of Victoria (Victoria) and The township of Esquimalt (Esquimalt).

The study will look at the following issues:

- Governance issues and structure
- Decision making processes regarding financing
- Methods for dispute resolution
- Other issues that affect the ability of the Board to work effectively

III. Process

Police Services will hire a third party to investigate any challenges regarding the issues outlined in Section II above with respect to Victoria and Esquimalt and will, in the course of this investigation, look for mutual solutions and make recommendations.

Solutions and recommendations cannot contradict any provisions in the Police Act, or any other provincial or federal statute.

IV. Report

A report will be submitted to the Director of Police Services by January 30, 2012.

The report will include:

Victoria and Esquimalt Policing Study

- Identification of the issues (outlined in the Section II above)
- Analysis of such issues
- Solutions and recommendations

In short, Ms. Greatbatch's overall mandate is to identify the issues underlying the conflict between the municipalities and with the Victoria Police Board, to look for common ground for resolving identified issues and to make recommendations for resolution of those identified issues for which there does not appear to be common ground.

Methodology

Information contained in this report was gathered from twenty six in person interviews, six telephone interviews, reviewing previous reports, documents provided by interviewees, minutes of the Victoria Police Board meetings, and documents provided by the Township of Esquimalt, the City of Victoria, the Victoria Police Department, the Victoria Police Board and the Police Services Division.

Interviews

Interviewees were asked open-ended questions to elicit their opinions, their observations of events that had led to the current situation, and their thoughts about possible resolutions. Efforts to set up interviews with one former mayor and one Victoria Police Board member were unsuccessful. Those interviewed are from the following stakeholder groups:

Municipal Mayors and Councillors

Mr. Dean Fortin, Mayor of Victoria
Ms. Barbara Desjardins, Mayor of Esquimalt
Mr. Alan Lowe, former Mayor of Victoria
Ms. Meagan Brame, Councillor, Esquimalt
Ms. Lynda Hundleby, Councillor, Esquimalt
Mr. Donald Linge, former Councillor, Esquimalt

Senior Staff of Victoria Police Department, Victoria Police Board and Municipalities

Ms. Gail Stephens, City Manager, City of Victoria
Mr. Tom Zworski, City of Victoria Solicitor
Ms. Laurie Hurst, Chief Administrative Officer, Township of Esquimalt
Mr. Jamie Graham, Chief Constable, Victoria Police Department
Mr. Del Manak, Deputy Chief, Victoria Police Department
Mr. John Drucker, Deputy Chief, Victoria Police Department
Mr. Steve Ing, Inspector, Victoria Police Department
Mr. Scott Seivewright, Comptroller, Victoria Police Department
Mr. Darrel Maclean, Inspector (Retired), Victoria Police Department
Mr. Clark Russell Inspector, Victoria Police Department
Ms. Barb Cameron, Executive Assistant to the Victoria Police Board

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Victoria Police Board Members

Ms. Kathy Mick, Esquimalt Community Appointee
Ms. Joan Kotarski, Victoria Community Appointee
Ms. Lindalee Brougham
Mr. David Johns
Mr. Gordy Dodd
Mr. Ralston Alexander
Ms. Catherine Holt, former Board member (2004-2008)

Members of the Esquimalt Policing and Law Enforcement Advisory Panel

Mr. Richard Mandy
Mr. Warren Carrie
Mr. Graham Lang
Ms. Donna Humphries

Union Representatives

Mr. Tom Stamatakis, President, B.C. Police Association
Mr. John Burrows, President, CUPE Local 50
Ms. Susan Jansen, National Representative, CUPE

Police Service Division

Mr. Kevin Begg, former Director of Police Services

Background

The Township of Esquimalt is a small community of approximately 17,400 residents. It covers 7.04 square kilometres of land located 4 km west of the City of Victoria. Its tax base is mainly residential, as it lacks major industries and commercial centres. The largest non-residential contribution to its municipal budget is the Esquimalt Naval Base, which provides an annual payment in lieu of taxes (PILT). The Base's PILT is 33% of Esquimalt's tax base. Until recently the Federal government has based the PILT payment on the Provincial assessed rate. However, in the past year it has paid a lower Federal assessed value for the Naval Base land. This resulted in a reduction of \$350,000 in revenue for the Township, the equivalent of a 1.5% reduction in property taxes.

As part of its 2009-2011 Strategic Plan, the Esquimalt Council requested the Mayor to improve police services by encouraging a provincial audit, lobbying for a more significant role for Esquimalt on the Victoria Police Board and improving communication between the Esquimalt appointee on the Victoria Police Board and the Council. In addition, the Council set a strategic priority of ensuring policing costs were affordable. The demographics of Esquimalt have resulted in a high rate of serious crime on the Township. Group homes, transients, addicts, the unemployed, and parolees and probationers who are red-zoned out of downtown are attracted by the low rents in the Township. The number of violent criminal code offences, including home invasions,

Victoria and Esquimalt Policing Study

sexual assaults, and domestic assaults, is high. Esquimalt's share of Victoria Police Department's Priority 1 calls for service has ranged from 13.9% to 17.9% in the past six years.¹

The City of Victoria, BC's Provincial capital since 1849 has a resident population of approximately 80,000 and covers an area of 19.7 square kilometres. The daily population grows to as many as 250,000 when cruise ship visitors, government employees and residents of other municipalities in the Capital Regional District flood into the downtown area. Because the City contains most of the social services for the Region, its population includes many seniors, people with mental and physical disabilities, people with addictions, people on income assistance and the homeless. The industrial base of the City is mainly public administration, tourism and retail. The City receives some payments from the Province of B.C. for the Legislature and other government properties, based on the Provincial assessed rate. Victoria and Esquimalt combined have the highest crime rate and the lowest annual income in the region.²

Esquimalt Police and Fire Department

The Township of Esquimalt established a joint police and fire service when it was incorporated in 1912. Until 1950, its non-civilian staff members were either police officers or firefighters. Following unionization of the force in 1957 non-civilian staff were fully amalgamated into a combined department led by a Chief Constable, Deputy Police Chief, and Deputy Fire Chief. The department consisted of five platoons, composed of a Fire Sergeant, a Police Sergeant and between five and seven constables. In addition eight specialised officers were employed to liaise with the community, conduct investigations and fight street crime. The department operated with a "no call too small" philosophy. Its headquarters was the Esquimalt Public Safety Building.

Victoria Police Department

The Victoria Police Department was established in 1852 and currently comprises 243 police officers and 106 civilian staff. Its sworn officers are members of the Victoria City Police Union and civilian staff members are represented by the Canadian Union of Public Employees. The Victoria Police Department operated on a community based policing model during the 1980's. The Department opened its first community sub-station in 1987, in James Bay. Other stations opened in Blanshard, Fairfield, Victoria West and Fernwood over the next two years.

In 2001 the Victoria Police Department joined with other emergency response providers in the Capital Regional District to form the Capital Region Emergency Service Telecommunications Incorporated (CREST) – an independent agency to handle emergency calls. Since the inception of the CREST system problems with coverage in Esquimalt and in underground garages in the City have necessitated uniformed officers working in pairs and relying on cellular telephones for back up.

¹ See Appendix for a breakdown in Priority 1, 2, 3, 4 – 9 calls between Victoria and Esquimalt

² See Appendix for the most recent statistics on population and criminal code offences

Amalgamation

Between 1979 and 2001 serious issues became apparent within the Esquimalt Police and Fire Department. As a result, the Esquimalt Municipal Council and Esquimalt Police Board announced that it intended to separate the police and fire services. The Council voted to amalgamate the police service with the Victoria Police Department. Shortly thereafter the City of Victoria announced it had reached agreement with the Township to provide it with contracted fire services. Incumbent Esquimalt firefighters would be required to apply for a position with the Victoria Fire Department if they wished to be employed. The decision to contract with the City for fire services was overturned following the municipal election in November 2002. The new Council cancelled the contract with the City and established a stand-alone Esquimalt Fire Department.

In July 2002, then Solicitor-General Rich Coleman, announced that the Esquimalt Police Department and Victoria Police Department would be amalgamated. He appointed the Director of Police Services, to head up a small Transition Committee to make recommendations for a smooth change-over. The Committee was composed of the Director of Police Services, the Chief Constables of both police forces, City Managers from each municipality, and the Presidents of both Police Unions. Five subcommittees composed of rank and file officers, civilian staff, the Unions, Council members and managers from both Victoria and Esquimalt were struck to create integration plans within 14 weeks. The subcommittees recommended a decentralized model for the new force based on: three geographic zones, each commanded by an inspector and with its own resources; a method of community-based policing prioritizing interaction with youth and schools; and specialized units within each zone to target local issues. The Finance Subcommittee recommended against a fee for service contract model and developed a funding formula.

The recommendations of the subcommittees relevant to this report include the following:

- All costs for providing policing services to both communities be included in the amalgamated police department's budget;
- Each community to pay a percentage of the police department budget, based on converted assessment (including PILT), similar to allocation for other Capital Regional District funding formulae and that would result in cost neutrality. The City of Victoria would continue to provide administrative services such as payroll to the Victoria Police Department. The funding formula to be applied as an interim measure for the 2003 budget year;
- The Province be asked to fund one-time transitional costs;
- The amalgamated department be named "Victoria Police Department" for the first year of its existence. Costs for a name change (from "Esquimalt Police Department"), estimated at \$220,000, could be included in the 2003 department budget;
- Decals on Esquimalt Police Department cars be changed and shoulder flashes on members' uniforms changed to "Victoria Police Department";

Victoria and Esquimalt Policing Study

- Thirty nine sworn Esquimalt Police Department officers be integrated into the new Department and covered by the Collective Agreement between the Victoria Police Department and the Victoria Police Union. Seven civilian Esquimalt Police Department staff would join the Victoria City staff CUPE local;
- An amalgamated Board be established, tasked with “setting priorities, goals and objectives of the new police department and developing the annual police department budget. The Board would be composed of the mayors of the two communities, an appointee from each of the communities and five members appointed by the Lieutenant Governor in Council. The Mayor of the City of Victoria to chair the Board, with the Mayor of Esquimalt to be the Vice-Chair;
- Each of the three operational geographic zones be headed by an inspector, responsible for managing and deploying staff in his/her area. A Patrol Inspector coordinate deployment across all areas. An Investigations Inspector coordinate investigations force-wide. An increase in primary response officers, community and school liaison officers, beat and bicycle units, and specialty units for surveillance and other enforcement;
- Dispatch be centralized at the Victoria Police Department 9-1-1 call centre. The Esquimalt Public Safety Building continue to house police staff around the clock, but its front counter to be open only from 08:00 to 18:00 weekdays, consistent with other Departments’ practices.

There were no specific mechanisms for review of the amalgamation terms nor did the Transition Committee specify who would be responsible for reviewing the funding formula and the Department’s name.

Provincial Order in Council M395 (Victoria/Esquimalt Amalgamating Ministerial Order) established the amalgamated Victoria Police Department and appointed an amalgamated Victoria Police Board effective January 1, 2003. The Board was composed of the Mayor of the City of Victoria (Chair); the Mayor of Esquimalt (Vice-Chair); an appointee from each of the two communities; and five members appointed by the Lieutenant Governor in Council. All former employees of the Esquimalt Police Department who wished to work for the amalgamated police department were given the opportunity to transfer to Victoria Police Department without loss of seniority or benefits. The B.C. Pension Corporation ruled that all former Esquimalt Police Department staff members would be considered employees of the Victoria Police Board for their entire length of service.

The Victoria Police Department established a Victoria West Division made up of: an inspector; patrol officers; beat-bicycle officers; community policing officers; plain-clothes youth/gang officers; school liaison officers; a supervisor and civilians who staffed the front counter.

In 2004, then Chief Constable Battersill announced that as a result of an operational review of the Victoria Police Department, the staff complement at the Victoria West Division would change. All patrol, bicycle, youth/gang officers, one of the community policing officers and the supervisor were redeployed to the Victoria headquarters.

Public Opinion Polls

In July 2004 the Victoria Police Department conducted a public opinion survey of Esquimalt residents. Seventy six percent felt that the Victoria Police Department was doing a good or excellent job. Over three quarters (78%) were satisfied or very satisfied with the amalgamation. Eighty six percent (86%) of respondents reported they were satisfied or very satisfied with Victoria Police Department's services. There was a positive perception of service since the departments were amalgamated. Almost all (93%) of respondents said they felt safe in Esquimalt.

A later poll, conducted in 2007, after the operational review, showed a 17% decline in Esquimalt citizens' satisfaction with the Victoria Police Department. Only 69% reported being satisfied or very satisfied with the Victoria Police Department's service. The key areas for improvement Esquimalt respondents required for their satisfaction to increase were: more uniformed patrols/increased community visibility (85%); more time spent targeting criminals (53%); more crime prevention work in community (53%); hiring more officers (50%); and officers spending more time interacting with citizens (46%).

Financing and Accounting Agreement

On June 9, 2009 the Mayors of the City of Victoria, Township of Esquimalt and the Victoria Police Board entered into an agreement to formalize financial procedures for a period of five years. The terms of the Agreement had been developed by the finance staff of the Municipalities and Victoria Police Department. The Agreement contained the following clauses relevant to this report:

- A list of costs to be included in the Victoria Police Department budget submitted for approval by the City and Township Councils.
- Each Municipality's share of the costs would "continue to be based on the converted value of land and improvements, including properties exempt from taxation, assessed for hospital district purposes in their respective municipalities in each budget year."
- The preliminary budget request for the following calendar year would be provided to each municipality by October 31.
- A joint meeting would be held by December 31 of each year between the Victoria Police Board and both Councils to "provide feedback and discussion" on the budget request for the following year.
- A final budget request would be provided by the Board to each Municipality by February 28 of each year.

2010 Audit of Victoria Police Department

By 2009 the Director of Police Services became concerned about the accountability of the Victoria Police Department and the Board to the citizens of Esquimalt. Since the amalgamation the Victoria West detachment had been effectively dismantled, Esquimalt was paying an increasing amount for services and there was insufficient data provided to explain costs. In March 2010, the Police Services Division issued a report of an audit of Victoria Police Department's service levels. Overall the audit team found that Victoria

Victoria and Esquimalt Policing Study

Police Department provided adequate and effective service to the citizens of both Victoria and Esquimalt. Some of the key findings relevant to this report include:

- The crime rate in Victoria and Esquimalt is high compared to other communities with municipal police departments
- The Victoria Police Department's case load was high compared to most other municipal police departments
- The police department consistently had the highest costs per capita of all the municipal forces
- Calls for service from Esquimalt had historically been more serious than calls from Victoria. For example, there have been a higher number of Priority 1 calls and calls to which 10 units were dispatched than in the City
- The average response time for Priority 1 calls was eight minutes (one minute over the best practice target)
- The municipalities had failed to review the interim funding formula recommended by the Finance Sub-Committee of the amalgamation Transition Committee
- The service model recommended by the Operational Sub-Committee of the amalgamation Transition Committee had not been implemented. The result was the lack of a dedicated Esquimalt patrol
- The maximum strength for each patrol has not been examined since 2003
- The Victoria Police Department management had no capacity to evaluate performance of their patrol functions

The audit team made three major recommendations about the funding, structure and governance of the amalgamated department:

1. The current service delivery model be revised to allow Esquimalt to contract for policing services with any municipal police department in the Capital Regional District. The terms of the contract would include:
 - minimum level of service
 - mandatory dedicated patrol for the municipality
 - opting in and opting out provisions for specific services
 - a fixed schedule for contract review
2. A new funding formula be developed as part of the contract negotiations. The formula would include a fixed schedule for review
3. The current governance structure be revisited to ensure:
 - Esquimalt have the capacity to form its own police board to address governance issues within its jurisdiction
 - The new board be appointed in keeping with current Police Board appointment processes
 - The role of the Board would be to manage the relationship with the contractual partner and oversee delivery of police services in Esquimalt

The Director of Police Services presented the results of the audit to the Victoria Police Board on March 14, 2010. He attended subsequent meetings to answer Board members' questions. During his presentations his authority to conduct the audit and its

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recommendations were repeatedly challenged by a Victoria Police Department senior staff member and some Board members.

Esquimalt Policing and Law Enforcement Advisory Panel³

On June 3, 2010 Order in Council 303 approved the establishment of an Esquimalt police governing structure to determine the police services required by the Township; to submit a report to the Minister of Public Safety and Solicitor General and the Director of Police Services on services required; and to make recommendations for meeting the requirements of section 15 of the *Act*. The Mayor of Esquimalt was appointed the Chair of the Panel and its spokesperson. Four members of the community were appointed to the Panel. The Chief Constable assigned the same senior staff member who had challenged the Director of Police Services' authority to be the Department's liaison with the Panel.

During the fall of 2010 the Panel held two public meetings and developed a website to ask citizens their opinion about policing using a Strengths Weaknesses Opportunities and Threats (SWOT) analysis. An Esquimalt Township staff member summarized the community input into four key points:

- Visibility and interaction with officers is needed within the community and at events
- Being part of a larger organization adds value in the form of access to specialized services
- Community partnerships are essential for crime prevention
- Citizens want value for money through a dedicated police presence

In January 2011 the Panel met with the Esquimalt Council and developed key factors for policing the Township, including:

- Community policing based on consultation, crime prevention and problem solving was the preferred model
- School liaison, bicycle and foot patrols are important
- A dedicated patrol for the Township
- Accessibility to policing services after business hours
- Cost containment
- Meaningful local governance of the police service

Victoria Police Board Structure

Under section 25 of the *Police Act* and the recommendations of the Governance Subcommittee of the Victoria Esquimalt Police Amalgamation Transition Committee, the Mayor of Victoria serves as the chair of the amalgamated Victoria Police Board. The Mayor of Esquimalt serves as the Vice-Chair. The Board meets monthly, except in August. It holds planning meetings with the Victoria Police Department senior

³ This report takes no position on the appropriate title for the advisory group struck under Order in Council 303. To avoid confusion with the Victoria Police Board, I will refer to the advisory group as a "panel"

Victoria and Esquimalt Policing Study

management twice each year and meets with Victoria and Esquimalt Councils to present its budget.

The Board has three standing committees: Governance, Human Resources and Finance. Committee members are appointed by the Board Chair. The Governance Committee deals with the development of policy and procedures for the Board and oversees the development of policies for the Victoria Police Department. The Human Resources Committee oversees the hiring and performance of the Chief Constable. The Finance Committee develops the Victoria Police Department budget, in conjunction with the Victoria Police Department Comptroller.

Current Budget Process

Currently the Chief Constable and Deputies ask senior staff members of the Victoria Police Department for their budget requests for the following year by August 31st of each year. In September the Victoria Police Board Finance Committee meets with the Department's Comptroller and the Chief Constable to review budget requests. The Committee produces a draft budget for presentation to the Board, for approval by October 31st. On November 1st the budget request is sent to each municipality. In early December the Board holds a joint meeting with both Councils to present the budget. In January the Board meets with the Victoria City Council to present its final budget and in April with the Esquimalt Council to present the final budget.

Issues and Analysis

This section of the report contains the issues identified during the interviews and my analysis of the issues, in the order designated in the terms of reference for the study.

Governance – Issues and Structure

Section 26 (4) of the *Police Act* delineates the role of Police Boards as follows:

In consultation with the chief constable, the municipal police board must determine the priorities, goals and objectives of the municipal police department.

The *B.C. Police Board Handbook*, describes the role of police boards as:⁴

3.2 Legislated Mandate and Main Oversight Functions

The role of a municipal police board is to establish a municipal police department and to **provide general direction to this department, in accordance with relevant legislation and in response to community needs.** Municipal police boards are created independently from municipal councils and from the provincial government. This removes boards from partisan council politics and recognizes that both the municipality and the province have legitimate interests in municipal policing.

⁴ *BC Police Board Handbook* (Victoria: Ministry of Public Safety and Solicitor General, Policing and Community Safety Branch, Police Services Division, 2005)

Victoria and Esquimalt Policing Study

As stated in the introduction and to reaffirm, municipal police boards in British Columbia perform four main governance functions:

1. Employers of sworn and civilian staff;
2. Policy and direction setters;
3. Financial overseers; and
4. Discipline authorities for policy and service complaints with the Chair being responsible for discipline for Chief and Deputy

Policy versus Operational

Distinguishing an "operational" matter that falls outside the board's jurisdiction from general management and policy matters that fall within the board's jurisdiction lies at the heart of the relationship between the board and the department. **Sections of the Police Act are intended to prevent direct board interference in the actual policing function but not to prevent the board from making decisions governing the structure and environment in which those policing functions occur.**

The primary role of the board is to establish, after consultation with the Chief Constable, overall objectives and priorities for the provision of police services. The Chief Constable is responsible for administering the Police Service and overseeing its operation in accordance with the objectives, priorities and policies established by the board.

The Chief Constable reports to the board as a whole and is not accountable to any one or group of board members. The board has the authority to give orders and direction to the Chief Constable, but not to other members of the department. The board shall not direct the Chief with respect to specific operational decisions or with respect to day-to-day operations of the Service.

4.3 Governance and Policy Development

Police boards perform both governance and oversight functions.

Governance refers to controlling and directing the making of policy, as well as directing and influencing decisions made by the organization. Oversight involves ensuring that legislated and mandated functions are carried out by the organization.

There are three basic principles of policy governance;

1. **A governing body is not there to help the organization. It is there to own the organization on behalf of the community.**
2. A governing body has authority while acting as a whole. Individual board members have no authority and the chair or designate has authority only when speaking on behalf of the board as a whole.
3. A governing body governs by policy (bylaw or resolution). These policies articulate values that act as boundaries within which the organization operates.

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Effective governance involves setting policies that address end results and specifying what cannot be done in the course of trying to accomplish them. Consideration of policy results involves answering the following questions:

- What are the benefits/results this organization will produce?
- For whom will these results be produced?
- At what cost?

The board needs to spend their limited time and energy on their most important policy functions.

These functions include:

- **Establishing the mission of the police department;**
- **Outlining policy results and values to which the board wants the department to adhere to;**
- **Developing the annual departmental priorities and goals and objectives in consultation with the Chief Constable;**
- **Establishing board practices; and**
- **Clarifying board/staff relationships.**

(Emphasis added)

Governance Issues

Governance Model

The Victoria Police Board operates using the Carver Model of Policy Governance. The Carver Model is based on a clear demarcation between the role of the Board and of the Chief Constable. Under the Carver Model the Board is responsible for making policy decisions while the Chief Constable is responsible for making operational decisions. There has been disagreement between the Mayors and the Chief Constable over whether certain decisions are policy or operational in nature. Both Mayors feel the Victoria Police Board has not been able to set strategic direction for the Department by deciding on overall policy.

Communication with and reporting mechanisms to the municipal Councils have not been addressed by the Board. Victoria City Council and Staff receive more information about the work of the Department. City staff can access Victoria Police Department financial information, as it is all available on the City's system, yet the Esquimalt's finance staff cannot. When Esquimalt requested crime statistics and costs broken down by community, they were informed that the Victoria Police Department and Board did not gather data on that basis and would not be able to provide it.

Strategic Planning Process

The Province expects Police Boards to develop strategic directions as described in the *B.C. Police Board Handbook*:⁵

4.2 Strategic Planning

Police boards are responsible for working with the Chief Constable to develop strategy, which provides the direction and scope of the police organization over the long term. Ideally, that strategy will match the organization's resources to its changing environment, in particular to its markets, customers and communities in order to meet stakeholders' expectations and concerns.

(Emphasis added)

At present, there is insufficient discussion at the Victoria Police Board about goals and policing priorities to meet the needs of the two communities the Department serves. The current strategic planning process does not involve input from either municipal Council. To develop the 2010 – 2020 strategic plan, 45 members of the community and staff of the Department met with a facilitator to draw up broad strategic goals. Only the two Mayors, in their capacity as Board members, attended from the two municipal councils. Senior department staff members are working to flesh out the goals.

Although the Board's Governance Manual requires annual business plans be prepared, this does not occur. The Board has not developed performance objectives. Although the Board has developed general performance measures for the Chief Constable, they are general, not tied to objectives or outcomes in an annual business plan.

Board meeting agendas

Neither the Board Chair nor Vice-Chair set the agendas for its meetings. Currently the Board agendas are developed by the Chief Constable in consultation with his senior managers and provided to the Chair for approval. There is no collaboration with the Vice-chair. Each meeting follows the same format, despite the issues facing the Board. There is no prioritizing of agenda items or system for ensuring Esquimalt's views are regularly considered. One Board member complained that valuable Board time is spent on a standing agenda item where individual Department staff members are introduced to the Board.

Conflict resolution

The Victoria Police Board has no process for resolving disputes over strategic direction or any other governance issue among its members.

⁵ *BC Police Board Handbook* (Victoria: Ministry of Public Safety and Solicitor General, Policing and Community Safety Branch, Police Services Division, 2005)

Decision-making about Service Provision/Policing Model

The Board has become so focused on its budget that it does not spend time examining policing priorities in the two communities. In addition, there is confusion over the nature of the service delivery. Many Esquimalt residents and elected politicians viewed amalgamation as identical to a fee-for-service contract. As a result they had some expectations the Victoria Police Department could not deliver.

Members of the Esquimalt Policing and Law Enforcement Advisory Panel referred to the Victoria Police Department as providing “contracted services” during their interviews. Even Victoria Police Board members thought there was a written service delivery agreement between the Victoria Police Department and the Township of Esquimalt. As a result of the confusion, councillors expected to be able to demand specific services and levels of service as well as Esquimalt-only usage statistics.

The amalgamation plan included a Victoria West patrol detachment, yet in 2004 the Victoria Police Department Operation Review resulted in three officers who specialized in community policing and all patrol officers being moved out of Esquimalt and redeployed downtown. The implications of the change in service delivery from a community-based model were not fully discussed by the Board.

Esquimalt residents want community-based policing with a strong prevention focus. Their elected officials describe the Victoria Police Department as using a “surge” model imported from the United States. Current Victoria Police Board members state community-based policing is too expensive to implement and old-fashioned.

Many of Esquimalt’s elected officials looked to the District of Oak Bay’s contract with the Saanich Police Department as a model for the Township. They did not appear to understand that there is a difference in the demographic make up of the two communities. Esquimalt’s naval base, foster families, group homes and methadone clinics lead to a high level of Priority 1 calls, while Oak Bay has relatively few.

Structure of Victoria Police Board

Overseer or Advocate?

The work of the Victoria Police Board appears efficient, with an annual cycle of meetings and three active standing committees. However, there seems to be a lack of clarity about the Board’s main purpose and leadership role. There is confusion, for example about whether the strategic planning process should be led by the Department or the Board. The Board has not adopted adequate measures to ensure it is fulfilling its mandate as the oversight body for the Victoria Police Department and as a result, some Board members are viewed by others as being advocates for the Department.

Some Board members appear to interpret the Board’s responsibility to ensure there is no political interference in policing operations as a reason for not answering Councillors’

questions about policy direction and budget priorities. Despite letters and comments at meetings from two Esquimalt mayors about concerns, none of the other Board members whom I interviewed accepted that it was the Board's responsibility to ensure that the terms of the amalgamation, including the funding formula, were reviewed. Some of the members had not seen the Amalgamation Order or the transition plan and knew nothing of its contents.

Role of the Municipal Appointees

There is confusion about the role of municipal appointees. Two Board members were appointed to the amalgamated Victoria Police Board upon recommendation by their respective Councils. They see their role and accountabilities differently than those who recommended their appointment. The Esquimalt appointee has not been invited to report to the Township Council, despite her efforts. The Victoria appointee was informed she was responsible to the City Council and had to report to them regularly.

Role of the Chair

Board members are concerned about the role of the two Mayors as leaders on the Board. Many Board members view both mayors as partisan advocates for their Councils and as a result, discount their concerns. There appears to be little understanding by some Board members of the responsibility Mayors have for representing the interests of the citizens who elect them. Some actions by the Mayors have left other Board members wondering if they are able to separate their distinct roles. Overall, many current and former Board members feel that the Board Chair has not played enough of a unifying leadership role.

Under the terms of the *Police Act*, the mayor of the community served by a police department must be the Board chair. The *B.C. Police Board Handbook* states the duties of the Chair as:

3.4 Responsibilities of the Chair

As the chair of a municipal police board is also the mayor of the municipality, there is an inherent conflict of interest, particularly with respect to the budget. The chair should take care to recognize that the two roles are distinct. He/she should be aware of which role he/she is undertaking and whose interests he/she is representing at any point in time. This is particularly important as the chair is in a leadership position on the police board and may only cast a deciding vote in the event of a tie. ...
(Emphasis added)

This may result in an inherent lack of true accountability to other members, as he or she cannot be removed for poor performance, failure to supervise the Chief Constable, or poor attendance.

Vice-chair or Co-chair?

The terms of amalgamation order provided for the Mayor of Victoria to chair the Victoria Police Board while Esquimalt's Mayor would be the Vice-chair. Esquimalt Councillors saw this as symbolic of the "country cousin" status for Esquimalt and wanted a change. Shortly after the current Mayor of Esquimalt was elected, she proposed that the Board be restructured to create two co-chairs.

In February 2009, the Victoria Police Board asked its Governance Committee to examine whether it was possible for the Chair position to be shared by the two Mayors. The Governance Committee prepared a report endorsing a structural change with some operational recommendations. The Board adopted the Committee's recommendation for a co-chair model whereby the Mayors would serve alternating six month terms. However, for various reasons the change was never implemented.

To the Mayor and Councillors of Esquimalt the Board's failure to change to a co-chair model was indicative of the lack of consideration given to Esquimalt as an equal partner in the relationship. The events surrounding the co-chair issue were a watershed in the relationship between Victoria and Esquimalt over police governance. The failure to implement an important symbolic change in 2009 caused a breakdown in trust that affected the work of the Board from that point on.

Role of the Director of Police Services

Victoria Police Board members and the Mayors and Councillors of both municipalities believed the Director of Police Services bore total responsibility for following up on the amalgamation terms. Because he is named in the *Police Act* as the person who resolves conflict over funding, municipal officials and Board members assumed he was responsible for resolving any ongoing conflict about governance. As a result they did not feel responsible for ensuring there was a process in place for dealing with disputes.

Section 27 of the *Police Act* refers to the role of the Director of Police Services when disputes arise over budget issues:

- (3) If a council does not approve an item in the budget, the director, on application by the council or the municipal police board, must
 - (a) determine whether the item or amount should be included in the budget, and
 - (b) report the director's findings to the municipal police board, the council and the minister.

Role of Staff

There is a need for the Board to clearly distinguish between the role of Board members and an appropriate role for the Department's staff.

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Many Board members spoke about the active role played by the Victoria Police Department senior staff members in Board meetings. Board members expressed concern that the staff members did not understand that the role of staff is advisory.

Decision-making Processes - Finance

Funding Formula

The amount of money each municipality pays toward the Victoria Police Department budget is determined by the original funding formula contained in the amalgamation documents.

The formula adopted by the Transition Committee is based on both municipalities paying a share of all Department costs based on provincial assessed values for land. The initial formula was adopted as a stop-gap measure by the Transition Committee; as the amalgamation was due to take effect within fourteen weeks of the Finance Subcommittee being struck. The Committee pegged the percentage of Victoria Police Department costs to be paid by the Township to be cost neutral with the operating budget for Esquimalt's police service in 2002.

The intent of the Transition Committee was that the formula would be reviewed and modified as necessary. Increased property values in Esquimalt and reduced values in Victoria over the decade have resulted in a larger percentage of costs being paid by Esquimalt. There has been no review of the initial funding formula, as anticipated in the 2002 amalgamation plan. This has caused conflict between Victoria and Esquimalt because both municipalities believe they are paying too much for policing.

As there has been no impartial review of the funding formula, Esquimalt Council believes it has been paying an inequitable portion of the Department's costs. This has resulted in several actions by Esquimalt to contain costs, including motions refusing to pay budget increases or its portion of the salary of certain personnel. Yet in 2009 both Mayors signed a financial agreement that refers to maintaining the existing funding formula until 2013.

There is disagreement between Victoria and Esquimalt about what a revised formula would look like. For example, Esquimalt wants recognition of the Federal government's refusal to pay PILT on the provincial assessed value of their land. The City of Victoria interprets the 2009 Financial Agreement as confirming the continuation of the previous funding formula: that the municipalities would pay their share of costs based on the provincial assessed rate. The Township of Esquimalt disagrees, stating that the matter of which assessed rate would be applied was not specifically discussed as part of the Agreement.

Budget Process

Senior staff and the Mayors of both Victoria and Esquimalt would like more input into the development of the Victoria Police Department budget. Currently the Department's

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annual budget is developed by the Department's Comptroller, the Chief Constable and the Board's Finance Committee and presented to the Board in summary form. The Finance Committee negotiates with the Department's senior staff through the Chief Constable to arrive at a draft for presentation to the Board. There is no mechanism for the Chief Financial Officers of Victoria and Esquimalt to meet with the Comptroller to discuss their fiscal constraints and challenges before he prepares budget estimates.

When the draft budget is presented to the Board, there is little analysis and discussion. The budget is not tied to an annual business plan or strategic objectives. The Board has not developed performance measures for evaluating budget allocations. Board members have been informed their role is not to question specific costs, as that is the *raison d'être* of the Finance Committee. They are told it is not their role to direct the Department to reduce its expectations to keep costs in check.

Following the presentation and adoption of a draft budget by the Board, there is a joint meeting with the Victoria and Esquimalt Councils. When Councillors ask questions about the budget, members of the Board Finance Committee inform them the *Police Act* allows Councils only to question specific line items in the budget, but not to debate budget elements, priorities or amounts. Council members and the municipal Chief Administrative Officers feel frustrated that they are not provided with an understandable explanation of why policing costs keep rising while crime rates are falling. As a result, they are unable to explain to citizens why an increasing portion of the municipal budgets is spent on policing.

Another source of conflict in the Department budget process is the difference in the budget planning cycles. Esquimalt and Victoria have different annual planning cycles. Victoria is able to complete its planning the fall before the start of the budget year in January. Because the federal government does not inform Esquimalt the amount of PILT it intends to pay until January of each calendar year, the Township cannot complete its planning until later.

Costs

Both Victoria and Esquimalt Councils are concerned about the increase in policing costs over the past decade. The amalgamated Victoria Police Department budget increased by 45% between 2002 and 2009. The number of sworn officers has increased by 11.5% over the same period.⁶ The number of Priority 1⁷ calls has fluctuated over the past decade, but the number of Priority 2 to 9 calls has decreased.

⁶ Data provided by Victoria Police Department

⁷ Priority 1 calls are the most serious and urgent. They involve risks to life or risk of serious physical harm. Examples include: assaults, domestic disputes, home invasions, robberies, sexual assaults, shootings, stabbings and threats of suicide. Priority 2 calls are also urgent and include in-progress break and enter.

Regional Costs

Elected officials and Victoria Police Department staff members present for the amalgamation discussions assumed the merger was to be part of a bigger regionalization process. Therefore it was not deemed necessary to examine equitable payment of policing costs that could be classified as regional in nature. There is also disagreement about which, if any, of the Department's costs are attributable to policing residents of other municipalities.

Elected officials in both Victoria and Esquimalt believe that a portion of the Victoria Police Department's annual operating costs are regional in nature and should not be paid entirely by the region's two poorest municipalities. These include the cost of policing parades, sporting and cultural events, and some costs associated with homelessness and addiction. In 2009 67% of all criminal code offences in the region occurred in Esquimalt and Victoria. The costs of policing for these offences were borne by only 40% of the population. The population bearing the costs has the lowest income in the region.

Methods for Dispute Resolution

Resolution of Governance Disputes

There is no mechanism at the Board level for resolving disputes over governance issues, including priorities and service delivery policies. The lack of a mechanism resulted in Esquimalt calling for an audit of the Victoria Police Department in 2009 to deal with its concerns.

Resolution of Budget Disputes

The Victoria Police Board has no internal process for resolving disputes over the budget. When budget disputes have arisen in the past the Municipalities have sometimes acted in a manner that escalated the dispute.

Other Issues Affecting Board Effectiveness

Language and Culture

Esquimalt prides itself on being a distinct community with its own culture. Failure to recognize the community through nomenclature has caused resentment and alienation. There is no visual recognition that the Board and the police department are amalgamated. The Board's and the Department's communication materials contain only the City's name. Some publications contain the City of Victoria shield.

Communication

When the trust between the Municipalities began to deteriorate over the co-chair issue, communication suffered. There are no mechanisms in place to ensure regular communication between the senior staff of the municipalities and the Department. There are no joint events where Councillors and Board members can interact and begin to form working relationships. Informal lines of communication that had previously been used

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were no longer followed. The Chief Administrative Officers stopped calling each other about issues of concern. The Esquimalt Mayor stopped raising the Township's concerns about issues or the need to review the funding formula at Victoria Police Board meetings. Staff from the Department and the municipalities who were not invited to participate in meetings assumed there was a deliberate decision to exclude them.

Behaviour Adding to Conflict Escalation

No one felt it was their responsibility to ensure the terms of the amalgamation were revisited and issues causing conflict were dealt with. The Victoria Police Department senior staff was involved in a serious internal conflict between 2004 and 2007. Afterwards they focused on rebuilding the Department and increasing officer strength. Neither Esquimalt nor Victoria Councils used the joint council budget meetings as an opportunity to raise issues and discuss possible solutions.

When the Minister of Public Safety and Solicitor General announced the audit in 2009 stakeholders were certain that funding, governance and other issues would be addressed. Others believed that the recent changes to the *Police Act* would deal with outstanding issues. These beliefs relieved them of accepting responsibility for dealing with concerns.

The Victoria Police Department Senior staff has not paid equal attention to both municipal governments. None of the Department's senior staff meet regularly with the Esquimalt Chief Administrative Officer, yet the Chief Constable meets with the Victoria Chief Administrative Officer. One of the senior staff has been openly critical during Board meetings of the efforts of the Esquimalt Mayor and the Director of Police Services to deal with Esquimalt's concerns. By appointing the same staff member as the Department's liaison person to the Esquimalt Advisory Panel, the Chief Constable sent a message that he endorsed this criticism.

The conflict between the Chief Constable and the Victoria Police Department Inspector assigned to Esquimalt worsened the relationship between community leaders and the Department. The Inspector provided details about his employment dispute with the Chief Constable to City Councillors and members of the Advisory Panel. Although he did an excellent job of developing good personal relations with the Township's leaders, Victoria Police Department senior staff felt he did not inform them of Esquimalt's concerns.

Proposed Solutions

The solutions proposed below are based on maintaining an amalgamated police department and board structure, but with changes, safeguards and a review in five years. The amalgamation was not given the support needed to succeed and be fairly evaluated as a model for providing good quality policing to the citizens of Esquimalt and Victoria. Despite the best intentions of the amalgamation Transition Committee, there was a lack of follow-up of most of the amalgamation terms. Conflict over governance and financial issues festered due to a lack of a resolution process.

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Prior to the 2010 audit, there was no process to identify and examine the issues surrounding the operation of an amalgamated department. The audit did not review the Board's operations. To avoid unnecessary disruption to the citizens of both Victoria and Esquimalt and anxiety to the Victoria Police Department staff, I strongly recommend that the amalgamation be allowed to continue. But the continuation of the amalgamated Department and Board must be in a climate of transparency and with a plan to monitor its efficiency and responsiveness to community needs.

Overarching Recommendations – Name Change

To indicate there is a new way of doing business being undertaken I am recommending a name change for both the Board and Department to "Victoria & Esquimalt."

Recommendations:

- 1 Change the name of the Board to "Victoria & Esquimalt Police Board"
- 2 Change the name of the Department to: "Victoria & Esquimalt Police Department"
- 3 The Victoria & Esquimalt Police Board develop a plan (with budget) to change communication materials, car decals, and shoulder flashes to the new name within six months.

Overarching Recommendations – Framework Agreement

Conflict over the past decade has led to a breakdown in relationships and trust between the elected officials of Victoria and Esquimalt. Working together to resolve problems and design the future is a good first step in rebuilding trust and relationships. For each municipality's officials to trust the other, detailed rules need to be spelled out in writing. The process I am recommending for this is a Framework Agreement.

Recommendation:

- 4 The Mayors, Chief Administrative Officers and Chief Financial Officers of Victoria and Esquimalt and the Chief Constable, the Victoria & Esquimalt Police Department Comptroller and one Victoria & Esquimalt Police Board member ("Municipal Leadership Group") meet to negotiate a Framework Agreement for governance and funding of the Victoria & Esquimalt Police Department.
 - a) The Agreement would have a term of five years, after which it would be reviewed.
 - b) The Municipal Leadership Group could form working groups of specialist staff to develop recommendations on the funding formula and other technical matters. Recommendations of working groups would be referred back to the Municipal Leadership Group for ratification and to be appended to the Framework Agreement.
 - c) The Director of Police Services would provide a mediator and necessary funding to assist the Municipal Leadership Group to negotiate the Framework Agreement

The following matters identified as issues in this study would be negotiated as part of the Framework Agreement:

Service Delivery Policy

Esquimalt identified the following key concerns about policing the municipality: sworn officer complement and strength; sworn officers' headquarters; hours of operation of Esquimalt Public Safety Building counter; provision of equipment; back-up from Victoria detachments for major incidents; shift lengths and the process for determining work assignments.

Recommendation:

- 5 The following service delivery policy matters be negotiated as part of the Framework Agreement:
 - a) The elements of the patrol services in Esquimalt
 - b) Identification of shared and specialized services to be supplied by Victoria & Esquimalt Police Department headquarters

Funding Formula

It is important that both municipalities agree that the formula used to determine how much they pay for shared services and overhead is fair and equitable. The financial staff has the technical knowledge to develop options for models and explain how each option would affect costs to the municipal governments.

Recommendation:

- 6 A working Group composed of the Victoria and Esquimalt Chief Financial Officers and the Victoria & Esquimalt Police Department Comptroller would identify which services and funds are currently provided to Esquimalt and would be needed in the future, including, but not limited to:
 - a) Specialist services
 - b) Shared services
 - c) Administrative overhead
 - d) Relief staff pool to backfill during sick and other leaves
 - e) Reserve funds for liabilities such as retirements

Budget Development and Approval Process

Both Victoria and Esquimalt will be responsible for paying a portion of the Victoria & Esquimalt Police Department budget for shared services and overhead costs. The budget approval process needs to contain steps for ensuring open communication and be designed to work in sync with both municipalities' own budget planning cycles.

Recommendations:

- 7 The Municipal Leadership Group design a process (with timelines) to be followed to examine and approve the Victoria & Esquimalt Police Department budget. Key considerations, based on issues identified by both municipalities, include:
 - a) A budget cycle that works for both municipalities
 - b) Appropriate level of detail required in budget presentations to Councils
 - c) Timelines for presentation of a draft budget and Annual Business Plan to the Councils
 - d) Timelines for presentation of the final budget and Annual Business Plan to the Councils

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- 8 The Framework Agreement would establish and determine the membership of a Council of Chief Officers of the municipalities and the Victoria & Esquimalt Police Department to meet quarterly to ensure regular communication between the municipalities' and Department's senior staff about finances and meeting goals identified in the Victoria & Esquimalt Police Board strategic planning process

Conflict Resolution Process

Conflicts over service delivery costs, application of the funding formula and other matters can cause breakdowns in relationships if left to fester. Speedy access to conflict resolution mechanisms will preserve relationships.

Recommendation:

- 9 The Framework Agreement would contain a conflict resolution clause, including access to a standing roster of qualified mediators and access to arbitration pursuant to the *B.C. Commercial Arbitration Act* in the event mediation does not resolve the matter.

Overarching Recommendations – Review Process

It is essential that the new amalgamated structure will be properly reviewed and that there is clarity about who is responsible and when it will occur.

Recommendation:

- 10 The Director of Police Services would conduct a review in 2017 of:
 - a) Effectiveness of the Victoria & Esquimalt Police Board
 - b) The funding formula
 - c) Responsiveness of the Victoria & Esquimalt Police Department to community needs

Recommendations – Governance Issues and Structure

Issues

Strategic Planning

The *BC Police Board Handbook* specifies that police boards are responsible for setting strategic direction and priorities for the Victoria & Esquimalt Police Department. A strategic plan will assist the Victoria & Esquimalt Police Board to develop a shared vision for policing and law enforcement in the two communities. The strategic plan forms a basis for planning work within the Board and the Department each year. Developing an annual Business Plan to map out how the goals in the strategic plan will be worked toward that year would inform the budget planning process.

Recommendations:

- 11 The Victoria & Esquimalt Police Board lead a process to develop a five year strategic plan to establish policing and law enforcement priorities and goals for the Board and Department
- 12 The Victoria & Esquimalt Police Board invite each municipal Council to send two representatives to be part of strategic planning process

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- 13 The Victoria & Esquimalt Police Board invite the Community Advisory Committees to be part of the strategic planning process
- 14 The Victoria & Esquimalt Police Board instruct the Chief Constable to develop Annual Business Plans, based on the approved Five Year Strategic Plan, for each fiscal year to detail advancement toward goals and how priorities will be met over the year
- 15 The Victoria & Esquimalt Police Board develop the Chief Constable's annual performance objectives based on specific priorities in Annual Business Plan and evaluate his/her performance against the objectives

Board Meeting Process and Roles

Clarity about roles, shared expectations and a common vision are essential for a well-functioning Board. Board members have a different interpretation of their role and the role of the Chair. The Board has not been functioning with a shared vision and some relationships have become strained. Reaching consensus among Board members will require a combination of training, facilitated discussion, and follow-up.

Recommendations:

- 16 The Police Services Division provide training to the Victoria & Esquimalt Police Board members about the role of the Board, role of the Co-chairs, responsibility of Board members for oversight, and the types of decisions that fall within its mandate
- 17 The Victoria & Esquimalt Police Board hold facilitated discussions to develop common understandings and a plan for how to work collaboratively, including the expectations they have of the Co-chairs and of each other; and how to create a culture of respect and innovation
- 18 The Victoria & Esquimalt Police Board ensure that the Board Co-chairs are developing the agendas and that items are prioritized within agendas
- 19 The Victoria & Esquimalt Police Board change its meeting agendas to include a standing agenda item: reports from Community Advisory Committees
- 20 The Victoria & Esquimalt Police Board clarify the role of community appointees to include:
 - a) Chairing the Community Advisory Committee
 - b) Responsibility for liaison with the Council
 - c) Responsibility for liaising with community members
- 21 The Victoria & Esquimalt Police Board clarify that the role of staff members attending its meetings is advisory

Structure

Victoria & Esquimalt Police Board

The structure of the Board must reflect the fact that it is an amalgamation. Both municipalities must feel they are treated as an equal partner in the relationship. Titles and names are symbolic of that equality.

Recommendations:

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- 22 The Victoria & Esquimalt Police Board be co-chaired by the Mayors of Victoria and Esquimalt, based on previous recommendations of the Victoria Police Board Governance Committee, including:
- a) Each would serve alternating six month terms chairing Board meetings. This "Mayor in the Chair" would have overall responsibility for finalizing meeting agendas, setting the schedule of meetings and approving minutes
 - b) Both Mayors would collaborate on drafting meeting agendas
 - c) Both Mayors would collaborate on appointments to any standing committees
 - d) Both Mayors would collaborate to fulfill obligations as the Discipline Authority for the Chief Constable
 - e) Both Mayors would be able to speak for the Board, but would collaborate with the other beforehand to ensure that a consistent message is communicated
 - f) Any dispute in sharing the Chair responsibilities would be referred to the Board for resolution

New Community Advisory Committees

The policing needs of Victoria and Esquimalt may differ according to the community's needs. It is important that the Victoria & Esquimalt Police Board receive input from both communities about policing and law enforcement issues and needs if they are to meet citizens' expectations.

Recommendations:

- 23 Two Community Advisory Committees be established:
- d) Esquimalt Policing and Law Enforcement Advisory Committee
 - e) Victoria Policing and Law Enforcement Advisory Committee
- 24 The Committees would be chaired by the applicable community's appointee to the Victoria & Esquimalt Police Board
- 25 Three additional members be appointed from the community to each Policing and Law Enforcement Advisory Committee
- 26 Mayors be appointed as ex-officio members
- 27 The mandate of the Policing and Law Enforcement Advisory Committees include:
- a) Liaison with community members and organizations re law enforcement and policing issues and needs
 - b) Reporting regularly to Councils re law enforcement and policing issues and concerns
 - c) Liaison with local detachment Inspectors regarding deployment to meet concerns and deal with public safety issues
 - d) Providing input on community policing matters to Victoria & Esquimalt Police Board
 - e) Conduct public opinion surveys regarding satisfaction with policing services
 - f) Ensure communities' issues are considered in the Board strategic planning process

Recommendations – Decision-making Processes about Finance

Funding Policing Services⁸

Municipal Councils are responsible under the *Police Act* for providing police and law enforcement within their communities. The Esquimalt Township Council has a clear vision of the policing they want for their community. Victoria City Council may wish to employ a different deployment model. Both communities could consider and balance their patrol wishes with their ability to pay. Specialized and shared services along with administrative overhead would be paid by both according to a renegotiated funding formula.

Recommendations:

- 28 Each municipality would be responsible for paying for its own patrol detachments' salaries and benefits (which staff would be included to be negotiated as part of Framework Agreement)
- 29 Each municipality would be responsible for paying a portion of overhead and shared services costs, based on a formula contained in the Framework Agreement by a working group composed of the municipal Chief Financial Officers and the Victoria Police Department Comptroller, with the assistance of a mediator.

Budget Development and Approval Process

The Victoria & Esquimalt Police Board is responsible for creating an annual budget for the Victoria & Esquimalt Police Department's operations. It is essential for its oversight function that all Board members are actively involved in developing the budget. Both Victoria and Esquimalt will be responsible for paying a portion of the budget for shared services and overhead costs. It is important for the elected officials in both municipalities to understand how taxpayers' money is being spent by being provided with detailed explanations for costs.

Recommendations:

- 30 The Victoria & Esquimalt Police Board Finance Committee develop a draft budget, tied to meeting the objectives in the Annual Business Plan (see recommendation 14)
- 31 The Finance Committee present the Draft Annual Business Plan and Budget to the Victoria & Esquimalt Police Board for detailed discussion, explanation of cost variances and recommended changes
- 32 The Victoria & Esquimalt Police Board follow the process for Council approval of the policing budget as specified in the Framework Agreement (see recommendation 7)

Access to Financial Information

Currently the Victoria Police Department shares an information system with the City of Victoria. The City's finance staff members are able to access the Department's information while the Township's staff cannot.

⁸ These recommendations would require amendment or termination of the 2009 Finance and Accounting Agreement

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Recommendation:

- 33 The City of Victoria ensure that both municipal Chief Financial Officers have equal access to financial information in the City's system regarding Police Department costs

Ensuring Value for Money

The Victoria Police Department budget has increased by 45% since the amalgamation. Total calls for service have decreased over the same period. Municipal funds allocated to pay policing costs are not available to pay for social or recreational programs. The municipal councils need to be assured that valuable taxpayers' money is well-spent.

Recommendations:

- 34 The Victoria & Esquimalt Police Board conduct an efficiency review of the Victoria & Esquimalt Police Department in 2012 to look for areas of budget savings
- 35 The Victoria & Esquimalt Police Board establish a schedule for regular efficiency reviews
- 36 The Victoria & Esquimalt Police Department develop Key Performance Indicators for Departmental operations
- 37 The Victoria & Esquimalt Police Board instruct the Chief Constable to gather statistics that are identified by the Municipal Leadership Group and provide them to the Chief Administrative and Financial Officers of the municipalities.

Conflict Resolution

Recommendation:

- 38 In the event of an unresolved conflict regarding any Annual Business Plan or budget issue between the Victoria & Esquimalt Police Board and Councils, the conflict resolution process contained in the Framework Agreement would apply.

Recommendations – Methods for Dispute Resolution and Managing Conflict

Various participants in this working relationship felt others did not pay attention to their concerns. When there is ongoing unresolved conflict, people blame others and make assumptions about their motivation. They say things out of frustration that hurt others' feelings. Trust breaks down and communication grinds to a halt. Board members and elected Municipal officials need quick access to conflict resolution processes so that issues can be identified and mutually acceptable resolutions negotiated.

Recommendations:

- 39 All disputes would follow the process contained in the Framework Agreement
- 40 Existing unresolved disputes between the City of Victoria and the Township of Esquimalt regarding financial matters related to police services be resolved using the conflict resolution process in the Framework Agreement
- 41 The Police Services Division provide joint educationals and lead facilitated discussions with Councillors and Board members to develop and strengthen working relationships, and to create a common understanding about roles.

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Topics for the sessions could include:

- a) Role of police boards
- b) The role of the Mayor on police boards
- c) The role of the community appointee on police boards
- d) Modern policing and crime prevention

Recommendations – Other Issues Affecting Board Effectiveness

Regional Costs

Recommendations:

- 42 The Capital Regional District strike a working group composed of municipal Chief Financial Officers to conduct an analysis of which, if any, of Victoria & Esquimalt Police Department costs are regional in nature, and propose a formula for sharing costs between municipalities
- 43 The Mayors Victoria and Esquimalt invite other Mayors in the Capital Region to enter into discussions about sharing regional policing costs for the Victoria & Esquimalt Police Department

Appendix

Demographics and Criminal Code Offences⁹

	Population (2011)	Criminal Code Offences 2002-2009	Current Caseload/officer
Victoria/Esquimalt	97,200	16,228	72
Saanich	111,300	6,133	42
Central Saanich	16,400	772	36
Oak Bay	18,200	987	44

Calls for Service 2006-2011¹⁰

	2006	2007	2008	2009	2010	2011
Priority 1						
Victoria	2241 (80.9%)	2414 (84.5%)	2659 (86.1%)	2260 (85.7%)	2524 (82.1%)	2539 (84.1%)
Esquimalt	530 (19.1%)	444 (15.5%)	431 (13.9%)	378 (14.3%)	550 (17.9%)	479 (15.9%)
Priority 2						
Victoria	8648 (87.9%)	10151 (88.9%)	9975 (90.2%)	7602 (89.2%)	8449 (88.9%)	7524 (88.6%)
Esquimalt	1192 (12.1%)	1262 (11.1%)	1089 (9.8%)	919 (10.8%)	1059 (11.1%)	966 (11.4%)
Priority 3						
Victoria	27546 (90.6%)	24486 (90.2%)	23051 (91.7%)	16249 (90.2%)	16245 (89.6%)	15165 (90.5%)
Esquimalt	2845 (9.4%)	2668 (9.8%)	2076 (8.3%)	1763 (9.8%)	1887 (10.4%)	1594 (10.4%)
Priority 4-9						
Victoria	18443 (90.4%)	19287 (92.2%)	16867 (92.4%)	11263 (91.4%)	11412 (92.2%)	9943 (91.3%)
Esquimalt	1969 (9.6%)	1636 (7.8%)	1379 (7.6%)	1017 (8.6%)	969 (7.8%)	948 (22.2%)

⁹ Data provided by Victoria Police Department

¹⁰ Data from the 2010 Police Services Audit Report and Victoria Police Department

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Policing Costs per Capita¹¹

	2002	2003	2004	2005	2006	2007	2008	2009	Increase
Esquimalt	234	226	228	246	261	279	300	332	42%
Victoria	303	305	319	347	362	366	391	414	37%
Combined	291	290	302	329	344	351	375	400	37%
BC Average	214	241	244	257	273	279	300	310	45%

Percentage of Total Victoria Police Department Budget, by Community¹²

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Esquimalt	14.31	13.946	13.580	13.687	13.790	14.089	14.181	14.659	14.821	15.156
Victoria	85.69	86.054	86.420	86.313	86.212	85.911	85.819	85.341	85.179	84.844

Esquimalt's portion from amalgamation to 2011 has increased by 1.21% or \$503,358

¹¹ Data provided by Victoria Police Department

¹² Data provided by Victoria Police Department