Agenda - Council - November 21, 2007

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – November 6, 2007

Item No. 2 Fine Option Program and Community Service Order Program
File GF-2

STANDING COMMITTEE RECOMMENDATION:

On November 14, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submits the following to Council:

1. That the Public Works Department participate in the Province of Manitoba, Justice Department's Fine Options and Community Services Programs on a pilot program basis in 2008.

2. That $11,000.00 be added to the 2008 Current Estimates for the Public Works Department.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – November 6, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 14, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 6, 2007, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

On October 2, 2007, the Standing Policy Committee on Protection and Community Services laid over consideration of the matter to its meeting on November 5, 2007.

On September 10, 2007, the Standing Policy Committee on Protection and Community Services laid the matter over to its meeting on October 2, 2007.

On June 21, 2007, the Standing Policy Committee on Protection and Community Services passed the following motion:

WHEREAS litter and graffiti are a blight on the City of Winnipeg;

AND WHEREAS one of the outcomes of the May, 2006 Winnipeg City Summit was to clean our city more diligently with new steps, policies or programs to make the city shine;

AND WHEREAS the City of Winnipeg in its 2007 operating budget increased funding for clean and green services, including an additional $100,000.00 for the expansion of downtown litter container collection to seven days per week, an additional $60,000.00 for increased street cleaning and litter collection partnerships and an additional $25,000.00 for development of a public education program on loose litter control;

AND WHEREAS the City of Winnipeg in its 2007 operating budget increased funding for graffiti removal by approximately $500,000.00, which includes an expanded graffiti removal program through partnerships with community organizations, and enhanced graffiti removals from historic buildings and other removals that require special equipment / processes;

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DECISION MAKING HISTORY (Continued):

STANDING COMMITTEE RECOMMENDATION (continued):

AND WHEREAS the City of Winnipeg is supportive of fostering new and innovative partnerships for enhancing litter collection and graffiti removal services;

AND WHEREAS it is important to have a range of options for the provision of meaningful consequences for persons who owe fines pursuant to municipal, provincial or federal statutory authority;

AND WHEREAS the Province of Manitoba operates a Fine Option Program which gives people the opportunity to pay their fines by doing unpaid community service work;

AND WHEREAS the Province of Manitoba operates a Community Service Order Program which allows judges to issue a court order mandating a person to do unpaid community service work;

AND WHEREAS municipal governments are able to provide work opportunities for participants in the Province of Manitoba's Fine Option Program and Community Service Order Program;

THEREFORE BE IT RESOLVED THAT the Winnipeg Public Service be directed to report back to the appropriate committee of Council in September, 2007 with a recommendation on whether it would be desirable for the City of Winnipeg to provide work opportunities for participants in the Province of Manitoba's Fine Option Program and Community Service Order Program in the areas of litter collection and graffiti removal, which report shall include an analysis of:

1. Province of Manitoba requirements;
2. human and financial resource issues;
3. union issues; and
4. all other relevant considerations.

RE: Fine Options & Community Service Order Programs

FOR SUBMISSION TO: Standing Policy Committee on Infrastructure Renewal and Public Works

ORIGINAL REPORT SIGNED BY: Director of Public Works

REPORT DATE: October 18, 2007

RECOMMENDATION:

1. That the Public Works Department participate in the Province of Manitoba, Justice Department's Fine Options and Community Services Programs on a pilot program basis in 2008.
2. That $11,000 be added to the 2008 Current Estimates for the Public Works Department.

Report Summary

Key Issues:
The Fine Options and Community Services Programs are worthwhile programs for the Department to participate in. The work that can be provided to the participants of these programs has to be non CUPE type work in order not to infringe on the City/CUPE Collective Agreement.

Participants in the program would have to comply with all the City's safety requirements.

The pilot program would result in direct costs to the Department estimated at $11,000 to provide required safety equipment/clothing and transport vehicle.

Implications of the Recommendation(s):

General Implications

X None
For the organization overall and/or for other departments
For the community and/or organizations external to the City
Involves a multi-year contract

Comment(s):

Policy Implications

X No
Yes

Comment(s):

Regulatory Implications

X None
Eliminates or reduces regulatory impact
Proposes regulatory impact

Comment(s):

Environmental Implications

X No
Yes

Comment(s):

Human Resources Implications

No
X Yes

Comment(s):
Work to be provided to the Fine Options and Community Services Order Programs has to be non CUPE work in order not to infringe on the collective agreement.

Financial Implications

Within approved current and/or capital budget
X Current and/or capital budget adjustment required

Comment(s):
The Public Works Department will be providing safety equipment for the participants at an approximate cost of $100.00 per participant. Total costs for safety equipment are estimated to be in the order of $3000 for the duration of the pilot program. Also, the department may require a van to transport the program participants to the work sites at an approximate cost of $8000.

Report

REASON FOR THE REPORT:
At a meeting held on June 21, 2007, the Standing Policy Committee on Protection and Community Services directed the Public Service to report back to the appropriate committee of Council with a recommendation on whether it would be desirable for the City of Winnipeg to provide work opportunities for participants in the Province of Manitoba's Fine Option and Community Service Order Programs in the areas of litter collection and graffiti removal.

HISTORY:
The Province of Manitoba, through its Justice Department, has two programs where individuals convicted of a crime can volunteer to participate in community volunteer programs to satisfy the judgments against them. One program is the Fine Options Program. Where individuals have been fined by the court and cannot afford to pay the fine, they can volunteer to participate in this program to perform volunteer work in an eligible work centre, equal to the value of the fine based on minimum wage, instead of going to jail.

Where individuals have been convicted of a crime and have been ordered by the court to perform a number of hours of community service work, the Community Service Order Program assigns these individuals to eligible work centres to satisfy the judgments against them.

Eligible work centres are non profit organizations or branches of government. The Justice Department is always looking for eligible work centres to participate in both of these programs

DISCUSSION:
Both of these programs are worthwhile programs in that they can provide opportunities to eligible work centres to have additional work performed with free labour. The labour is free because there is no wage paid to the program participants. The hours of work they perform are deemed to be at minimum wage and the value of the work is credited towards the fine imposed upon them in the case of the Fine Options Program. For the Community Services Order program, the hours of work is credited directly to the hours imposed by the court for community service. For both programs, although the labour is free, there are costs associated with employing the participants. The issues to be considered are:

Collective Agreement Issues:

The City of Winnipeg/CUPE Collective Agreement requires that CUPE members perform work within the bargaining unit. This applies to permanent and seasonal workers. Work such as paper picking & graffiti removal is deemed to be bargaining unit work. The City has non-CUPE members performing a portion of graffiti removal work through arrangements with organizations such as BIZ groups or the Green Team. The staff are not directly supervised or employed by civic staff. The Department's Graffiti Program provides funding to the external organizations and /or required equipment and in some cases vehicles and obtains indemnity waivers relating to the graffiti removal work on private property.

Similarly non-CUPE workers (eg Volunteer groups) often perform, "enhanced" work such as paper picking in certain parks, under the direct supervision of civic staff. Enhanced work is work beyond what the city normally undertakes.

Province of Manitoba Requirements:
The Province would require that the City enter into an agreement where the City would identify how many participants the City would require. The Province would be responsible for any injuries that the participants may incur through their Worker's Compensation. The City would be:

a) responsible to provide all material and equipment required for the job that the participants are required to perform and all associated safety and protective items;
b) responsible/liable for any property damage and personal injury that the participants may cause;
c) responsible to provide direct supervision for the participants, and;
d) responsible to maintain records on the hours of work for the participants and submit these to the Province

Safety Issues:
The City does have a safety policy and safety requirements that all workers wear appropriate safety apparel for the work they perform. The cost to the department in providing required safety clothing for this program is estimated at $3000.

Human Resource and Financial Issues:
Due to the nature of the programs, short term placements, there is a requirement for the City to provide direct supervision of the participants. In addition, the department would require a van for the duration of the pilot program to transport the program participants at an approximate cost of $8000.

Other Issues:
The City would be responsible for any personal injury caused to others or property damage caused by the participants.

Financial Impact Statement — Date: October 17, 2007

Project Name: — **First Year of Program**

Fine Options & Community Service Order Programs

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Current Budget	11,000	-	-	-	-
Total Funding	$ 11,000	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 11,000	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 11,000	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ 11,000	$ -	$ -	$ -	$ -

Additional Comments:

"Original Signed by Darcy Stewart, CA"
Manager of Finance & Administration

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:
Legal Services Division, Corporate Services Department
Risk Management Branch, Corporate Finance Department

External Consultation With:
Justice Department, Province of Manitoba

THIS REPORT SUBMITTED BY:

Department: Public Works
Division: Director's Office
Prepared by: W. M. Woroby, P. Eng.
File No.