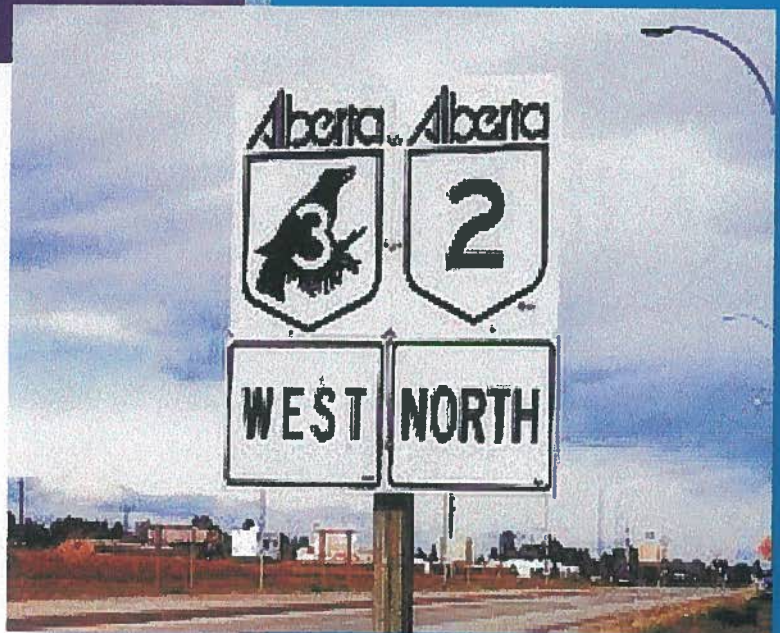




2011

Bylaw Services Audit



Transitional Solutions Inc.

8/1/2011



By-Law Services Audit

In August of 2011, Mayor and Council of the Municipality of Crowsnest Pass, through resolution, invited Transitional Solutions of Leduc Alberta to conduct an audit of the Bylaw Department.

Transitional Solutions (TSI) assigned Donna Tona, CTS to complete the task.¹

As representative of TSI, Ms. Tona attended the Municipality on August 29-September 01 to audit the following deliverables as assigned through Council Agenda C2011, August 16, 2011 at a regular meeting of Council.

The following deliverables were assigned:

- Review of the Municipality's existing enforcement program encompassing enforcement procedures, activity levels, training, authority, management of and reporting procedures.;
- The relationship with internal and external groups/organizations such as SPCA, Animal Control, RCMP, Solicitor General, Legal Representatives, Civil Court System, Administration, Council and Community Residents;
- Examine the role of a Bylaw Officer vs. Peace Officer in reference to the enforcement requirements of the municipality;
- Recommend procedures to effectively manage and implement municipal Bylaws and Provincial Statutes;
- Provide recommendations to enhance the Municipality's Bylaw enforcement process;

¹ appendix 1 - Tona CV



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- Provide the final report September 06, 2011 at a regular Council Meeting.

Transitional Solutions, as of August 31, completed the initial assessment and provides the following report for council's consideration.

Donna Tona, CTS

VP

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Existing Municipal Program

Deliverable One: Review of the Municipality's existing enforcement program encompassing enforcement procedures, activity levels, training, authority, management of and reporting procedures.;

The current program is a **Bylaw enforcement** program operating under Bylaw 86/1986. Under this Bylaw it enacts:

- The powers and duties of the Chief By-Law Enforcement Officer;
- The powers and duties of a By-Law Enforcement Officer;
- A ByLaw Enforcement Committee (appointed by Council from time to time):
 - The purpose of the committee is to hear complaints with respect to the conduct of the By-Law Officer or Chief By-Law Officer and recommend discipline with respect to unlawful exercise of authority, drugs and alcohol consumption, breach of confidence, corrupt practice, discreditable conduct;
 - To hear appeals of any decision the Chief By-Law Officer has made.

Current Operation

The department is staffed by one Bylaw Officer with minimal clerical support. The department also provides a grant for Citizens on Patrol. This community based volunteer group provides additional eyes and ears for community safety and upon sighting of anything suspicious immediately contacts the RCMP.

Animal Control (ACO)

The Animal Control Officer (ACO) operates under a contract signed on October 4, 2010.

Poundkeeper

The current pound is located in Hillcrest by the Public Works shop.



Relationships and Partnerships

Deliverable Two: The relationship with internal and external groups/organizations such as SPCA, Animal Control, RCMP, Solicitor General, Legal Representatives, Civil Court System, Administration, Municipal Council and Community Relations

Consultants General Statement

The current bylaw department consults with the RCMP and administration. The Municipal council received a bi-annual statement of statistics at the September 06, 2011 Council Meeting.

Bylaw officers typically are interactive in the community and must perform their duties with the community in mind. Education and support is the cornerstone of their duties.

The consultant has reviewed all the potential and actual relationships with community members, enforcement units, municipal departments, administration and other potential stakeholders. We believe that these relationships could be better and more consistent.

We recommend a process of public consultation and focus groups be established to determine and identify the community's relationship with the department and to identify any community concerns.



Bylaw Officer vs. Peace Officer

Deliverable Three: Examine the role of a Bylaw Officer vs. a Peace Officer in reference to the enforcement requirements of the Municipality

Bylaw Officers

Bylaw Officers enforce the bylaws of the Municipality. They are a form of Peace Officer service but hold no powers as such; other than they can issue violation tickets under certain bylaws and violation tags. They cannot carry weapons unless duly authorized and they must be trained under the bylaw that provides those powers.

They swear an Oath of Office in front of a Commissioner of Oaths or Notary Public or Justice of the Peace.

Their powers are somewhat limited.

Peace Officers

The Solicitor General provides the oversight of the Peace Officer Program. They audit the programs and provide guidance. The Peace Officers report to a civilian manager and when two or more are in a municipality they can use the rank structure up to Sergeant.

The Solicitor General prescribes:

- The guiding principles and rules;
- The Policy and Procedures Manual for overarching responsibility;
- The discipline, investigation of events and rules surrounding it;
- Training;
- The municipality reports to them and are guided under the Peace Officers Act of Alberta and other regulations;



- **A Peace Officer enforces the following:**
 - Bylaws via power granted by council;
 - Provincial Statutes granted by the Province:
 - Animal Protection Act;
 - Dangerous Dogs Act;
 - Environmental Protection and Enhancement Act (Part 9 Division2);
 - Gaming and Liquor Act;
 - Provincial Offences Procedure Act;
 - Stay Animals Act;
 - Traffic Safety Act;
 - Weed Control Act;
 - Pest Control Act;
 - Tobacco Reduction Act;
 - Petty Trespass Act;
 - The Prevention of Youth Tobacco Use Act;
 - The Trespass to Premises Act.

Peace Officers can effect traffic stops, serve warrants under certain limitations, arrest under certain conditions, carry weapons, can be appointed to carry a shotgun in their vehicle and enhance the community based policing models. They must subscribe to higher training including arrest and control techniques, vehicle stop training, baton, OC Spray and shotgun qualification.



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They can be recommended through the RCMP for DARE training and other types of high level expertise.

They can take the commercial vehicle training and with the municipality's capital outlay, purchase portable scales and weigh trucks.

They are required to work shift work and usually not after midnight.

They typically use the same radio systems with permission of the RCMP and accompany them on many check stops, and other special duties.

They also follow the Alberta Traffic Safety Plan calendar for special enforcement duties and special attention. Should they effect a traffic stop within their jurisdictional appointments and the driver appears impaired, they are required to call the RCMP, and their testimony may be used in court.



Implementation Procedures

Deliverable Four: Recommend Procedures to effectively manage and implement Municipal Bylaws and Provincial Statutes

The consultant has reviewed all the Bylaws and provides the following:

RECOMMENDATIONS:

- Restructure the bylaws to reflect ease of use. Currently an enforcement officer has to look through the entire bylaw document to find the section they are looking for. Some of the bylaws have pieces that belong to one section in another section. Structure them – bylaw definitions, regulations, powers, and schedule.
- Close the loop on the bylaws. Some bylaws have no power to enforce and others are contradictory in some of the sections.
- Have the bylaws reviewed by the RCMP for their comment and counsel;
- Add definitions to the bylaws. We recommend that Animal Control Bylaw be changed to Responsible Pet Ownership Bylaw and over 40 additional definitions will be required. It is important that if something is mentioned in the body of the Bylaw, that it be reflected in the definition.
- Add more information into the bylaws re: wildlife and reference the Fish and Wildlife Act and that a grandfathering clause for the farm animals that currently reside in the Crowsnest Pass be considered.
- Add the following Bylaws:
 - Parkland Bylaw – includes trails;
 - Fire Arms Bylaw;
 - Pull the enforcement pieces out of the LUB and put them into the Community Standards Bylaw;
 - Alarm Bylaw;
 - Dangerous Goods Bylaw;
 - Emergency Management Bylaw;
 - Fire Control – currently under the auspice of the Interim CAO's Office;



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- Provincial Statutes are self explanatory and if authorized the Peace Officer enforces them as they are written and as the regulations dictate.

Revenue

Deliverable Five: Identify potential opportunities for revenue generation from the enforcement of Provincial Statutes

The consultant reviewed the statutes attached to Peace Officers appointments as discussed earlier in this report. It is anticipated that municipal bylaws and the provincial statutes would provide additional revenue generation.

The consultant recommends that the community be provided with a period of education and support prior to providing enforcement.,



Recommendations

Deliverable Six: Provide recommendations to enhance the municipal's Bylaw enforcement process.

Consultant's Recommendations for preliminary implementation:

- Move toward the Peace Officer Program as the ground work is already in place. This will require standard operating procedures, proper case management, traffic plans, strategic plans, training budget, equipment budget, vehicles, proper protective equipment, crest and vehicle decaling, proper light packages, computers on board for mobile office and administrative support once the program is developed and running.
- In the interim, continue to function as a Bylaw Department until the Peace Officer appointments are provided by the Solicitor General.
- Purchase Enforcement software. Current departments use Report-Exec which has been developed by Police Officers specifically for enforcement. This software has the capability to scan all documents into a court file, auto generate case file numbers, store and catalogue all tickets, generate reports and provide graphing and mapping.
- Divide the Municipality into districts and zones for ease of patrol and control. For example Bellevue may be designated as District 1 with the "Municipality" divided into zones. Each zone would generate its own statistics with respect to enforcement, preventative enforcement; community based policing, and education.
- Stop the use of municipal tags and move to violation tickets. This lessens the administrative and collection process.



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- Hire 1-2 Peace Officers; however we recommend that only one additional Peace Officer be added at the current time to help build the program.
- Spend the fall educating the residents of the municipality about the changes to Enforcement Services.
- Consider hiring a contractor for Automated Traffic Enforcement.
- Work with the RCMP's new Commander on an integrated policing model. The municipality does not give up direction and management of its Peace Officers, the Detachment provides mentorship.
- Move the department to 30% enforcement, 30% complaint and sight generated 30% education and 10% for other matters that arise.
- Develop court packages and proper procedures for submitting to the courts.
- Advise the Prosecutor in Pincher Creek that the Municipality is moving towards a Peace Officer Program.
- Provide training for clerical staff when taking complaints.
- Develop a Traffic Safety Committee with criminal record checks completed by the RCMP.
- **Attach a manager to look after the integration and implementation of this program until it is organized and stable.**

Animal Control Recommendations (ACO)

- Provide proper training to ACO;
- Provide proper equipment to ACO or make it a condition of the contract;
- Provide supervision to ACO and require better reporting;
- Develop cash and reporting standards;



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- Administer dog licenses from the Municipal Office only;
- Develop policies;
- Understand the relationship between the municipality and the poundkeeper.

Municipalities that implement a Peace Officer Enforcement Services Program provide clarity and consistency in the enforcement of Municipal bylaws and Provincial Statutes.



**By-Law Services
Audit**

Donna Tona, CTS

2011



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TRANSITIONAL SOLUTIONS
BRIDGING THE GAP **INC.**

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DONNA TONA, CTS – Certified Trauma Specialist



Donna Tona, CTS has over 10 years of municipal management experience with the Calgary Police Service in their Community Services Section, and 21 years of consulting experience with municipalities, government agencies, police departments, corporate agencies, and disaster teams. Donna is an experienced Emergency Manager, and has lead disaster teams to the Oklahoma City bombing in 1996 and World Trade Centre in 2001. She has provided HR consultation services to large Banking Firms during the Ice Storm in 1998, has another 5 international and national disaster team lead experiences. Donna has worked with clients in New Zealand, Barbados, USA, Jamaica, on a variety of initiatives including program development, recruitment, selection practices, victimization, communication, stress and trauma management, anger management, and emergency/disaster management.

Donna is very familiar with policing having spent many years working with police, peace officers, and civilians working with police, fire and EMS. She has been invited to teach at the Canadian Police College, the Barbados Police Academy, provided instruction for victim services at the Calgary Police Academy, and has been instrumental in setting up Victim Service Units for the RCMP and was one of the team in 1984 that brought the Victim Impact Statement to Canada. She has also been asked to provide debriefing services for emergency personnel and has audited debriefing practices in many areas, one being the Michigan Prison system.

Donna is published in over 6 journals, including policing, insurance and banking, for her perspectives and experience regarding HR, stress, leadership, trauma management, disaster management, and security topics. She has recently honoured by being cited and published regarding her professional opinions surrounding trauma in uniformed personnel by the American Psychotherapy Association in 2008. She has also been featured on news syndicated programs such as FOX and CBC.

Donna is a 7 time international award winner for her program and video development, holds a Provincial Solicitor General Award, and since 2004 is an adjunct instructor/faculty member, invited to teach Crisis Management at the University of Wisconsin at Madison USA for their summer international management school for Credit Union Professionals. This invitation is based on achieving a minimum student performance evaluation of 4.98 out of 5.



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Donna has authored many training manuals for corporations and municipalities. She is an accomplished trainer, lecturer and writer and is adept at putting the right teams together to get the job completed.



Related Qualifications

- ❑ Senior Civilian Manager Calgary Police Service Community Services – 1983 - 1991
- ❑ Director of Protocol 2008 Alberta Winter Games (over 200 volunteers under portfolio)
- ❑ Instructor The Canadian Police College, and Royal Barbados Police Academy
- ❑ Faculty Instructor for University of Wisconsin at Madison USA in Crisis Management since 2004
- ❑ Business Administration Red Deer College- Red Deer, Alberta Canada
- ❑ Justice Administration – Police Sciences/Security Valedictorian-Mount Royal College-Calgary
- ❑ Certified Suicide Intervention Trainer Alberta, Canada
- ❑ Investigation of Missing & Exploited Children Certificate Florida, USA
- ❑ Emergency Operations Centre, Reception Centre Management – 2006
- ❑ Incident Command Level 1, 3 and 4, 2008
- ❑ Advanced Critical Incident Debriefing with over 500 situations achieved
- ❑ Trained in basic and advanced threat assessment- 2006
- ❑ National Community Crisis Disaster Team training – USA and certificate in Traumatic Incident Reduction
- ❑ Consultant since 1991, with municipal, provincial, state, financial, policing, business clients in the areas of HR, disaster, emergency management, workplace violence, retention and interviewing, tourism and economic development, Community services.

Client List

The Royal Barbados Police Force - Barbados WI
IIR Institute of New Zealand – Auckland, Wellington NZ
American Bankers Association - Washington DC
Barbados Light and Power - Barbados WI
Cities of Guelph/ Kitchener, Waterloo/ Hamilton - Ontario Canada
Credit Union Leagues of South Carolina/ Georgia, North Carolina/
Texas/Pennsylvania/ Florida/ New Mexico/ California/ Illinois/ Iowa/
Michigan/New Jersey/ Hawaii - USA
The Canadian Police College - Ottawa Canada
The International Emergency Preparedness Conference - Ontario
Retail Council of Canada - Canada
Workers' Compensation Board of BC - Nanaimo and Vancouver



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- Various Victim Service Units in Canada
- Westlock Fire Service
- Alberta Disaster Services
- RCMP
- Crime Prevention Ontario
- Risk and insurance Management Society - USA and Canada
- Credit Union Central of Saskatchewan - Canada
- Shell Jamaica – Jamaica
- South Pacific EAP Conference - Hawaii USA
- Education Safety Association of Ontario - Canada
- Industrial Accident Prevention Association - Canada
- Catholic Social Services - Canada
- Credit Union Deposit Guarantee Corporation - Canada
- The Women's Insurance Professional Association of Canada
- Women's Insurance Institute of Manitoba
- Credit Union Central of Alberta



The above list is just a sampling of her invitations. In addition, Donna also consults with HR and other human service groups on how to set up programs for their "Human Element" in disaster recovery. She also contracts with Insurance and Credit Union regulators regarding Risk Management protocols and policies. She responds to corporate crisis events on an invitation basis.

Emergency Management Invitations:

- The Walkerton E-Coli Disaster – Walkerton Ontario*
- FIJI Hostage Situation and Government Coup*
- Oklahoma City Bombing*
- Pentagon and World Trade Center Terrorism Attack*
- Ice Storm 98*
- Manitoba Floods*
- Tobermorey School Boat sinking disaster – Owen Sound, Ontario*
- Alberta Forest Fires – 2001*
- 25 Years of responding to Financial Institution Robbery and Fraud*

