

MINUTES

OTTAWA-CARLETON POLICE SERVICES BOARD

CHAMPLAIN ROOM

7 DECEMBER 1998

5:00 P.M.

PRESENT

Chair: Mr. P. Vice
Vice Chair: Councillor H. Kreling
Members: Mr. G. Baskerville, Ms. A. Boudreau, Ms. E. Buckingham,
Councillor J. Legendre, Regional Chair B. Chiarelli

1. PUBLIC DELEGATIONS ON THE BUDGET

Mayor J. Stavinga, Township of Goulbourn, thanked the Board and staff for hearing her presentation and requested consideration of her concerns during the Board's deliberations of the budget. She explained that her concerns focus primarily on three areas. The first concern was with regard to costing figures. Based on the set contract cost for the OPP, she noted that including contributions for phase-in costs, Goulbourn has consistently been paying more for policing services. She recalled that in 1997, the Township contributed approximately \$970,000, with an additional \$595,000 associated with the phase-in. In 1998, citizens of Goulbourn contributed a total of approximately \$1.7M. She believed the set contract cost with the OPP for 1998 is estimated at \$1.3M. She estimated that in 1999, Goulbourn Township will be paying the Region \$2M which is 35% over the contract cost. She believed payments made by the citizens of Goulbourn Township since 1995 have consistently exceeded the set contract costs associated with the service provided by the OPP. She wondered if these excess payments were being attributed directly to the future expansion of the Regional Police Service and if not, she wondered where they have been allocated.

She recalled that a report dated 21 June 1996 from the Chair of the Planning of Police Services Steering Committee stated that despite a one-time start up requirement of \$1.5 to \$2M, the Ottawa-Carleton Police could duplicate the services provided by the OPP within the \$12.1M benchmark established with the proposed contract. However, she noted that in the 1999 budget overview, under capital budget proposals, it states a provision of approximately \$1.3M has been included to fund the final year of the start-up costs associated with OPP unification. She noted a figure of \$4.2M is quoted for OPP unification start-up costs in the 1998 budget annexes. She requested clarification on the total transition costs to date and the estimated costs for the final phase of the transition.

Mayor Stavinga's second concern related to police / population ratios. She noted the OCRPS 1996 activity report states that the Service has a ratio of 654 citizens per sworn member and that this ratio is comparable to other police services in Canada. Based on this ratio and given the current population of Goulbourn Township, there would be 33 sworn members serving that community. She recalled that in May 1998, Chief Ford addressed members of Goulbourn Council and indicated the actual ratio is 750 citizens per sworn member. In applying this ratio, the Township would have 29 officers. The existing OPP complement of sworn officers serving Goulbourn Township is 14 and the OPP has a ratio of 1,180 citizens per sworn member, which mean the Township should have an additional 4 officers. In addition, she noted that based on the recently announced Community Policing Partnerships Program, an additional 22 officers are to be allocated to the OCRPS. With the introduction of Regional Police Services and the recent allocation through this program, she wondered how many additional officers will be dedicated to Goulbourn Township. She also wondered which of the quoted ratios would be reflected in Goulbourn Township and what the planning horizon would be for such an increase in the numbers of officers, and the total cost associated with it. She recognized the differences in the policing requirement for urban versus rural environments but maintained that if Goulbourn is to continue to contribute payments in excess of estimated set contract costs, additional officers should be dedicated to serving their community. Alternatively she indicated the Township would be pleased to establish the appropriate police / population ratio and then set a cost to commensurate with that level of service.

The Mayor's third concern related to community police offices. She stated Goulbourn currently operates three offices located in Stittsville, Richmond and Munster and because of arrangements made through the Township, the leases for these offices were provided to the OPP rent-free. She stressed the presence of these community offices are fundamental to the strength of community policing in the Township which currently has a very dedicated group of volunteers. She believed that in Appendix A of the Budget Overview, which lists the net budgets by centre, the allocation for the three offices in Goulbourn seemed insufficient. She noted the amount attributed to each of these offices pales in comparison to the other community police centres across Ottawa-Carleton. She questioned the Board's commitment to community policing in Goulbourn Township and wondered if they were prepared to reflect that commitment through the dedication of appropriate levels of long-term funding for these centres.

In closing, Mayor Stavinga requested the Board provide the Township with answers to these questions prior to the formulation of the budget to allow for some dialogue and perhaps the opportunity to ask further questions.

With respect to the police / population ratios, Chief Ford explained that the 654 ratio reported in the 1996 Activity Report reflected the area that was policed by the Regional Police Service at that time. The 750 ratio will reflect the ratio of police officers per population for the entire Region of Ottawa-Carleton and no one area would get more police officers than it required. He clarified the ratio does not only include uniformed officers, it includes the total complement of police officers within the Service which means that every area policed by the OCRPS has access to the resources of all of the police officers within

the Ottawa-Carleton area if the need arises. He indicated the Township of Goulbourn will have access to a school resource officer, the resources of the major crime squad, the resources of the youth services bureau and the youth services section of the OCRPS, and others. All these resources are factored into the 750 ratio.

Mayor Stavinga noted the 1999 budget increase of over \$4M in compensation and salaries, and wondered if it relates specifically to the complement of officers or to salary increases. S. Kanellakos, Director General, explained it is a reflection of the salary settlements that were established a year and a half ago with the Police Association, the Senior Officers and the civilians. He noted there's also been a slight change to reflect merit increases, when officers move through the rank system from fourth class constable to third class, and so on.

Mayor Stavinga re-iterated her concerns with regard to the funding allocated for community police centres in Goulbourn Township and requested more detailed answers. In response to questions from Chair Vice with regard to potential increases in the leases for the centres, she indicated one of the sites is provided by the Township and the other two have leases arranged through the Township offices. She hoped the Township would be able to enter into similar arrangements with the Regional Police.

Deputy Chief Mackie indicated that based on the Board's commitment to replace assets on a one-to-one basis, it is the Service's intention to maintain the community police centres in Goulbourn Township. With regard to the differences in the funding allocated to the centres versus others in the Region, D. Frazer explained the figures cited in Annex A include the basic cost for operating each facility. In the case of the facilities the Service is now operating, the figure also includes the cost of the staff assigned to them. The community police centres in Goulbourn, West Carleton and Kanata don't yet reflect a staffing cost associated with the centre. She indicated staff could restate the figures because it is somewhat misleading in its current format.

2. QUESTIONS FROM THE BOARD TO STAFF

Regional Chair B. Chiarelli thanked staff of the Police Service for their efforts in bringing forward a budget that is both reasonable and achievable, and which meets the target set by Regional Council.

Member Baskerville also thanked staff for their work on the budget, noting the innovative way in which they have recommended the Board deal with revenue losses. However, he was concerned that the budget may not be sufficient to meet the Service's needs. Noting that there tends to be significant delays in the OPP billings, and the uncertainty surrounding the costs for OPP overtime associated with the labour dispute at the Corel Centre, he wondered if the amount forecast for their contract costs would be sufficient.

S. Kanellakos indicated staff did not include additional provisions for overtime stemming from the labour dispute because they've received conflicting information with regard to the payment of those costs. He stated at one time, it appeared the OPP would be paying for those costs from a contingency fund. However, other information suggested it would be funded through the contract. From the Service's perspective, staff viewed the labour dispute as a one-time occurrence and therefore did not adjust the budget to reflect it.

Member Baskerville had some concerns with regard to unfunded liabilities. He believed the Service should be trying to set up some reserves to deal with future payments in sick-leave banks and other retirement pay-outs. D. Frazer explained that liabilities for retirement and sick-leave commitments flow into the budget annually and are funded from \$2.5M of operating provisions. That amount provides for the retirement of 35 to 40 individuals and to-date, that has been very adequate. She noted that setting up funds against that liability hasn't been a requirement to-date under the Region's accounting regime, but regional staff will be reviewing the issues at year-end. She believed the Service is able to fund the liability on an on-going basis. With regard to accumulated overtime or court time, Ms. Frazer indicated the Service can absorb these costs through the surpluses in the budget, though should the budget be in a surplus position at year-end staff would certainly recommend setting-up a reserve.

Member Baskerville felt that if the government approves the suggestion of the OMERS Board with regard to reducing the retirement factor, the Service could experience an increase in retirements thereby creating a shortfall in those provisions. Ms. Frazer believed the Service would have one or two years to increase its reserves to deal with such liabilities.

Member Baskerville believed that by mid-1999, the Service would be short by approximately 25 sworn officers. In light of potential problems related to the start of the year 2000, he stressed the importance of being as close as possible to the maximum authorized strength. He wondered what the additional costs would be to increase the complement accordingly. S. Kanellakos highlighted that a problem associated with such an increase in recruitment would be the Service's ability to reserve the corresponding number of spaces at the Ontario Police College. Otherwise, he indicated officers would have to be hired by August and attend the college in September. The cost would be approximately \$280,000 for the 1999 fiscal year and that would be annualized in the year 2000. Member Baskerville stressed the need for the Service to have a steady stream of recruiting to maintain its complement.

Member Baskerville wondered if the forecasts for the years 2000 and 2001, as outlined in the operating budget, recognizes potential pay increases. D. Frazer replied that to the extent that staff are able to correctly forecast such things, estimates have been taken into account though the forecast does not contemplate significant increases in retirement provisions.

Member Boudreau noted a \$81,100 reduction in overtime costs and wondered how staff expected to achieve this. Ms. Frazer indicated that at the time of the second quarter report, staff found that if the trend continued, at year-end the overtime budget would be underspent by about \$200,000. She noted the opposite trend is happening with court time and it is almost offsetting the overtime costs by exactly the same number. In preparing the 1999 budget, staff revised the overtime and court time budgets to reflect that switch.

In response to a question from Member Boudreau, S. Kanellakos explained the \$7,000 provision for grants on page 45 of supplementary book represents the OCRPS contribution to the federal government's CPIC 2000 project. He noted all police services have been asked to contribute some funding toward the upgrade of that system.

Member Boudreau believed the Service had undertaken a study on the effectiveness of community police centres and requested an update on the status of that study. Chief Ford explained that a study will be undertaken after the completion of the transition into OPP policed areas and the implementation of district policing.

Vice Chair Kreling wondered whether the revised projection for payments-in-lieu of taxes was reflective of the best set of circumstances, or whether it was the amount that has been sent to the province as a proposal. D. Frazer indicated the number that is in the revised proposal is the best set of circumstances to the municipality. It is the situation that existed before the province introduced the legislation regarding a cap on property tax increases and none of the potential revenue reductions put forward by the Commissioner of Finance in his briefing to Regional Councillors the week before last are reflected in our budget.

Vice Chair Kreling explained he posed the question only to highlight that the Board is dependent on a best-case scenario. He wondered if staff had prepared an alternative plan to deal with the loss of these revenues. S. Kanellakos indicated staff have discussed the issue with the Region's Finance staff. As it stands, should the Service lose this revenue, staff would be in the hands of Regional Council in terms of revisiting budget targets and the Board would either have to accept those new targets or send back to Council a budget they feel reflects what is needed to meet the requirements of policing in Ottawa-Carleton.

Member Buckingham requested clarification on the Board's role in approving the Service's budget. Ms. Frazer explained that what staff put before the Board is a net budget which reflects all gross expenditures and net revenues. Member Buckingham expressed concern that if the Board approves a net budget, should the Service experience some windfall during the course of the year, staff would not have to come back for approval on spending the additional money. She believed that takes away the Board's prerogative to indicate how money should be spent. D. Frazer indicated the approval process for such changes are generally addressed through the Finance and Administration Procedures Manual.

Member Buckingham noted a 15 to 20% reduction in estimated court time and wondered what practices would be put in place to achieve this target. D. Frazer clarified that the

\$500,000 which is creating the variance relates to previous year issues and staff are doing their best to try to resolve those issues within expenditures.

Member Buckingham noted a significant increase in the provision for gapping and wondered what impact this would have on service. Ms. Frazer explained that the estimates attempt to align the budget with the actual number of vacancies. She indicated the vacancy factor is difficult to forecast and staff have traditionally been conservative in their estimates. She also noted that recent retirements have occurred at the higher ranks, which generates more vacancies further down the line. Member Buckingham feared that maintaining the projection for gapping at this rate would ultimately affect service levels.

Member Buckingham acknowledged the importance of staff training and development but questioned the large increase in this budget projection. Ms. Frazer explained that figure was reported incorrectly. When reviewing the numbers, staff discovered that some contract over-runs had mistakenly been charged to staff training and development instead of professional services. In response to a question from Vice Chair Kreling, D. Frazer indicated that removing that erroneous amount will bring the budget in line with last year.

In response to further questions from Member Buckingham with regard to staff training and development, Ms. Frazer explained the approximately \$118,000 increase is driven by the Service's anticipated size of recruit class. In preparing the budget, staff estimated the total number of recruits who might be going to the Ontario Police College to deal with retirement / replacement of existing OCRPS staff and the final phase of the transition into OPP policed areas.

Member Buckingham noted significant increases in various services such as cablevision and communications. Ms. Frazer indicated the cablevision increase relates to the establishment of internet access for the Service. It reflects the cost of installing a T1 line, which would permit a high level of access to the internet to the standards that are required in order to maintain the Service's security access with CPIC. Mr. Kanellakos explained the increase for data communications is related to the fact that the Service lost its communications manager part-way through the year in 1998, and he had been in the process of actioning and getting ready part of the capital plan and part of the operating plan for switches the Service needed to upgrade. The position has yet to be filled, however, someone has been hired on a three month contract. What is reflected in the 1999 budget is the carry-over associated with that project.

Member Buckingham requested clarification on the increase for telecommunications maintenance. S. Kanellakos explained the Service has experienced an increase in those costs because of additions to the system due to hardware and software requirements identified at the time of amalgamation.

Member Buckingham also asked for clarification on an approximately 75% increase in medical services. S. Kanellakos indicated the increase is primarily due to the psychological testing the Service is incorporating in its recruitment screening process. He

added staff are also reviewing a proposal submitted by the physician who is retained by the force to examine new recruits and officers that have been injured before they return to duty.

In response to a question from Member Buckingham with regard to a reduction in insurance costs, D. Frazer explained the \$300,000 which was shown as insurance costs in the 1998 budget was composed of the premiums plus claims. Staff have reallocated the claims amount to object code 2903 - sundry services.

Member Buckingham noted the Service was approximately 10% over budget for receptions and luncheons. D. Frazer explained that line item relates to a volunteer appreciation event in West Division and the figure is somewhat misleading as it is offset by revenues which appear in another area of the budget.

Member Buckingham noted a significant increase for outside printing and wondered if this was due to the fact that the unspent amount for 1998 was now appearing in the 1999 estimates. Staff confirmed the line item relates to the external communications campaign and the amount of the increase is a carry-over from last year.

In response to a question from Member Buckingham with regard to costs for rentals, Ms. Frazer explained there are two issues included within that amount. The first relates to a small lease payment for office automation equipment. The second relates to the fact that in order to resolve some of the pressures on the fleet, staff have introduced a program whereby rental vehicles are used for out-of-town trips.

In response to a question from Member Buckingham with regard to the language training budget, D. Frazer explained that in preparing the second quarter report, staff found that charges from language training had been incorrectly allocated to other accounts. She indicated a revised number will be provided in the third quarter report.

Member Buckingham wondered what expenditures are charged to sundry services. Ms. Frazer replied this object code includes smaller contracts or arrangements that an operational unit would use to do their business; they are generally under \$5,000.

In response to a question from Member Buckingham with respect to a peak in the cost for licenses and permits, D. Frazer explained that is happening because of the implementation of the new radio system. Until mid-1998 the Service was responsible for maintaining some radio antenna sites and the associated permits to operate those frequencies. When the Regional radio system is fully operational, the Service will eliminate those radio and tower sites and the budgets will be reduced accordingly.

Member Buckingham noted the budget for legal services is projected to be the same in 1999 as in 1998 and wondered, given the expenditures of the past two years, how staff expected to achieve that goal. Mr. Kanellakos explained that part of the line item is related to the role of legal counsel, which is currently being reviewed. He noted there is

also a review of legal services being undertaken at the Region which could have some impact on the Service. He indicated staff have set the projection with the hope that the revised model for receiving legal services will fit better with the budget the Service has been carrying for the past three years. Member Buckingham believed that with the transition into OPP policed areas and the move to district policing, there will be a greater public expectation that the police will be accountable for their actions. She felt it likely the Service would see more legal actions rather than less. Therefore, she thought the projection for 1999 was extremely optimistic.

Member Buckingham noted the difference between the figures for revenue from off-duty policing and the costs for special overtime for off-duty officers and was surprised that these did not directly off-set each other. D. Frazer explained three factors contribute to the variance: as part of the cost of processing the off-duty agreements, the Service attaches a 15% administrative fee; when officers perform R.I.D.E. functions the expense goes to the off-duty expense salary line although the revenue appears under a provincial grant line; and any off-duty or paid duty the Service performs for the Region is charged to this account.

In response to a question from Member Buckingham with regard to secondment arrangements, Chief Ford indicated not all secondment arrangements are 100% recoverable. He explained that in many cases the Service forms partnerships with other agencies or organizations to provide staff in exchange for information. Mr. Kanellakos added each arrangement has a specific contract that is defined before the person goes on secondment so that if there is a financial arrangement, all of those costs are delineated.

Chief Ford expressed his appreciation for the Regional Chair's compliment on the Police Service budget. He noted that the Board gave staff a target and it has been met. It was not an easy process and staff appreciate the questions put forward. He took the opportunity to thank staff who worked on developing the budget estimates, in particular, Debra Frazer, Wally Salem, Laurie Mercer, Jennifer O'Donoughue, Steve Kanellakos and John Wilson. He felt they put together an excellent budget and commended them on the plan to rid the Service of debt servicing by the year 2001.

OTHER BUSINESS

Scheduling of In Camera Item

Councillor Legendre suggested the Board had agreed at its 4:15 p.m. meeting to have a public discussion about scheduling an item for the meeting on 21 December 1998, and whether that debate should take place in camera or in public. He asked the Acting Chair to state and define the item, following which a debate could ensue.

Acting Chair Kreling recollected that the Board's earlier decision was that the item would be listed on the agenda for the 21 December 1998 meeting and that the debate as to whether or

not it should be discussed in camera would occur at that time. He pointed out the item was not listed on the agenda for tonight's meeting and that two members of the Board were no longer in attendance.

Councillor Legendre reiterated it was his understanding that the matter was to be discussed this evening, and he again asked the Acting Chair to define the item.

Acting Chair Kreling asked if the Councillor wished the Board to consider an additional item tonight, that he submit a motion to that effect.

Councillor Legendre stated he wanted to ask the Board to consider two items: whether or not one legal advisor should be serving both the Chief of Police and the Board; and, what are proper matters for in camera debate. He stated he has had ongoing difficulties for the past year as a member of this Board with matters that are routinely put on the in camera agenda, and he wanted that resolved. While these are the issues he wants discussed, he stated that he knew there was another agenda around the table and he was waiting for that to be put forward as an agenda item so that a discussion could take place as to whether or not it should be in camera. Once that decision is made, the item can be placed on the agenda for 21 December 1998. He stated that was clearly the decision that took place at the 4:15 p.m. meeting.

A/Chair Kreling stated he is unaware of any other agendas, and reiterated his understanding of the decision made at the earlier meeting; i.e. that the matter was to be an item for discussion on the 21 December 1998 agenda. He stated he is in the Board's hands with regard to whether it wishes to add another item to the agenda this evening, and asked that a motion be put forward if that is the case. A/Chair Kreling said that if the Councillor does not wish to do that and does not accept the A/Chair's interpretation of what was decided at the earlier meeting, then he should challenge the Chair.

Councillor Legendre requested that his legal counsel be permitted to come to the table. A/Chair Kreling stated there is no item before the Board on which a member of the public or anyone else could comment.

Member Buckingham said she had no difficulty with adding to the agenda for the 21 December 1998 meeting the two questions that Councillor Legendre has raised; i.e. should one legal advisor serve both the Board and the Chief; and, what items should be considered in camera. She believed both were policy items worth discussing and that it would be beneficial for all board members to have a common understanding with regard to them. She proposed a motion stating that the Board will discuss on 21 December 1998, in camera, member Legendre's letter of 26 October 1998 which was released to the media at approximately 2:00 p.m..

Member Baskerville supported the motion on the basis that the letter mentioned refers to a complaint from an employee to the employer, the Police Services Board. By all previous jurisprudence that he was aware of and by previous custom, such matters are discussed in camera because they relate to personal information. He therefore believed it was proper that this item be discussed in camera.

Member Boudreau stated her recollection from the earlier meeting was also that the matters raised by Councillor Legendre were to be added to the agenda for 21 December 1998, and that they would be advertised so that interested members of the public could attend. She also supported Member Buckingham's motion.

Councillor Legendre again asked that his legal counsel, Mr. Douglas Wallace, come to the table, to which the Board consented. The Councillor commented that he is the subject of the proposed in camera meeting. He contended that if anyone has the right to request that it be dealt with in public, he does. He clearly asked the Board to allow the matter, which deals with his behavior, to be dealt with in public. With respect to whether or not the letter should properly be discussed in camera, he sought and obtained an independent legal opinion that clearly states the matter is not one for in camera discussion. That was his reason for inviting Mr. Wallace to the table, and he asked the Board members if they had questions they wished to ask Mr. Wallace. There being no questions, Councillor Legendre asked Mr. Wallace to comment on the motion before the Board.

Mr. Wallace commented that when information is discussed in camera there must be a weighing under Section 35 of the *Police Services Act* of the public's right to know against the private rights of the individual in question. How each member does the weighing and how the balance comes out is a matter of discretion for each member of the Board. However, he felt one of the most important factors in weighing the right of privacy against the right of the public to know, is the desire of the individual in question to keep the information private. The Board has heard that Councillor Legendre has no objection to the matter being discussed in public, and so Mr. Wallace submitted that the Board has no value of the personal information to be weighed against the public's access to meetings.

A/Chair Kreling thanked Mr. Wallace for his comments, and stated he would support member Buckingham's motion. He noted that Mr. Wallace's opinion differs substantively from the legal opinion set out in other correspondence the Board has obtained. He stated that if he makes an error this evening, he preferred to err on the side of caution.

Councillor Legendre responded by saying that if the A/Chair was erring, he may be abrogating the Councillor's rights, and he cautioned him with respect to that. He stated he is very serious about this and feels his rights are being trampled on with the decision to consider the matter in camera. He said he won't put up with it and that, in terms of caution, the A/Chair has been warned.

Moved by E. Buckingham

That the Board will discuss on 21 December 1998 in camera, member Legendre's letter of 26 October 1998 released to the media at approximately 2:00 p.m..

CARRIED
(J. Legendre dissented)

ADJOURNMENT

The meeting adjourned at 6:45 p.m.

W. Fedec
Executive Director

P. Vice
Chair