

## ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES

Citation: 1999 ONCPC 3901

### IN THE MATTER OF a hearing into the proposed annual Budget of the Guelph Police Service

#### Presiding Members:

Murray W. Chitra, Chair  
Karlene J. Hussey, Member

#### Appearances:

Harry Perets, Solicitor for the Guelph Police Services Board  
Trisha Sinclair, Solicitor for the City of Guelph

Hearing Date: September 21-23, 1999

#### BACKGROUND

On April 23, 1999, the Guelph Police Services Board (the "Board") wrote the Ontario Civilian Commission on Police Services (the "Commission") advising that it had been unable to agree with the City of Guelph (the "City") on the 1999 budget estimates for the Guelph Police Service (the "Service"). Specifically, the Board stated that its request for a budget of \$12,824,300 had been reduced by the City by \$483,200.

By way of resolution, the Board asked that the Commission undertake a hearing pursuant to section 39(5) of the Police Services Act R.S.O. 1990, c. P. 15 as amended (the "Act"). This provides the Commission with authority to determine budgetary disputes between a municipality and a local police services board.

On July 14, 1999 a pre-hearing conference was held in Guelph between the Commission and the potential parties to the proceeding to discuss a number of preliminary matters. These included identifying the areas of dispute, the types of information to be presented at the hearing and the potential for settlement. The Board indicated at that meeting that they had realized savings from a pension contribution holiday and reduced legal fees. Accordingly, their budget request for 1999 had been reduced to \$12,593,100. This left a disputed amount of \$252,000.

A subsequent attempt at mediation was unsuccessful. Accordingly, with the agreement of all parties hearing dates were set for September 21, 22, and 23, 1999. Notice of this

- 2 -

fact was published in local newspapers. The hearing took place at the Italian Canadian Club, 135 Fergus Street, Guelph as scheduled.

## THE LAW

Section 4(1) of the Act requires every municipality in Ontario to “provide adequate and effective police services in accordance with its needs”.

This can be accomplished in a number of ways. A municipality may establish its own police service, create a joint police force with another municipality, purchase police services from a neighboring municipal police force or enter into a contract with the Ontario Provincial Police.

The City of Guelph has chosen to meet its obligation by the establishment of a municipal police service. It is currently composed of 132.5 uniformed and 49 civilian staff.

Every municipal police service operates under the direction of a local police services board. A board is composed of municipal representatives, provincial order-in-council appointees and a community member appointed by resolution of council.

Section 31(1) vests in such boards the responsibility “for the provision of adequate and effective police service”. To this end, a board determines policing priorities, establishes policies and generally oversees the operations of the service.

The municipality must fund the force. Specifically, section 4(3) states: “a municipality shall be responsible for providing all the infrastructure and administration necessary for providing such services, including vehicles, boats, equipment, communication devices, buildings and supplies.”

The process for setting a police service’s annual budget is found at section 39 of the Act. It states:

39(1) The board shall submit operating and capital estimates to the municipal council that will show, separately, the amounts that will be required,

(a) to maintain the police force and provide it with equipment and facilities;  
and

(b) to pay the expenses of the board’s operation other than the remuneration of board members.

- 3 -

(2) The format of the estimates, the period that they cover and the timetable for their submission shall be determined by the council.

(3) Upon reviewing the estimates, the council shall establish an overall budget for the board for the purposes described in clauses (1)(a) and (b) and, in doing so, the council is not bound to adopt the estimates submitted by the board.

(4) In establishing an overall budget for the board, the council does not have the authority to approve or disapprove specific items in the estimates.

Normally, this is a straightforward procedure. With some advance planning and cooperative discussion, most boards and municipalities are able to agree on a budget amount.

However, the legislation does recognize that there will be occasions when this is not possible. For such situations the Act provides:

39(5) If the board is not satisfied that the budget established for it by council is sufficient to maintain an adequate number of police officers or other employees of the police force or to provide the police force with adequate equipment or facilities, the board may request the Commission determine the question and the Commission, shall after a hearing, do so.

This is the source of the authority for these proceedings.

## PRELIMINARY MOTION

On September 21, 1999 at the commencement of the hearing, Mr. Perets, on behalf of the Board, brought a motion. It was directed at the material filed on behalf of the City in support of their case.

Mr. Perets sought to introduce oral evidence in support of a ruling that:

1. the submissions of the municipality were beyond the jurisdiction of a section 39(5) hearing; and
2. in the absence of any intention to introduce written or oral evidence from the municipality regarding the expansion argued within the Board's brief, that the estimate submitted by the Board to the municipality be approved forthwith.

- 4 -

Mr. Perets argued that in order for the City to discharge its statutory obligations under section 4 of the Act, it must address the possible effect on adequacy and effectiveness on the Service that might occur because of a reduction of the Board's estimates. He submitted that the City's brief did not focus on such concerns but rather on accounting assumptions and matters going to budget administration.

In support of the motion Mr. Perets cited the Commission's decisions in The Town of Exeter (September 15, 1992) Town of Picton (October 14, 1981) and Township of Innisfil (September 30, 1977).

Ms. Sinclair, for the City, argued that the notice of motion raised a jurisdictional issue rather than an evidentiary matter. As such, she suggested it was neither necessary nor appropriate to receive oral testimony.

Further, she noted that under section 39(5) of the Act the Commission is obliged to hold a hearing and render a decision. She suggested that in essence the Board was requesting the Commission make a ruling without holding a hearing. She argued that this would be contrary to the legislative scheme.

#### Decision on Preliminary Motion

It was our conclusion that the hearing should proceed. In our view Mr. Perets' concerns went more to the strength of the City's case rather than to the Commission's jurisdiction to proceed with the hearing. As well, it was our conclusion that fairness and our understanding of the issues would be best served by hearing the full case of both parties and any evidence that they chose to submit.

#### THE HEARING

Over the course of three days we heard a dozen witnesses. Mr. Perets called:

- Mr. Grant Robinson, Chartered Accountant, Robinson & Associates
- Ms. Kendra Pagnan, Administrative Assistant and Finance Officer, Guelph Police Service
- Ms. Karen Farbridge, Chair, Planning, Works and Environment Committee, City of Guelph
- Ms. Susan Healey, Research Analyst, Guelph Police Service
- Deputy Chief Steve Tanner, Director of Neighborhood Services, Guelph Police Service
- Deputy Chief Rob Davis, Director of Information Services, Guelph Police Service

- 5 -

- Deputy Chief Lisa Vollmar, Director of Corporate Services, Guelph Police Service
- Chief Lenna Bradburn, Guelph Police Service
- Ms. Elizabeth Fisk, Chair, Guelph Police Services Board

Ms. Sinclair called:

- Mr. David Creech, Administrator, City of Guelph
- Mr. David Kennedy, Director of Finance, City of Guelph
- Mr. Peter Barr, Chartered Accountant, Deloitte & Touche

As well, we heard submissions from the following members of the public: Ms. Mary McNab, Mr. John Ustation, Mrs. Beverly Ustation, and Mr. John C. Newstead.

In addition to the various witnesses and submissions, we received lengthy briefs from the Board and City providing a range of background material in support of their respective positions.

The Issues

At dispute is the sum of \$252,000.

Mr. Perets argued on behalf of the Board that this sum is required for the Service to provide adequate and effective policing for the City of Guelph. In particular, it is his submission that these sums are required to:

- hire two part-time court officers and increase the overtime budget for court escorts
- hire four full-time constables (three for traffic enforcement and one for general front line duties)
- hire one full-time data entry clerk and one part-time clerical worker
- pay for uniforms, training and equipment
- complete Y2K testing and conversion
- pay for legal fees
- implement a quality assurance program

The details of these proposed expenditures are as follows:

a) Staffing

Mr. Perets argued that the Board has incurred additional responsibilities as a result of provincial restructuring. First, in October of 1998 the Ministry of the Attorney General announced that Justices of the Peace would no longer attend police stations on weekends or statutory holidays for the purposes of remanding prisoners or bail

- 6 -

hearings. As a result, prisoners must now be transported to Kitchener.

Over the past six months the experience of the Service has been that an average of three prisoners require transportation each weekend. The cost of using full-time court security or police officers is expensive because the existing Collective Agreement provides for six hours pay for the first hour and time and a half for each hour thereafter. Accordingly, it is proposed to hire two part-time court security officers to undertake this duty. The estimated cost for this is \$38,550.

Second, in September of 1998 the Ministry of the Solicitor General and Correctional Services closed the Young Offenders Unit at the Wellington Detention Centre. As a consequence young offenders from Guelph who are ordered detained now must be transported to the Hamilton-Wentworth Detention Centre. The Board submitted that this means an average of three trips per week with approximately three hours spent travelling. The estimated cost of overtime is \$16,700.

The Board further submitted that significant growth in the City has increased the demand for policing services and this requires the hiring of four additional uniformed officers. This has two aspects.

First, the Board notes that in 1992 there were 398 kilometers of roads within the City. However, at the end of 1998 the City annexed 3,675 acres of Puslinch and 740 acres of Guelph Township. Now, there is approximately 452 kilometers of roads.

The Board adduced evidence that City Council views traffic enforcement as a major concern and has directed the Chair of the Planning, Works and Environment Committee to request that the Board allot additional resources to traffic enforcement. Mr. Perets also notes that concerns about traffic enforcement have been registered by citizens in studies and focus groups.

As well, because of front-line work pressures the Service has over the past few years been obliged to transfer three traffic officers to other duties. It is the Board's position that three additional full-time officers are required to replace these individuals and bring the Traffic Unit up to its former strength. The estimated cost of that replacement is \$41,350.

Second, the Board noted that the population of Guelph has been growing steadily for a number of years. Current growth is at an average of 2.5% per annum or 200 people per month. The projected annual growth rate over the next 25 years is 1.6%. The present population of the City slightly exceeds 100,000.

The City has recently experienced significant residential and industrial expansion. A total of 2,204 building permits were issued in 1998. This included 250 for multi-unit

- 7 -

dwelling. As well, industrial growth in 1998 is estimated at \$36.8 million. One aspect of this growth has been an increase in licensed bars and restaurants. This included the licensing of two bars in the City core with seating capacity in excess of 1,000 patrons.

The Board argued that the growth of the Service has not kept up with the expansion of the policing needs of the community. This is despite an increase of six full-time and two and a half part-time uniformed positions in 1998. It pointed to a total of 40,640 calls for service in 1998 and a projected 45,000 calls for 1999. Average response times for Priority 1 calls have increased from 7.4 minutes in 1994 to 11.5 minutes in 1998. Accordingly, in addition to the three traffic officers, the Board called for the hiring of one further full-time officer. The cost for a full-time officer for the balance of the year is estimated at \$13,800.

The Board also submitted that there is a need for one full-time data entry clerk to handle the additional workload being generated. There is presently a backlog of approximately six months (965 hours) in the processing of general occurrence reports, motor vehicle accident reports and provincial offences notices. To eliminate this backlog and keep current it is proposed that a full-time employee be hired. The cost for this employee is estimated at \$29,150.

The Board proposed that a part-time clerk be hired to perform volunteer criminal record clearances. There has been an increased demand for such services from agencies funded by the Ministry of Social and Community Services and other organizations working with youth and other vulnerable people. A total of 2,272 checks were performed in 1998. The cost of a half position is estimated at \$17,250.

The Board anticipates a grant from the Province through the Community Police Partnership program in the amount of \$28,700. Therefore, the total projected cost for staff expansion and compensation is estimated at \$128,100. This is based on various assumptions with respect to starting dates.

#### b) Direct Operating Expenses

The Board expects that the cost of testing computerized equipment for Y2K compliance will be \$50,000. This is required to complete testing and permit the modification or replacement of certain systems and equipment (i.e. dicta phones, voice mail, computer work stations, etc.).

In 1996 the Service initiated a community policing initiative. This entailed the training of 24 members. In 1997 five graduates of the earlier program received further education as trainers. It is proposed that certain of these individuals be used to train 80 more employees. The estimated cost of refreshments, materials and related expenses is \$5,625.

- 8 -

New provincial regulations setting adequacy and effectiveness standards will require that all police services provide emergency response services. The Board requested \$5,250 to update the training of its four hostage negotiators and three incident commanders. Most of these individuals have had no refresher training since 1997.

Along the same line, the Board has identified the need to purchase materials and to provide training for staff to respond to civil emergencies. The estimated cost is \$1500.

As well, the proposed staffing expansion would require the purchase of uniforms and equipment in the amount of \$17,350.

#### c) General Increases

The Board has received a legal bill for the investigation of a public complaint about the activities of officers while in the execution of their duties. The Board is responsible for such costs. As well, the Board has incurred legal fees with respect to an arbitration and the development of new policies. The total amount of such legal bills was approximately \$21,100.

In accordance with the Ontario Association of Chiefs of Police Quality Assurance Program and the proposed adequacy and effective standards as stipulated, the Board is implementing a four-year audit cycle at a cost estimated at \$10,000.

Two new officers have been appointed to the Tactical Unit and the cost for training and equipment is \$10,000.

The Board has also identified other expenses in the budget which it has categorized as miscellaneous. This is estimated at \$6,900.

#### The City's Position

The City submitted that the budget of \$12,341,100 which it approved in April of 1999 should permit the Service to provide "adequate and effective" policing.

The City stated that it arrived at its figure by taking the approved budget for 1998 of \$12,824,300 and reducing it by the pension contribution holiday (\$503,200). This sum of \$12,321,100 was increased by \$20,000 to arrive at a net 1999 operating budget of \$12,341,100.

The City submitted that the Board's request for \$12,593,100 represents an increase of 2.2% over the 1998 budget. The City contended that since 1996 the Police Budget has had a cumulative increase of 10.1%.



- 9 -

Ms. Sinclair stated that the City did not propose to identify specific items to be reduced or removed from the proposed police budget. She stated that to do so would be against the intent of section 39(4) of the Act which states that "In establishing an overall budget for the board, the council does not have the authority to approve or disapprove specific items in the estimates."

Rather, the City raised four general concerns which can be described under the following headings:

a) Compensation and Overtime

The City noted that compensation costs have been significantly under spent for the past two years. This was \$297,833 in 1997 and \$366,784 in 1998.

In contrast the City observed that the overtime compensation significantly exceeded the projected amounts during the same period. The overtime deficit in 1997 was \$409,529 in 1997 and \$410,059 in 1998. The City suggested that the overtime cost spent during the past two years represents the equivalent of 10 new full-time officers.

The City observed that overtime paid out in 1999 to the end of August of this year has totaled \$426,189 and projected overtime costs to year end are \$639,284. The 1999 estimates for overtime submitted by the Board was \$304,100.

The implication of the above would appear to be that if the Board were to better manage its salary dollars then it should be able to fund any reasonable staff increase.

b) Revenues

The City submitted that in 1997 and 1998 the Board significantly underestimated revenue. This was \$83,716 in 1997 and \$98,371 in 1998. The suggestion would appear to be that similar amounts of extra revenue can reasonably be expected in 1999.

c) Year-end Surplus

The City asserted that each year since 1996 the Police Budget has had a surplus at year-end. In 1996 the amount was \$44,751. In 1997 it was \$81,017. In 1998 there was a surplus of \$264,366. These surpluses appear to have been largely realized by under spending in the area of purchased services.

The implication would appear to be that the Board is likely to experience a surplus in 1998 which should allow for additional spending.

- 10 -

#### d) New Programs

The City expressed concern that new programs are being undertaken by the Service while other programs had yet to be fully implemented.

In this regard it points to the 1998 approval to hire six new full-time officers for downtown patrol on Thursday, Friday and Saturday evenings. It noted that due to contractual and scheduling problems this program is not fully in place.

Overall, the City submits that the Board should be able to provide the requested level of service with the amount provided.

#### DECISION

Section 39(5) of the Act imposes on the Commission an obligation to review a disputed Budget. The essential test is whether the amount established by council "is sufficient to maintain an adequate number of police officers or other employees of the police force or to provide the police force with adequate equipment or facilities".

The Act does not define what constitutes "adequate" staff, equipment or facilities. However, some assistance in this regard can be found in a number of sources.

First, a police service must have sufficient resources to permit it to meet the objectives of the Act. Section 1 states:

1. Police services shall be provided throughout Ontario in accordance with the following principles:
  1. The need to ensure the safety and security of all persons and property in Ontario.
  2. The importance of safeguarding the fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms and Human Rights Code.
  3. The need for co-operation between the providers of police services and the communities they serve.
  4. The importance of respect for victims of crime and understanding their needs.
  5. The need for sensitivity to the pluralistic, multiracial and multicultural character of Ontario society.
  6. The need to ensure that police forces are representative of the communities they serve.

- 11 -

More specifically, section 4(2) provides:

4(2) Adequate and effective police services must include, at a minimum, all of the following police services:

1. Crime prevention.
2. Law enforcement.
3. Assistance to victims of crime.
4. Public order maintenance.
5. Emergency response.

These principles and objectives provide a general framework. However, it is equally important to take into account local policing priorities and objectives. Section 31(1)(a) of the Act requires the Board to set such priorities and objectives after consultation with the chief of police.

Any budget which did not permit a police force to respect the six general principles, meet local objectives and priorities or provide the five core services would not be "adequate".

Further assistance can be found in previous decisions of the Commission. For 35 years, the Act has permitted some form of budgetary appeal to the Commission. Over this time, a number of different means to measure "adequacy" have evolved. In Town of Goderich (August 4, 1995) at page 5 these were identified as being:

- a) Historical - What has the level of policing in this community been in the past?
- b) Comparative - What policing services are in place in similar communities of a similar size? What are the comparative per capita costs? Comparative crime rates? Comparative case loads? Comparative crime clearance rates?
- c) Prospective - Is there anticipated growth or other changes to the community that warrants an increased investment in policing?
- d) Alternative - Are there means available to the Board to provide a similar level of service at a lower cost?

Obviously, not all these measures would apply to individual cases.

Finally, "adequacy" does not mean a high or model standard. Rather, it is to be considered in the sense of "sufficient or suitable". The determining factor is the maintenance of security for local citizens, insofar as this can be reasonably provided. Town of Kirkland Lake (July 3, 1985) at page 4, City of Sarnia (June 11, 1973) at page 7 and Smith Falls Police Services Board (December 22, 1995) at page 13.

- 12 -

Much of the evidence presented to us during the course of the hearing did not focus on such considerations. Rather, we heard a great deal about the role of various individuals and committees in failed attempts to set the 1999 police budget. We heard about budget format, the principles of zero based budgeting, and the funding of various City departments. While these may be important concerns in their own right they have little relevance to our decision.

All would appear to agree that the City of Guelph is growing and prosperous. However, expansion, restructuring and the demand for increased services have created pressures for all concerned - the Guelph Police Service included.

The Board has a statutory obligation to see that policing needs are met. The City has a legal duty to see that the necessary resources are made available. To this end, municipal council is not merely a rubber stamp of any Board budget proposal. It has the right and indeed the obligation to comment on proposed expenditures and express views in support of any measure to reduce costs. Township of Innisfil at page 4 and Town of Picton at page 3.

In this regard, we make certain observations. Most of the concerns expressed by the City at the hearing were of a general and historic nature. They are not directed at specific proposed expenditures but rather at the manner in which previous budgets or programs have been managed or implemented. This was not particularly helpful.

It is evident that in the past the Board has been wrestling with balancing its salary and overtime costs. As well, the estimation of revenues has not been as precise as it might have been. That being said, the Board has not posted deficits and has managed to return to the City a small surplus for the past three years. Overall, on the face of it, while certain practices could be improved, the Board appears to have been fiscally responsible.

The Board must always be mindful of the need for sensible fiscal practices and the spirit of restraint. This clearly includes the requirement to be creative when considering different ways of providing service. Town of Hawkesbury (February 15, 1996) at page 16.

Again, the Board seems to have considered its obligation to examine the manner in which it conducts business and consider alternatives. In particular, it has:

- adopted a clear mission statement
- implemented a strategic planning process with a ten year vision
- reduced management positions (from 41 to 31)
- transferred duties from uniformed officers to civilians (i.e. court services)
- restructured service delivery on a neighborhood model

- 13 -

- initiated community policing practices
- initiated customer surveys and citizen focus groups
- undergone a quality review by the Ministry of the Solicitor General
- created a 1998-99 business plan with performance indicators.

Clearly, the Guelph Police Service has been making serious efforts at changing the ways that it does business.

Notwithstanding these efforts the Service has been confronted with an increasing workload. The majority of the disputed amount of \$252,000 appears to be related to new expenditures directed to workload concerns. We would propose to deal with the disputed expenditures in the order they were presented.

### Staffing

There is no doubt that the Service has been confronted with additional court security and transportation costs because of decisions not to have local Justices of the Peace available on weekends and holidays and to close the local Young Offenders Unit.

There is a clear legal duty on the Board and Service to perform these functions even if this means traveling to Kitchener and Hamilton.

The proposal to hire two part-time court security officers and increase the overtime budget by \$16,700 is a reasonable and sensible solution to this obvious need. Accordingly, we would allow this proposed expense.

The second item relates to a plan to hire four additional officers. Three are to be directed to traffic enforcement.

There is no dispute that the number of kilometers of road in the City has increased almost 14% since 1992. As well, with population growth and new businesses the volume of traffic in the community has grown. Despite this fact, because of pressing demands for service the force has reassigned three traffic constables to other duties. As a result, the Service's Traffic Unit now consists of one sergeant and nine constables.

Overall, this has resulted in a reduction in enforcement activity. In 1994 a total of 9,133 Provincial Offences Notices were issued for traffic offences. In 1997 the number was 4,943 and in 1998 was 4,955.

This has raised public concerns. It is reflected in comments made by members of council and members of the City's Planning, Works and Environment Committee. It was identified as an issue during the Service's strategic planning process and public budget consultation. As well, 60% of respondents to a 1998 community survey ranked

- 14 -

increased traffic enforcement and driver safety education as being "very important".

Given the above, we are satisfied that the Board's request for three additional traffic constables to bring the Unit strength back to 1995 levels is both reasonable and appropriate. Certainly, ensuring road safety is an important aspect of both crime prevention and law enforcement. As well, it is an obvious local policing priority. Our approval is subject to a corresponding reduction to offset grants received under the Community Policing Partnership Program.

That leaves the issue of the request for one additional general duty officer. At the current time the Guelph Police Service has 181.5 staff. Of this total 132.5 are uniformed police officers. This includes six full-time and two and one half part-time officers added in 1997.

Taking into account the three additional traffic constables, the total uniformed complement of the Service would be 135.5. Based on the reported February of 1999 population of 100,600 this represents a citizen to police officer ratio of 1:742. In this regard, we note that on July 19, 1999 that the Commission authorized a new policing arrangement for the surrounding Wellington County. The approved proposal called for a citizen to officer ratio of 1:754.

Even acknowledging obvious differences between the County and City the ratios are quite similar. As well, taking into account the significant civilian complement of the Service we find that the overall staffing level appears to be in the range for urban communities of similar size.

We acknowledge the increased calls for service and decreased response time. Further, it is evident that the demand for policing in Guelph will continue to grow. However, the addition of the equivalent of 8.5 officers last year and three in 1999 should help meet this demand. As a result, we disallow the proposed expenditure of one additional full-time general duty officer. We offer the observation that the Board should continue to monitor workload.

The third staffing item relates to the hiring of a full-time data entry clerk. We are advised that there is currently a six month backlog of incident and accident reports and offence notices. This is not acceptable. It is not effective law enforcement. Further, with the hiring of new officers the backlog will only get worse. Accordingly, we authorize this proposed expenditure.

The final staffing request is for the hiring of a part-time clerk to do criminal reference checks. In 1994 the Ministry of Community and Social Services established a policy requiring funded agencies working with children and vulnerable persons to obtain criminal records clearance for their volunteers. Since then other community

- 15 -

organizations have adopted similar policies. These include Scouts, Guides, co-op programs and sports clubs.

Last year, the Service performed 2,272 such checks. Each requires approximately 45 minutes work. Initially a charge of \$26.50 was levied. Because of public concern this was subsequently reduced to \$10 and then eliminated. The basis of the concern was that volunteer organizations could not afford the expense.

It seems evident that persons with serious criminal records should not be working with children and vulnerable adults. It is a policy decision within the Board's mandate whether or not a fee should be levied for criminal records checks. Certainly, performing this function at no cost for non-profit community organizations would facilitate crime prevention, support social services and respond to local law enforcement objectives. For this reason, we would permit this expenditure.

#### Direct Operating Expenses

The Board seeks \$50,000 to ensure that its computerized equipment is Y2K compliant.

Clearly, if the Service's equipment does not function after January 1, 2000 then it will not be able to provide "adequate and effective" law enforcement. This expense is both reasonable and necessary.

Further the Board seeks \$13,750 to train the balance of its officers in community policing practices. This is in accordance with the Board's established policies, mission statement and strategic direction. As well, it responds to the principles identified in section 1 of the Act. Further, the Chief is obliged by section 41(1)(c) "for ensuring that the police force provides community oriented police services". This expenditure is allowed.

The Board seeks \$5,250 for refresher training for its hostage negotiators and incident commanders. It also proposes to spend \$1,500 for training material on how to deal with civil emergencies. These expenses are clearly linked to core policing functions set out in sections 4(2) 4 and 5 of the Act and relate directly to public order maintenance and emergency response. They are authorized.

Finally, under this heading the Board requests \$17,500 for uniforms and equipment. This expense is approved, subject to a reduction for one general duty officer.

#### General Increases

During the course of 1999 the Board has incurred legal expenses in the amount of \$21,000. The majority of these expenditures appear to relate to staff legal

- 16 -

indemnification and as such are permitted by sections 31(1)(h) and 50(2) of the Act. As well, they are required by section 24.1 of the Collective Agreement. The balance of the legal costs arise from normal and proper Board activity. Accordingly, this amount is approved.

The Board seeks \$10,000 to fund a system of regular audits and a similar amount to train and equip two new members. The first expense is a proper one, given the Board's obligations under section 31 to set objectives, monitor performance and ensure effective management. The funds for training and equipment are for two new officers to fill vacancies on the Service's Tactical Unit. Clearly, this is necessary to permit the Service to continue to meet the core requirements of sections 4(2) 4 and 5.

The final amount in question is \$6,900 for "additional increases located in different areas of the \$12,593,100 operating budget". The particulars of these proposed expenditures have not been provided to us. Accordingly, in the absence of a clear explanation or purpose this amount is not allowed.

In summary, with respect to the disputed amount of \$252,000 we authorize the proposed expenditures for:

- two part-time court officers and \$16,900 for escort overtime
- three police officers for the purpose of traffic enforcement (less any Community Police Partnership grant)
- one part-time data entry clerk and one part-time clerical worker
- Y2K compliance in the amount of \$50,000
- community policing training in the amount of \$13,750
- emergency response training in the amount of \$5,250 and purchase of civil emergency training materials in the amount of \$1,500
- uniform and equipment for new staff up to the amount of \$17,500 (less the amount for the uniform and equipment of one officer)
- legal fees in the amount of \$21,500
- audit services in the amount of \$10,000
- Tactical Unit training and equipment in the amount of \$10,000

Any of the above noted monies unexpended by the end of the calendar year are to be returned to the City.

We would like to conclude this decision with a few observations. In 1999 only one municipal police service and council in the province of Ontario were unable to agree on a budget - that was in Guelph.

Relative to the overall budget, the amount in dispute was small. Indeed, the City and Board were only 2.2% apart in their disagreement. It is indeed unfortunate that this



- 17 -

could not have been resolved without the expense to all concerned of a three day hearing.

We would hope that for the year 2000 the parties can reach consensus. If not, we suggest that serious efforts be initiated early in the process to mediate any difference. This would be to the benefit of all concerned, including the police service and the citizens of Guelph.

DATED THIS 5TH DAY OF NOVEMBER, 1999.

Murray W. Chitra  
Chair, OCCPS

Karlene J. Hussey  
Member, OCCPS