



ASSOCIATION OF  
**MANITOBA**  
MUNICIPALITIES

**Meeting with the Honourable Cliff Cullen  
Minister of Justice and Attorney General**

**2019**

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## Introduction

- The Association of Manitoba Municipalities (AMM) appreciates the opportunity to meet with Minister Cliff Cullen and representatives of Manitoba Justice.
- The AMM encourages the Province of Manitoba to consider municipal concerns as well as the effects of funding decisions on local communities throughout the budget process.
- This document outlines the AMM's position and recommendations on a number of important municipal issues relevant to the Justice portfolio.

## Priority Issues

### 1) Cannabis Legalization and Regulation

The AMM recommends the government:

❖ *Ensure municipalities receive all tools and resources necessary to address increased municipal administration and policing costs; and*

❖ *Co-develop a fair revenue-sharing model that respects municipal authority.*

- The Federation of Canadian Municipalities (FCM) estimates municipal administration and local policing costs will total \$3-4.75 million per 500,000 residents as a result of legalization, which represents a range of approximately \$210-335 million per year in costs incurred by municipalities across Canada.
- Meanwhile, a Probe Research poll suggests 59 per cent of Manitobans believe municipalities should get between one-half and all of the revenue from the sale of marijuana to offset services such as policing.
- As costs must not be downloaded onto municipalities, the AMM supports the FCM's call for one-third (33%) of total annual excise tax revenue collected on cannabis sales be allocated to municipal governments to address municipal administration and policing costs.
- The AMM also encourages the provincial and federal governments to explore additional funding mechanisms to support costs incurred by municipalities should excise tax revenues be insufficient.
- It is imperative that municipalities be included as meaningful participants in revenue-sharing conversations while a revenue-sharing model must be co-developed that respects municipal authority.

## 2) Police Staffing and Funding

The AMM recommends the government:

- ❖ ***Undertake a comprehensive review of policing in Manitoba in consultation with the AMM and municipalities focused on the distribution of policing costs and grant funding to promote a more transparent, fair and sustainable policing model;***
- ❖ ***Reduce the financial and administrative burdens in relation to police services due to amalgamation; and***
- ❖ ***Help ensure Manitoba communities are not negatively impacted by the right of RCMP officers to collective bargaining.***

- It is clear that the net cost of policing (costs less the provincial policing grant) varies between municipalities while the policing grant does not reflect what different municipalities pay for policing.
- Meanwhile, according to the Federation of Canadian Municipalities (FCM), local Councils continue to pay roughly 60 per cent of all policing costs in Canada, including costs for federally mandated responsibilities.
- As a result, policing and public safety is the fastest-growing cost for municipalities and now exceeds 20 per cent of spending.
- Without a new approach, municipal budgets will continue to be severely strained while depriving other essential services and programs.
- Given these problematic trends, community safety and crime prevention are among the top priorities of Manitoban communities, while the costs of fighting crime are rising and increasingly becoming unsustainable.
- In regards to newly-amalgamated municipalities, *The Police Services Act* stipulates that if an amalgamated municipality is classified as an “urban” municipality, the municipality is responsible for all costs associated with the provision of policing services within five years after amalgamation.

- In some cases, “urban” and “rural” municipalities were amalgamated, which may result in significant financial and administrative burdens in relation to police services in the lead up to and after the five-year grace period.
- Moreover, communities with direct RCMP contracts or those that are serviced by regional police forces may also be similarly affected.
- Funding arrangements among many amalgamated communities should be reviewed to address and resolve outstanding inequities.
- The AMM strongly urges the Province of Manitoba to proactively consult with and support municipalities to mitigate these foreseeable challenges before they cause unnecessary burdens and chronic problems in local communities.
- In regards to RCMP labour relations, the Supreme Court of Canada has affirmed the right of RCMP officers to collective bargaining.
- Presumably, the right to unionize may lead to changes and potential financial pressures for many municipalities with RCMP contracts, including the possibility of considerable increases to wages and benefits for RCMP officers.
- The AMM would greatly appreciate the support of the Province of Manitoba to ensure local communities are not negatively affected by these changes.

### 3) Patient Transfers under The Mental Health Amendment Act

The AMM recommends the government:

❖ ***Expedite the development of the training program and guidelines for ‘qualified persons’ in consultation with the AMM.***

- According to the Canadian Mental Health Association, 20 per cent of Canadians will personally experience a mental illness in their lifetime.
- Given the complex links between mental health and the criminal justice system, police responses to mental health issues continue to be a topic of significant discussion both within Manitoba and across Canada.
- As *The Mental Health Amendment Act* enables a ‘qualified person’ other than a police officer to assume custody of and supervise an individual who's awaiting a mental health assessment, these changes should significantly reduce policing costs and help ensure police service coverage in local communities.
- The AMM urges Manitoba Justice to expedite the development of the training program and guidelines for ‘qualified persons’ in consultation with our organization.
- The AMM also appreciates ongoing updates from Manitoba Justice to the Provincial-Municipal Justice Advisory Committee (PMJAC) on this issue.

#### 4) Municipal By-Law Enforcement and Community Safety Officer Program

The AMM recommends the government:

- ❖ *Continue to implement The Municipal By-law Enforcement Act in consultation with the AMM and municipalities; and*
- ❖ *Continue working with municipalities wishing to establish Community Safety Officer (CSO) Programs.*
  - As *The Municipal By-law Enforcement Act* aims to simplify the process for issuing penalty notices and allows for local screening officers to hear by-law disputes, the AMM believes the *Act* will help municipalities enforce their by-laws more effectively.
  - However, training costs for municipal staff should be covered by the Province of Manitoba, while the impact of adjudication costs on municipal budgets should be assessed.
  - Some municipalities have also experienced decisions being overruled by provincial adjudicators without providing justification.
  - Meanwhile, challenges with the collection of fines continue to persist.
  - Therefore, it is imperative the new administrative scheme is communicated in a clear, accurate and consistent manner across the province.
  - The AMM hopes to continue working collaboratively with the Province of Manitoba to improve by-law enforcement for municipalities and their residents.
  - The AMM also encourages Manitoba Justice to continue working with municipalities wishing to establish CSO programs.

## 5) Municipal Police Boards

The AMM recommends the government:

❖ ***Review the mandate of police boards to allow local Councils more oversight over municipal police forces, including the establishment of police boards on a voluntary basis.***

- The AMM fully supports safer communities and the need for greater transparency and accountability.
- Since municipalities with their own police force continue to express concern with the mandatory police board requirement in *The Police Services Act*, the AMM appreciated the ministerial commitment to review this requirement within the scope of the mandatory comprehensive review of the *Act*.
- Mandatory municipal police boards not only take direct responsibility for policing out of the hands of those elected to oversee the police force, but also prevent direct communication between local Councils and the police forces.
- While considering limited revenues, ever-increasing responsibilities and escalating infrastructure needs, budgetary decisions regarding local police forces should be made by elected officials rather than appointed individuals.
- Local Councils must be able to formulate budgets through a careful and comprehensive examination of the total needs of communities.

## Appendix – AMM Active Resolutions

### **AMM Resolution #03-2018**

#### **Topic: Comprehensive Review of Municipal Policing Costs and Structure**

Sponsor(s): City of Selkirk (Interlake District), Gilbert Plains Municipality (Parkland District)

Department(s): Manitoba Justice, Manitoba Municipal Relations

WHEREAS policing and public safety are the fastest growing costs for municipalities and now exceed 20% of municipal spending; and

WHEREAS police officers are continuing to escort individuals for mental health and other medical reasons rather than policing Manitoba communities, which further increases costs; and

WHEREAS community safety and crime prevention are among the top priorities for Manitoba communities; and

WHEREAS the Supreme Court of Canada has affirmed the right of RCMP officers to collective bargaining which may lead to increased financial pressures due to wage and benefit increases; and

WHEREAS *The Police Services Act* distributes the responsibility for policing costs on the title classification of municipality while not giving consideration to population, amalgamated status, proximity to a major city or complexity of municipal operations; and

WHEREAS the current system of cost allocation and policing grants is not equitable, transparent or sustainable for Manitoba municipalities;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba, in consultation with the AMM and Manitoba municipalities, to undertake a comprehensive review of the system for the distribution of municipal policing costs and grants with the intention of identifying and implementing amendments to this system such that the costs and grants are allocated more transparently, fairly and promote a more sustainable municipal policing model in Manitoba.

### **AMM Resolution #37-2017**

#### **Topic: Amend The Police Services Act**

Sponsor(s): Municipality of North Norfolk (Central District)

Department(s): Manitoba Justice

WHEREAS *The Police Services Act* states in part that an urban municipality with a population between 750 and 5,000 must ensure policing services are provided; and

WHEREAS *The Municipal Amalgamations Act* states that a municipality with fewer than 1,000 must amalgamate with a neighbouring municipality to form a new municipality of over 1,000 people; and

WHEREAS because of the foregoing clauses there are no urban municipalities between 750 and 1,000 people as they are now part of rural municipalities;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to remove the requirement from the *Police Services Act* for an area with a population between 750 and 1,000 formerly designated as an urban municipality to provide policing services.

**AMM Resolution #38-2017**

**Topic: By-Law Enforcement**

Sponsor(s): RM of Hanover (Eastern District)

Department(s): Manitoba Justice

WHEREAS in 2012, many Manitoba municipalities' By-law Enforcement Officers' Special Constable appointments were revoked by Manitoba Justice due to the provincial review of the *Police Services Act*; and

WHEREAS this Special Constable appointment enjoyed by these municipalities for decades allowed the municipality to successfully enforce weight restriction by-laws protecting the municipal road system from heavy truck weights; and

WHEREAS currently during spring provincial road restrictions, all heavy trucks are avoiding provincial roads and using municipal roads to avoid provincial motor traffic enforcement officials; and

WHEREAS these heavy weights are causing hundreds of thousands of dollars of road damages to the already huge municipal infrastructure deficit situation in our municipalities from these heavy trucks; and

WHEREAS the new *Municipal By-law Enforcement Act* program does not provide the authority to enforce the *Highway Traffic Act*, provincial statutes or regulation to enforce weight restrictions on municipal roads as it simply provides authority to enforce parking tickets by way of penalty notices; and

WHEREAS the Community Safety Officer Program does not offer any mechanism for municipalities to protect their infrastructure from these heavy trucks either as evidenced by the powers given by the province;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to reinstate the Special Constable appointment or other similar appointments to municipalities who wish to enforce certain sections of the *Highway Traffic Act* to protect their deteriorating municipal road network and infrastructure caused by heavy trucks avoiding provincial restricted roads.

**AMM Resolution #20-2014**

**Topic: RCMP Detachment Staffing**

Sponsor(s): Village of St-Pierre-Jolys (Eastern District), Town of Powerview-Pine Falls (Eastern District)

Department(s): Manitoba Justice, Public Safety Canada

WHEREAS the RCMP determines the number of officers required for communities and rural areas based on criteria including crime levels;

AND WHEREAS detachments are sometimes below the suggested number of officers due to vacancies of positions caused for a number of reasons, including parental leaves;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba and the Government of Canada for a full complement of RCMP detachments, or to adjust the provincial funding formula to reflect the staff shortage.

**AMM Resolution #33-2013**

**Topic: Rural and Northern Manitoba Cadet Program**

Sponsor(s): City of Thompson (Northern District))

Department(s): Manitoba Justice

WHEREAS the Province of Manitoba has made a commitment to introduce a police cadet program to rural and northern Manitoba;

AND WHEREAS municipal governments, by default, are forced to deal with issues beyond their jurisdiction and control;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to expedite the establishment of a police cadet program for rural and northern Manitoba.

**AMM Resolution #44-2012**

**Topic: Amend Population Base for Policing**

Sponsor(s): Town of Gilbert Plains (Parkland District)

Department(s): Manitoba Indigenous and Municipal Relations, Manitoba Justice

WHEREAS the Province of Manitoba has the constitutional jurisdiction over the administration of justice which includes the responsibility of policing;

AND WHEREAS Section 13(1) and (2) of The Police Services Act identified that Manitoba's urban municipalities having a population of 750 or greater must provide policing services;

AND WHEREAS the population threshold requiring municipalities to provide protective service varies significantly throughout the Canadian provinces;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to amend the population base to 5,000 or greater.

**AMM Resolution #20-2010**

**Topic: Amend *The Mental Health Act***

Sponsor(s): LGD of Pinawa (Eastern District)

Department(s): Manitoba Health, Seniors and Active Living, Manitoba Justice

WHEREAS The Mental Health Act currently requires a peace officer to escort a patient and remain with the patient until seen by a qualified mental health worker;

AND WHEREAS this may take as long as 14 hours or longer before a qualified mental health worker is available to see the patient;

AND WHEREAS during that time, the RCMP members are not available to perform policing services in their region;

AND WHEREAS this is an inefficient use of RCMP members' time who are trained to provide policing services in their region;

AND WHEREAS this adds cost to policing services in the region;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to amend The Mental Health Act to facilitate the orderly and timely transfer of custody at the mental health facility to free up peace officer time, while at all times maintaining the patient's care as the highest priority.

**AMM Resolution #42-2009**

**Topic: New Police Services Act**

Sponsor(s): City of Morden (Central District)

Department(s): Manitoba Justice

WHEREAS the Province of Manitoba has tabled a new Police Services Act which includes the requirement for every municipality that operates a police service to establish and maintain a police board;

AND WHEREAS the proposed police boards, once in place, will have no accountability to the municipality in overseeing the municipal police service;

AND WHEREAS the requirement of police boards as outlined in the new Police Services Act is another measure by the Province of Manitoba to remove authority from municipalities;

THEREFORE BE IT RESOLVED THAT the AMM lobby the Province of Manitoba to amend The Police Services Act to make local police boards voluntary.