David M. Sanders, M.A., LL.B.
907-885 Wilkes Avenue
Winnipeg MB R3P 1J3

March 12, 2014

Chair and Members
Executive Policy Committee
The City of Winnipeg
510 Main Street
Winnipeg MB

Re: Executive Policy Committee – 9:00 a.m. Wednesday, March 19, 2014

I am appearing this morning as a private citizen, to speak briefly in opposition to certain aspects of the following EPC agenda items and recommendations:

Report #6 Winnipeg Police Association - Memorandum of Agreement

Report of SPC Protection and Community Services - March 10, 2014

1. Agreement between the Royal Canadian Mounted Police (RCMP) Chief Firearms Program (CFP) and The City of Winnipeg
2. Agreement for the Royal Canadian Mounted Police (RCMP) use of Winnipeg Police Service Firing Range
3. Service Agreement between the Manitoba Public Insurance Corporation and The City of Winnipeg for the Winnipeg Police Service 2013 RoadWatch Program
4. Service Agreement between the Manitoba Public Insurance Corporation and The City of Winnipeg for the Winnipeg Police Service 2013 School Zone Safety Enforcement Program
5. Service Agreement between the Manitoba Public Insurance Corporation and The City of Winnipeg for the Winnipeg Police Service November 2013 Distracted Driving Enforcement Campaign

Addendum Reports:

Item #7 Full Time Equivalent (FTE) Complement

Item #8 The City of Winnipeg Employees' Group Life Insurance Plan - Investment Management

Report #6 Winnipeg Police Association - Memorandum of Agreement

For six months I have been asking why the City of Winnipeg has failed to finalize the text of the WPA Collective Bargaining Agreement covering the period December 24, 2010 to December 23, 2012, and to post it on the Corporate Support Services public webpage. That Agreement has still not been published 15 months after it expired. Why not?

Nevertheless I should like to congratulate the negotiating committees of the City and the Winnipeg Police Association for reaching agreement on a Memorandum of Agreement for a new Collective Bargaining Agreement for the period December 24, 2012 to December 23, 2016.

I presume the words as well as the numbers are important, and therefore I believe the complete text of the Memorandum, dated February 13, 2014, should have been appended to this Report, if EPC and City Council are actually being asked to approve it now.

All we have here is a summary document prepared by the civic administration.

We don't even have the civic administration's report on "*Negotiations between the City of Winnipeg and the Winnipeg Police Association*," dated February 28th, which has been reviewed by the City's internal and external auditors.

I have reason to believe that there has been some consultation with the Winnipeg Police Board, but if that is the case, then I think that the "Consultation" section of this morning's report should acknowledge that.

In any event, I wish to express my opinion that the particular recommendations before you fail to meet the following legal requirements for Council approval:

The City of Winnipeg Charter Act

53(1) Council must not delegate

(d) its authority to enter into a collective agreement in respect of employees

City By-law No.7100/97 - CITY ORGANIZATION

3. (1) The authority to make final decisions on the following matters shall remain with Council and shall not be delegated:

(f) approval of collective agreements between The City of Winnipeg and its employees;

When the final draft of the WPA Collective Agreement, including the terms of the fifteen settlements and agreements, is finally prepared, I suggest that it should all be submitted to City Council for "ratification," as required by law.

In the meantime, I would appreciate it if someone could explain how "Existing Budget Amounts" are sufficient to cover the $64 million additional costs over the four-year term of the new Agreement, but the City's 2015 and 2016 projections presented to Council in December "contain significant shortfalls and will require modification to balance."

Since it appears that all of the other new collective bargaining agreements will also require significant modifications to the 2015 and 2016 operating budget projections, perhaps EPC should request a comprehensive update on the budget projections now, well before the civic election this fall. So we won't have more unrealistic promises of tax freezes.

For the record, I am in favour of paying our civic employees well, and hiring enough of them to provide the multitude of services required by this community. That certainly applies to the Winnipeg Police Service.

Report of SPC Protection and Community Services - March 10, 2014

> **1. Agreement between the Royal Canadian Mounted Police (RCMP) Chief Firearms Program (CFP) and The City of Winnipeg**
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Items 1 through 5 of the March 10 report of the Protection and Community Services Committee deal with proposed agreements with the RCMP and Manitoba Public Insurance regarding Winnipeg Police Services information, facilities, and programs.

There is no mention of prior consultation with the new Winnipeg Police Board in any of the five reports, although the last four all contain a recommendation "that the Winnipeg Police Board be advised."

In my opinion, recommendations such as these should be presented to the Police Board first, and then forwarded by the Board to the Standing Policy Committee, EPC and Council for approval. I also think that any final texts of any of the proposed agreements should be submitted to Council for formal approval.

With respect to Item #3, the **2013** Roadwatch Program, is this really a request for Council approval a year late, or should all the dates be changed to **2014**?

Addendum Reports:

Item #7 Full Time Equivalent (FTE) Complement

The new Full Time Equivalent (FTE) Complement report represents a major step forward in the presentation of relevant information for the effective management of the City's most important resources, its employees.

However, while the Attachment 1, FTE Complement – 2013, accounts for the effects of "Vacancy Management" last year, today's report does not address the projected effects of Council's 2014 operating budget decisions, requiring salary cost reductions of $14.1 million for "vacancy management," and $1.5 million for 3.5 unpaid days of mandatory leave next December for many civic employees.

I assume "Vacancy Management," is a euphemism for a hiring freeze, which means that whenever a position is vacated for any reason, such as retirement, resignation, or just cause, it cannot be filled except with the special approval of some senior civic administrator, who is charged with ensuring that the $14.1 million in salary savings is achieved by delaying the hiring of replacements during the year. This is not an uncommon budget policy, unfortunately, but it may have severe consequences for the effective management of staff, and the maintenance of adequate staff levels to handle important services. I strongly suggest that EPC review and approve some meaningful guidelines and priorities for the use of the vacancy management strategy in 2014, so as to minimize the negative effects.

As for the unpaid mandatory leave being forced on civic employees as an end-of-year bonus for difficult jobs well done, I believe that EPC should now identify who the lucky employees will be, and what the consequences will be for service levels. When Council and the public have that information, you may be persuaded to look for the $1.5 million elsewhere.

Item #8 The City of Winnipeg Employees' Group Life Insurance Plan - Investment Management

As with many other matters, I suggest that Council should not delegate authority to the Chief Administrative Officer to "approve any and all documents and agreements" related to the management of the substantial employee funds. When agreements are ready for approval, they should be submitted for Council approval.

Thank you,

David M. Sanders, M.A., LL.B.

River Heights-Fort Garry