Minutes – Executive Policy Committee – July 15, 2020

REPORTS

Item No. 15 Service Delivery Responsibilities of the City of Winnipeg

EXECUTIVE POLICY COMMITTEE DECISION:

The Executive Policy Committee did not concur in the recommendation of the Winnipeg Public Service and referred the Service Delivery Responsibilities of the City of Winnipeg report to the OurWinnipeg review to provide opportunity for Council and public input.

DECISION MAKING HISTORY:

Moved by Councillor Gillingham,

WHEREAS the administration has produced a Service Delivery Responsibilities of the City of Winnipeg report summarizing information with respect to whether or not there is a legislative requirement for provision of a service;

AND WHEREAS a review of OurWinnipeg, the city's development plan which sets a vision for the next 25 years, is currently underway and provides opportunity for council and public input and feedback;

AND WHEREAS the OurWinnipeg draft document states, "With its role defined by provincial legislation, and also limited by its fiscal means, The City of Winnipeg has neither the jurisdiction nor the capacity to address all of the needs within its boundaries. However, the issues and opportunities for our community moving forward will frequently defy jurisdictional boundaries. OurWinnipeg 2045 recognizes this fact. Its goals, objectives, and policy directions are based on 17 Sustainable Development Goals… while some of the goals extend beyond the reach of civic governments, civic governments have a role in attaining them." (p.12)

AND WHEREAS the Service Delivery Responsibilities of the City of Winnipeg report and Our Winnipeg should be considered simultaneously due to their interdependent relationship;

THEREFORE BE IT RESOLVED that the Service Delivery Responsibilities of the City of Winnipeg report be referred to the Our Winnipeg review to provide opportunity for Council and public input.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 22, 2020, the Executive Policy Committee granted a further extension of 60 days for the Winnipeg Public Service to report back on the matter:

On March 17, 2020, the Executive Policy Committee granted a further extension of up to 60 days for the Winnipeg Public Service to report back on the matter.

On December 3, 2019, the Executive Policy Committee granted an extension of up to 90 days for the Winnipeg Public Service to report back on the following:

DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

1. V. i. That the Chief Administrative Officer be directed to report back to the appropriate committee of Council on the following items in 2019, in preparation of the multi-year budget planning process for 2020:

    a. A review of the City's core service delivery responsibilities under The City of Winnipeg Charter and any other relevant legislation;

COUNCIL DECISION:

On March 20, 2019, Council concurred in the recommendation of the Executive Policy Committee, which included the following recommendation:

1. V. i. That the Chief Administrative Officer be directed to report back to the appropriate committee of Council on the following items in 2019, in preparation of the multi-year budget planning process for 2020:

    a. A review of the City's core service delivery responsibilities under The City of Winnipeg Charter and any other relevant legislation;

ADMINISTRATIVE REPORT

Title: Service Delivery Responsibilities of the City of Winnipeg

Critical Path: Executive Policy Committee

AUTHORIZATION

Author	Department Head	CFO	CAO
L. Pablo	P. Olafson	L. Pablo, A/Interim CFO	M. Ruta, Interim CAO

EXECUTIVE SUMMARY

As part of the preparation for the Multi-year Budget Process, the Public Service conducted a preliminary review of services provided by the City with respect to whether or not there was a legislated requirement to provide the applicable service.

The attached summary provides information with respect to whether or not there is a legislative requirement or other reason for provision of a service for the use of Council during the budget process.

RECOMMENDATION

That the preliminary review of service areas, as part of the multi-year process, be received as information.

REASON FOR THE REPORT

On March 20, 2019, as part of the 2020 multi-year budget process, recommendation 1. V.i.a. of the Council Adopted 2019 Budget directed the Chief Administrative Officer to report back to the appropriate committee of Council with a review of the City's core service delivery responsibilities under the City of Winnipeg Charter (the "Charter") and any other relevant legislation.

On December 3, 2019, Executive Policy Committee granted an extension of up to 90 days for the Winnipeg Public Service to report back.

On March 17, 2020, Executive Policy Committee granted a further 60-day extension for this report.

The Public Service was granted a further 60-day extension by Executive Policy Committee on May 22, 2020.

IMPLICATIONS OF THE RECOMMENDATIONS

The results of the review of municipal services provide additional information for the use of Council in the multi-year budget process.

HISTORY/DISCUSSION

As part of the multi-year budget process, Council directed the Public Service to review service delivery responsibilities of the City of Winnipeg.

Discussion

During 2003, the City of Winnipeg Legal Services department conducted a review of municipal services with respect to whether or not there was a legislative requirement to provide each of those services. This review did not take into account any service delivery obligations as a result of contracts or collective agreements and, given additional changes to legislation, is considered out of date.

In preparation for presentation of the multi-year budget process to Council for approval, the Chief Financial Officer directed the Public Service to conduct a review of all services provided by the City of Winnipeg and classify them as either legislatively required by the City of Winnipeg Charter or other type of legislation, and other essential and discretionary services. With the launch of the 2020 multi-year budget on October 18, 2019, the results of the review were posted to the city website. A further review was conducted by the Legal Services department and is incorporated into the attached Appendix 1.

Service Delivery Responsibilities

The Charter does not specifically define City of Winnipeg core service delivery responsibilities. It, and other relevant legislation, as well as the common law, establish a legal framework within which the City is required or permitted to deliver specific services, which are interpreted as core service delivery responsibilities for the purpose of this report.

It should be noted that, even though there may be no legislative requirement to provide a service, delivery of the service may be implied. As an example, there is no legislated requirement to establish a 911 call centre, but in order to effectively provide emergency response services, establishment of the call centre is necessary.

Appendix 1 uses the following common notes in describing the basis for service delivery responsibility conclusion. As noted above, legislated services include considering more than legislation.

Required	Legislated
Contemplated by Charter or Other Statutes	Legislated
Not Required But Practically Necessary	Legislated
Common Law Duty of Care	Legislated
Not Required	Non-legislated

FINANCIAL IMPACT

Financial Impact Statement **Date:** June 19, 2020

Project Name:

Service Area Review

COMMENTS:

There is no financial impact associated with the report recommendations.

original signed by
Tanis Yanchishyn, CPA, CA
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

This Report has been prepared in consultation with:

Legal Services

OURWINNIPEG POLICY ALIGNMENT

Not Applicable

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Not Applicable

SUBMITTED BY

Department: Corporate Finance
Division: Financial Planning & Review
Prepared by: C. Stewart
Date: June 19, 2020

Attachment:

Appendix 1 - Requirements to Provide Services