Agenda – Council – April 26, 2017

Report – Standing Policy Committee on Water and Waste, Riverbank Management and the Environment – April 10, 2017

Item No. 1 Adoption of Walk-Up Service for Collections Policy

STANDING COMMITTEE RECOMMENDATION:

On April 19, 2017, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment and submitted the following to Council:

1. That the "Walk-Up Service for Collections" Policy (the "Policy") attached hereto as Appendix "A" be approved.

2. That the over expenditure for contract 302-2016 Integrated Solid Waste Collection in the City of Winnipeg for yard waste walk-up service in the estimated annual amount of $101,080 based on the current garbage and recycling walk-up applications, be approved.

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

Report – Standing Policy Committee on Water and Waste, Riverbank Management and the Environment – April 10, 2017

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 19, 2017, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 10, 2017, the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council:

ADMINISTRATIVE REPORT

Title: Adoption of Walk-Up Service for Collections Policy

Critical Path: Standing Policy Committee on Water and Waste, Riverbank Management and the Environment – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
D. J. Doubleday Manager, Solid Waste Services	M. L. Geer, CPA, CA Acting Director, Water and Waste Department K. Boryskavich Director, Legal Services	M. Ruta	D. McNeil

EXECUTIVE SUMMARY

This report is recommending to Council a policy for walk-up services for garbage, recycling and yard waste collection.

For roughly the past 50 years, the City has offered walk-up garbage and recycling services to residents who are unable to place their waste curbside. The City does not have a similar policy for yard waste collection services, which were implemented in 2012.

On November 14, 2013, a human rights complaint was filed, alleging that the City's current yard waste collection program discriminates against residents with disabilities and elderly residents, given the requirement that such waste be physically placed at the curb. In its initial investigation, the Manitoba Human Rights Commission found that the complaint had merit. The complainant offered to withdraw the complaint if the City in part develops a yard waste policy that includes a walk-up collections provision.

In response to this complaint, the City has reviewed its services and drafted a policy for Council consideration that would extend walk-up services for yard waste collection to those residents requiring accommodation and formalize the existing practice of walk-up service for garbage and recycling collection.

RECOMMENDATIONS

1. That Council approve the “Walk-Up Service for Collections” Policy (the “Policy”) attached hereto as Appendix “A”.

2. That Council approve the over expenditure for contract 302-2016 Integrated Solid Waste Collection in the City of Winnipeg for yard waste walk-up service in the estimated annual amount of $101,080 based on the current garbage and recycling walk-up applications.

3. That the proper officers of the City be authorized to do all things necessary to implement the foregoing.

REASON FOR THE REPORT

Council approval is required to adopt City policies.

IMPLICATIONS OF THE RECOMMENDATIONS

Adoption of this policy will increase contract costs for contract 302-2016 Integrated Solid Waste Collection in the City of Winnipeg for the additional costs related to the new service of providing walk-up services for yard waste. The Department already provides walk-up services for recycling and garbage collection and those related costs were included in the original award amount for the collection contracts and the Department’s operating budgets.

The total contract costs for the new service will be built into the Department’s operating budget submission for 2018 and onwards. The costs incurred for October to December, 2017 will be accommodated within the existing 2017 operating budget submission.

Given that garbage and recycling walk-up service costs are already provided to citizens and thus are included in the Department’s annual operating budget, the costs provided in the Financial Impact Statement apply only to the new cost of providing yard waste walk-up services.

The current collection contracts do not make allowance for the payment of yard waste walk-up service. The successful proponents for Area One and Area Two have submitted an estimated annual cost of $101,080 to provide walk-up service for yard waste.

Leaf and yard waste is typically collected approximately eight months of the year.

The Department is satisfied the submitted costs are consistent with the provided costing in the remainder of their bid documents.

If Council adopts the Policy, settlement of the human rights complaint will rest within the settlement authority of the City Solicitor.

HISTORY/DISCUSSION

Since at least the 1970s, the City has offered walk-up (also referred to as “walk-in”) collection services for garbage and recycling to residents unable to place waste at their curb. On October 19, 2011, Council approved the Comprehensive Integrated Waste Management Plan (the “Plan”), which proposed automated collections. In October of 2012, the City implemented the Plan. Since this time, requests for garbage and recycling walk-up service have increased steadily. However, accommodated yard waste walk-up service was not offered under the Plan. On November 14, 2013, a human rights complaint was filed, alleging that the City’s current yard waste collection program discriminates against residents with disabilities and elderly residents, given the requirement that such waste be physically placed at the curb. In its initial investigation, the Manitoba Human Rights Commission found that the complaint had merit, and the parties entered into settlement discussions. The complainant offered to withdraw the complaint if the City in part develops a yard waste policy that includes a walk-up collections provision.

The Public Service has reviewed its services and drafted a policy for Council consideration that would extend walk-up services for yard waste collection to those residents requiring accommodation. The proposed policy would also formalize the conditions and procedures of walk-up service for garbage and recycling collections. The policy also aims to curb any potential abuse of the system.

The Public Service has developed the attached Policy for Council consideration. In drafting the Policy the Public Service identified potential costs for such a program and methods for minimizing costs while still meeting human rights obligations.

With respect to yard waste walk-up services specifically, a degree of uncertainty exists in terms of potential costs for implementation of the Policy. The number of residents who may request yard waste walk-up service is unknown, and may increase or decrease from year to year depending on whether any given application for service is temporary or permanent, and with a potential increase of new requests on an annual basis. Despite this, the Department has estimated an approximate annual cost for yard waste walk-up service. The Department suspects that a subset of those using garbage and recycling walk-up (approximately 1,543 residents) would use the accommodated yard waste system. Should all 1,543 residents apply for yard waste walk-up services under a new waste collections contract, the costs of implementing a yard waste walk-up program is estimated to be $101,080 for the first year of service based on estimated annual costs to provide walk-up service for yard waste.

The rates for yard waste walk-up service are subject to an annual CPI adjustment.

Garbage and recycling walk-up service costs are already included in the Department’s annual operating budget. As such, increased costs outlined in the Financial Impact Statement apply only to the cost of providing yard waste walk-up services. The Policy simply formalizes the process for applying and approving applications for garbage and recycling walk-up service as well as for yard waste.

It is the view of the Public Service that adopting the Policy and thus formalizing yard waste, garbage, and recycling walk-up collections is in the best interests of the City and would facilitate a settlement of the human rights complaint.

FINANCIAL IMPACT

Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 25,270	$ 101,587	$ 103,619	$ 105,691	$ 107,805
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 25,270	$ 101,587	$ 103,619	$ 105,691	$ 107,805
Less: Existing Budget Amounts	25,270	101,587	103,619	105,691	107,805
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

Whereas the policy covers all services, this FIS only captures the costs for the new yard waste walk up service as the Department currently provides garbage and recycling walk up service and there is no change proposed to it which would have a financial impact.

Total costs will be built into the Department's operating budget submission for 2018 and onward. 2017 costs will be accomodated within the 2017 submitted operating budget. 2017 costs are based on 3 months of service under contract with an annual cost of $101,080. Costs are based on a monthly rate per dwelling unit which is subject to an annual inflation adjustment.

"Original signed by L. Szkwarek, CPA, CGA"

Lucy Szkwarek, CPA, CGA

Acting Manager of Finance and Administration

CONSULTATION

This Report has been prepared in consultation with:

Legal Services
Corporate Support Services

OURWINNIPEG POLICY ALIGNMENT

Direction 02 of Section 03 of the OurWinnipeg policy requires that the City provide equitable access to municipal programs, services and facilities. The City is mandated to "acknowledge and strive to address age, gender, ability and cultural barriers to improve access to City Services for all citizens."

SUBMITTED BY

Department: Water and Waste Department
Division: Solid Waste Services Division
Prepared by: Ken Fargher
Date: February 15, 2017
File No: 011-15-11-01-02

Attachments:

Appendix A – Walk-Up Services for Collections Policy

POLICY TITLE	ADOPTED BY	EFFECTIVE DATE
Walk-Up Service for Collections	*City Council*	*October 1, 2017*
ORIGIN / AUTHORITY	**CITY POLICY NO**	**MOST RECENT CONSOLIDATION**
City Council		

1. Purpose:

To extend accessible collection services of designated waste by way of walk-up collections for residents requiring reasonable accommodation, up to the point of undue hardship.

2. Definitions:

2.1 "**Curbside pick-up point**": the point at which waste would normally be collected at a residential property without walk-up service.

2.2 "**Department**": the City of Winnipeg's Water & Waste department or subsequent or other department charged with collection of solid waste.

2.3 **"Designated waste"**: garbage, recycling, and yard waste.

2.4 **"Designated waste containers"**: in the case of garbage and recycling, waste containers as required for use for such waste under the Solid Waste By-Law, 110/2012. In the case of yard waste, such containers must be structured paper bags (kraft bags).

2.5 "**Director**": Director of the Department or any employee of the City to whom the Director has delegated in writing a duty or authority under this Policy.

2.6 **"Eligible residents":** City of Winnipeg residents at residential properties who meet the requirements outlined in section 3.3 of this Policy.

2.7 "**Garbage**": as defined in the Solid Waste By-law, 110/2012.

2.8 **"Individual charge**": any monetary fee charged against an individual resident, but does not include any increase to fees shared by all residents, such as the waste diversion fee.

2.9 "**Permanent need**": where no finite date for the need for reasonable accommodation can be ascertained.

2.10 "**Reasonable accommodation**": rendering a service accessible to those with special needs, where those special needs are based upon age and disability for the purposes of this policy.

2.11 "**Recycling**": recyclable waste, as defined in the Solid Waste By-law, 110/2012.

2.12 "**Residential property**": as defined in the Solid Waste By-law, 110/2012.

2.13 "**Temporary need**": where a finite date for the need for reasonable accommodation can be ascertained.

2.14 **"Undue hardship"**: as defined in human rights jurisprudence.

2.15 "**Walk-up service**": collection service whereby:

(i) on a scheduled date as determined by the Director; and

(ii) in the case of yard waste, over a scheduled period as determined by the Director,

collection services agent(s) walk into a residential property from the access point where waste is normally collected at that premises and collect designated waste at the waste container storage location. In the case of garbage and recycling walk-up services, such service includes the agent(s) returning the emptied carts to the container storage location.

2.16 "**Waste container storage location**": a location on an eligible resident's property determined to be appropriate by the Director.

2.17 "**Yard waste**": consists of

(i) grass clippings;

(ii) leaves, plants, flowers, tree and hedge prunings; and

(iii) small bundled branches no longer than 1 metre (3 feet) in length and 100mm (4 inches) in diameter;

that is generated from the residential property at which it is collected.

3. Walk-Up Service for Garbage, Recycling, and Yard Waste Collections Policy

3.1 Residents may apply to be provided walk-up designated waste collections services.

3.2 Walk-up collection services shall be provided at no additional individual charge to the eligible resident.

3.3 Residents shall receive walk-up service for designated waste collection if they meet the following conditions, as determined by the Director:

a. They must complete and submit an initial application form approved by the Director in order to register to receive accommodated designated waste collection services. The application must be submitted by way of the method outlined on the form and on the Department's website. On this form, applicants must check only those accommodated services that they require.

b. They must annually confirm a continued need in future years by completing and submitting an annual renewal form approved by the Director forwarded to the applicant by the Department near the anniversary date of their initial application. Generally speaking, no medical shall be required when submitting subsequent renewal forms except where reasonably deemed necessary by the Director as per 3.3(e) below. The Director must send forward the annual renewal form to the latest address provided to the Department by the eligible resident. In order to maintain eligibility, the resident must remit to the Department a completed annual renewal form within a reasonable time frame determined by the Director.

c. They must confirm in their initial application form and in their annual renewal forms that no other individual at their residence is able to place their designated waste at the curbside pick-up point.

d. They must disclose in their initial application form and in their annual renewal forms whether walk-up designated waste collection service is a temporary need or permanent need.

   i. If reasonable accommodation is a temporary need, they must specify in their initial application form and/or in their annual renewal form the length of time that such walk-up service is needed with a

stated end date. Walk-up service shall be terminated as of that date. The onus rests with the resident to request any necessary extensions.

ii. They must inform the Department at least 30 days prior to a discontinued need for service, or a change in service requirements (such as a change of address) by contacting the City of Winnipeg's client/customer/residents' service system outlined on the Department's website, currently by way of a phone call to 311.

e. They must have a relevant medical professional (for example, a family practitioner, occupational therapist, or physiotherapist) indicate their support of the request for walk-up designated waste collection services on the initial application form, with further medical support to be provided where reasonably deemed necessary by the Director. This information shall be managed in accordance with the *City of Winnipeg Protocols and Procedures under the Personal Health Information Act (PHIA)*, as amended from time to time. Any cost to obtain medical support rests with the resident.

f. They must ensure that designated waste containers are ready for collection on the scheduled collection day at the waste container storage location, in a visible and easily accessible location a maximum of 15 meters (50 feet) from the curbside pick-up point, free of obstacles and not within any structures on the property. This location will be the waste container storage location for all materials under this Policy.

g. They must ensure their address is clearly visible to collection services agent(s) on the front of the house and at the lane if applicable.

3.4 As a transitional measure, those residents already making use of garbage and recycling walk-up services as of October 1, 2017 must immediately meet all of these conditions, including the obligation to submit annual renewals, with one exception; they are not required to submit completed initial application forms and provide evidence of support for their application from a relevant medical professional as required by section 3.3(e) until October 1, 2018. The date on which their initial application form is submitted then becomes the relevant date for the purposes of annual renewals as required by section 3.3(b). For further clarity, this clause does not apply to yard waste walk-up collection applications.

3.5 Where an appeal from an order or decision under this Policy is authorized by *The City of Winnipeg Charter*, the appeal may be made to a hearing body of three members which includes the Chief Administrative Officer of the City or his or her delegate, and two Directors of the City as selected by the Chief Administrative Officer or their delegates. The Director and employees of the department which oversees and implements the Policy shall not serve as a member of the hearing body.

(i) The Chief Administrative Officer of the City or his or her designate shall serve as the Chair of the hearing body.
(ii) Sections 51(10) and 51(11) of the *Procedure By-law* apply to hearings conducted under this section and the hearing body may adopt other rules of practice and procedure.
(iii) An appeal may only be accepted by the City Clerk where any administrative fee established by Council has been paid to the City Clerk.
(iv) The appeal body hearing the appeal may order the administrative fee to be refunded to the appellant if the appeal has been made in good faith and has some merit.

1. Responsibilities

1.1 Director

Responsibility for periodically reviewing and updating this Policy shall rest with the Director.