COUNCIL OF THE CITY OF WINNIPEG
Wednesday June 29, 2005

The Council met at 9:34 a.m.

The Clerk advised the Speaker that a quorum was present.

The Speaker called the meeting to order.

The opening prayer was read by Councillor Benham.

ROLL CALL

Clerk: His Worship Mayor Katz, Councillors Eadie, Lazarenko, Benham, Clement, De Smedt, Gerbasi, Lubosch, Magnifico, Pagtakhan, Smith, Steeves, Swandel, Thomas, Wyatt, Mr. Speaker Councillor O'Shaughnessy.

INTRODUCTION AND WELCOME OF GUESTS AND ANNOUNCEMENTS

Mr. Speaker: Pages. If I can ever get this thing to stop there we go. Because of graduation and traffic out there we've had an alteration to our Agenda but through sleet, hail and flood Alyssa Copeland of Glenlawn Collegiate has made it through. She resides in the St. Vital ward. Welcome Alyssa.

MINUTES

Mr. Speaker: Councillor Smith moves the minutes of the meeting held May 18, 2005 be taken as read and confirmed.

All in favour? Contrary? Carried.

DELEGATIONS

We have delegations this morning. Councillor Gerbasi.

Councillor Gerbasi: Mr. Speaker, there are three additional people who would like the opportunity to speak to the issue of the Obstructive Solicitation By-law. I've found their names here and there's three of them who would like to be, if we could wave the rules to give them each five minutes to speak to the issue, it would be greatly appreciated.

Mr. Speaker: Councillor in the past when we've waived the rules to allow additional speakers we've made it in the form of a trade-off in that we trade-off and then on that particular matter both sides we trade-off giving extra people the right to speak and the time to speak against Councillors right to ask questions which is our normal stand when we do this. Should this motion pass is Council in agreement that we follow the usual procedure? Agreed?

Question then to suspend the rules to allow three additional speakers on the Panhandling By-law question. Three additional speakers, five minutes each. I don't know whether they are pro or con.

All in favour? Contrary? Rules are suspended.

We will have; could you give me the names of the additional speakers please.

Moving along, our first delegation this morning Zaz Bajon, General Manager M.T.C., in opposition to item 1, report of Fiscal Issues, June 14th.

Mr. Zaz Bajon: Thank you very much, Your Worship, City Councillors. Thank you very much for allowing me to speak to the Entertainment Funding Tax being applied to the Manitoba Theatre Centre. I would like to thank Councillor Clement and the Finance Committee for the recommendations as per item 2.a. of the Executive Policy Committee recommendations that you have before you. I am here today to address item 3 and 5.a.

Item 3.a.i. our main stage production, it's called "Innocent Eye Test," it's a brand new Canadian play being presented here never done before by Michael Healy. We are told that we are being denied because we are working with a commercial Producer, David Mirvish in Toronto. Mirvish Productions will help pay for the sets, the props, the costumes and part of the rehearsals. There is no involvement by Mirvish Productions in the run of the show in Winnipeg. A hundred percent of the box office and a hundred percent of everything we do during the run of the show is strictly the Manitoba Theatre Centre's responsibility, risk, et cetera, et cetera, as per the By-law, and they will have nothing to do with the run of the

show. After the show closes, we'll be taking the production to Toronto to be part of the Royal Alexander Theatre subscription package. We are hoping that this new Canadian play will showcase the great work that we do here in Winnipeg. It will be compared to the shows that are coming in from New York, Broadway, and the shows that will be coming in from London. We'll be able to highlight another great international, sophisticated City, Winnipeg.

Also 3.a.ii., "Cul-de-Sac", is written by a Canadian artist, Daniel MacIvor. It is a show that he wrote. It is not mainstream theatre as such. It got rave reviews in Toronto, one of the few productions that got five stars. We are very anxious to present it here, and we are told because he is, and the show is coming in, that we do not qualify under the By-law as it presently stands. And just to let you know, the show is being funded by the Federal Government, the Canada Council has given him a grant to take his show across the country, and the company producing it as such is a non-profit group, an organization.

With respect to the Warehouse as set out in item 5, I would like to state that we cannot wait for casting for the show to be completed before selling tickets. As you know, we are presently selling season tickets to the shows. We were informed by the Taxation department that if we collected the tax, we wouldn't be allowed to remit the tax, reimburse the ticket buyer. We would have to give it to the City if we collected a tax so we can't collect a tax based on that information that we've received. The only thing we can do is not collect the tax, appear before City Council and argue our case and then retroactively go back if need be and ask the people who bought tickets whether they would give us an extra "x" amount of dollars or we would have to absorb the cost of the tax into our budget.

I can tell you right now the "Christmas Carol" that's listed will be 100%, 24 actors in there, will be local, fully committed is cast now and I've talked to the Taxation department and they indicate that that show would qualify as of yesterday.

Now the other thing that's happening is that we're being looked at on an individual play basis. I've asked that and we've presented three months ago to the Taxation department for our complete season to be looked at, including the Fringe Festival that we produce. If we do that, then we are projecting presently, based on the information that we know today, that it looks like 70% of the performers of the actors only, that doesn't include all the stage hands, et cetera, et cetera, will be local performers. That means including the Fringe we will have 870 performers, 615 of those will be qualified as local.

Now that doesn't include the stage hands that will be working the show, making scene changes, et cetera, et cetera, and then we have another 400 people that are not included in that that will be working on the show building sets, props, costumes, et cetera, et cetera. All our co-production partners for the season will be giving the Manitoba Theatre Centre $1.3 million dollars, and we'll be taking that money and buying goods and services here in Winnipeg. We'll be buying lumber; we'll be buying paint, hardware, nails, screws, costume material, shoes, wigs, facial hair, et cetera, et cetera. We'll be hiring staff to put it all together for us.

Therefore, I am requesting that all activities of the Manitoba Theatre Centre for our 2005-2006 Season be exempt. Enclosed also, based on "Innocent Eye Test", based on the recommendations that came out of Red Tape Committee, my request may be redundant for "Innocent Eye Test" if the recommendations are implemented in a six month period which Councillor Magnifico indicated that he's hoping that the Entertainment Funding Tax revisions will take effect January 1st, so that will become redundant but it does affect the other two Warehouse shows.

In closing, I would like to congratulate your Worship and Councillor Magnifico for the great work that they have accomplished with the Red Tape Commission recommendations. I wholly endorse the recommendations of the Committee presented yesterday at City

Hall, and I'm willing to answer any questions anyone has.

Mr. Speaker: Thank you. Questions? Councillor Swandel.

Councillor Swandel: M.T.C. is it a local not-for-profit organization?

Mr. Speaker: Please rise Councillor.

Councillor Swandel: My apologies Mr. Speaker. M.T.C. is it a not for profit organization?

Mr. Zaz Bajon: Yeah, we're a not-for-profit charitable organization. We have a charitable licence and we do issue tax receipts for donations.

Councillor Swandel: And will these productions compliment and enhance the ability of the organization and produce entertainment and attract a broad audience in the City of Winnipeg.

Mr. Zaz Bajon: Yes it will. It will bring 100,000 to 150,000 people downtown, and it doesn't include the Fringe. The Fringe brings down about 40,000 to 80,000 people, depending on how it's counted so we'll be bringing down in excess of 200,000 people into the downtown area to make it a vibrant, exciting place to be at night.

Councillor Swandel: Thank you.

Mr. Speaker: Thank you very much.

Mr. Zaz Bajon: That's it? Thank you.

Mr. Speaker: Next delegation this morning, Mr. Nick Ternette opposition to item 1, report of Protection and Community Services dated June 21st, the Obstruction Solicitation By-law amendment.

Mr. Nick Ternette: Good morning, Mr. Speaker, Mayor Sam Katz and members of City Council. First for the record I want to be recorded as having been in opposition of the initial Panhandling By-law in 1995 as well as the revised Panhandling By-law passed in 2000, as well as the recycled Panhandling By-law in 2005 that's being considered today.

While we're well aware that the Supreme Court decision that determined that panhandling was protected under the *Charter of Rights and Freedoms,* under the Charter as freedom of speech, we also are well aware that cities could regulate when and how panhandling occurred.

The major reason for my opposition to all the Panhandling By-laws and other By-laws relates to the fact that these regulations have nothing to do, have more to do with the criminalization of the poor, out of sight, out of mind, rather than anything to do with safety, whether it's perceived safety or real safety issues. Whether it is controlling panhandling by behaviour or location, which is what the two different By-laws all deal with.

Even more important is the issue of enforcement of these By-laws. None of these By-laws, Panhandlers By-laws, the Squeegee By-law which was passed in June of 1998 and the Loitering By-laws have ever been consistently enforced. Why bother to pass by-laws that are ignored except for the fact that it might look politically good without ever having to deal with the issues that these by-laws supposedly are to deal with. So let's be blunt. Go ahead and pass the new By-law, I don't have a problem with it, go ahead. It won't make a damn difference, not in terms of how things function in this City. Panhandlers will continue to panhandle, buskers will continue to perform then be moved, and so-called aggressive panhandlers, and please say and I want to emphasize that I hate this word, they are not panhandlers, they are addicts, will continue to harass and insult people.

In fact, I would suggest that in the next few years due to the significant influx of Aboriginal people coming off from the reserves in the inner city there will be more aggressive, so-called aggressive, panhandlers than ever before.

It was most disturbing to hear our Police Chief unable to answer basic questions

about how many panhandlers are out there in Winnipeg, where they are located beyond the downtown. He wouldn't even know that. How many tickets were issued in the last month for example? He couldn't tell you that, and what was the level of the conviction? He couldn't tell you that neither.

In fact, and I've looked through the whole record for the last decade since we've had these Panhandling By-laws, the only record is in 1996 between, a *"Winnipeg Sun*" story appeared which indicated that between 1995 and 1996, 50 tickets for panhandling were issued. Twenty-five didn't bother to appear in Court as they had no known addresses at the time. No summons for their arrests were issued, not one. Out of the other ones, 23 pleaded guilty and were fined a minimum fine of $50, which is what the Panhandling By-law at that time was, and two tickets were thrown out by a Judge who declared, and this was written, that the By-law was stupid and that he would not enforce it.

So let me play devil's advocate today, let me take on a different role. I would suggest that if City Council is really serious, really serious, there's two ways of dealing with, serious about dealing with the panhandling issue, the right-wing approach or the left-wing approach as I would call it that, okay. It would require, I would say, an additional 20 foot-patrol Policemen in the downtown and Exchange District specifically to deal with panhandling, and I would say that that would cost you approximately $1 million dollars for the next year in terms of taxpayers' money.

Furthermore, it would require that the minimum fine be raised to $500, not $50, because I can tell you many panhandlers easily make $50 a day, okay, from those that I know in the areas that they work, and a commitment by the Courts which there is none in existence at the present time to arrest those charged who can't make their Court appearances and put them in jail as this By-law calls for six months. The approximate cost of taxpayer of keeping a panhandler in jail for six months based on the figures of approximately $40,000 to $48,000 for a year for anybody to be jailed will be approximately $20,000 per panhandler, to the taxpayer.

So if there are 50 so-called aggressive panhandlers in the City, as has been indicated, the total cost for that will be approximately $1 million dollars. So now, not taking the time of the Judges, the Court Judges and the clerks and all the other expenses, we're talking approximately $3 million taxpayers' money to be spent, if you're serious about it, from the point of enforcing it. Now to be honest, do you think that the public will tolerate that kind of taxpayers' money to be spent on dealing with the issue of panhandling? No way. I doubt that very much.

The other option, and this is the one I want to talk about, is that the Police in the City have no idea about the extent of poverty in the City. They haven't. They have admitted that. In fact, we are the only major North American City that has no statistical data on panhandlers whatsoever. The Social Planning Council presented the reports from Vancouver, Toronto, other cities, there's been no research done whatsoever in terms of Winnipeg. Why? That's why I was supportive and still supportive for an amendment of a resolution that imitated by Councillor Harvey Smith that at the beginning asked the Community Services department be directed to deal with the many social components related to health, mental health, housing, employment and substance abuse issues faced by panhandlers and devise a plan of action to deal with these problems.

As I suggested to the Executive Policy Committee last week, I strongly believe, and I still do, that we need to, that we need to initiate a task force on panhandling similar to the task force on squeegee kids which I helped initiate in June of 1998 carried out, which was carried out in 1998. But by under the initiative, rather than under the structure of the City, under the initiative of the Social Planning Council, a task force would be composed of but not limited to activists who work in the area, panhandlers themselves, it's very

important we have squeegee kids on the original task force, that we get some of the panhandlers on it themselves, members of all three levels of government, because I know, and I agree with anybody who is arguing this is not purely a City issue, it's a Provincial and Federal issue, housing and other things are Federal, so I would suggest don't wait to have a report produced first and then go to the Province, ensure the representation from all three levels of government are on the task force in the first place and agencies who work with people affected by poverty.

Now the purpose of this task force would be, number one, that's what we did with the squeegee kids, because I am assuming that this By-law is going to pass here today so I'm not going to even try to persuade you from voting for it, but I would say that if part of this passing of the By-law would also be the passing of a legitimate task force. Legitimate task force. That it will first be evaluating the effectiveness or ineffectiveness of the By-law that will be passed today and to make recommendations to the changes to the By-law or maintain a By-law within a six month period which is what we request that I think the task force is going to be requested. So in December of this year the task force will report back and will tell you how effective in Winnipeg. That is people will be able to analyze and demand from the Police to find out how many panhandlers have been ticketed in the next six months, once this By-law is passed, how many have been charged, how many have been arrested, how much are the fines, whatever other information is necessary in order to determine whether it's effective or not. Because if it's ineffective why have it? Some of the other criteria for evaluations that I have mentioned in my speech alone that will be part of it.

Secondly, there will be a detailed analysis done how many panhandlers there are, which we don't know, who they are, we don't know that, where are they panhandling today, I know they are panhandling in suburbia just as much as they do in the inner city these days and what there needs to be a recommendations developed to what programs and services, as I've argued at the EPC and at the Committee level, for example, the whole issue of so-called aggressive panhandling which I consider to be addiction, that we need to take incentive, run for and organized by the urban Aboriginal community to take those people off the streets because that's the only way to do it. They are a danger to themselves and a danger to others, and for those they need to be removed from the street permanently, not for one day or two days which is what's going to happen.

For other panhandlers employment opportunities. I've argued that in most other major cities we have street newspapers which are published, and the panhandlers, significant elements of the panhandlers become basically vendors and they sell a newspaper and make their living that way which is far more effective, it's a job situation. Housing options would have to be looked at. Other kinds of opportunities need to be addressed so the report would deal with all of those issues, all the social needs and all the health needs, what kind of housing needs there are, where are they living presently, where are they not living presently. All of that would be examined. And then these recommendations would be brought back to City Council in December of this year and voted on again. And I think that would make a significant impact on things, so you have two, you have two directions to go. Here you go and you say yeah, we want to do something about Panhandling By-law, we're not just going to look good at it we are actually going to do it, that put the money put your mouth where it is, put the money into it which I haven't seen any evidence of and enforce these by-laws, that's one option.

Or the other option is to create a real task force, examine the causes of poverty, indicate, yes, City Council is not the sole agency to deal with it. Let's have all three levels of government involved in dealing with the poverty and address the issues of poverty which is part and parcel of the issue of panhandling. Those are the two directions can you go and today you have a choice to make. Thank you very, very much.

Mr. Speaker: Thank you very much. Our next delegation this morning in the five minute slot on the same side of the same issue is Sid Frankel representing the Social Planning Council of Winnipeg.

Mr. Wayne Helgason: Thank you Mr. Speaker. Your Worship, Councillors, my name is actually Wayne Helgason, Sid was here, he has a thesis to defend so unfortunately he had to return to University however I would like to appreciate the opportunity to take a few moments. The Social Planning Council as referred to by the previous speaker of course has been involved for 86 years in this community in trying to assist all levels of government in sorting out some of the social issues that Winnipeg is challenged by, this, being a very important one as well.

In the past and in more recent times we've, as referred to, worked on the squeegee kid issue. A task force and at one point I thought we had more people on the task force than we had squeegee kids but nonetheless, some positive results. I can attest to the fact that today we have Federal and Provincial programs in place for some of our young people, called Odd Jobs for Kids. We also have Powerhouse which is emerged through a program called Resources for Adolescent Youth, and though the problem may not be completely solved, there's some redress for those who were caught up in the situation.

As well, Councillor Lazarenko will confirm that we worked with him and City Council on the monitoring and supervision of the sex trade and produced a report which I think was very helpful to City Council. But on this particular issue, I'd like to suggest to you the Social Planning Council has received and among our 400 volunteers of community experts, community people, including people who are homeless, they, there's a good deal of division within the community on this issue. I think a greater understanding is required as Nick has detailed, and essentially we're concerned that perhaps the current By-law doesn't actually solve very much of the problem. In fact, it may in fact exacerbate the situation for many of those among us who are vulnerable.

The Social Planning Council is active with the Federal Government's Homeless Initiative so we've got some information that's very practical about the circumstances of some of the people involved. In fact, I know personally, when I've been approached in Market Square, for example, it's reported to me by people they need money for their, they are homeless and need money for a shelter for the night. There are some shelters, because of a dispute with the Provincial government that actually charge homeless people a few dollars, $12 dollars, for a room overnight. What's a homeless person to do in this circumstance? I mean, I just ask you to consider that.

We've got to discuss with the Provincial and Federal governments on, and the leadership of the City is very important in this regard, and that's why, you know, some analysis at this point is very much required. We've actually asked for statistics, the numbers of complaints, the number of charges. We've have yet to receive, you know, I know the administration report indicates many. We don't know what many might mean in the context, but I think it would be useful for all of us to have a little more understanding about that.

Typically the City of Winnipeg, Winnipeg generally, has engaged its citizens in a consultation, and that's what we're really proposing to do today. We have concerns about the By-law but nonetheless what we really would like Council to consider is something we proposed back in February which was a mechanism that we can work with City Council on some of these complex social issues and we suggested that together we establish the terms of reference for a Poverty Advisory Committee.

I think all of you will have received a proposal from us in that regard, and I think this item of business might be a very appropriate to be the first challenge to do, and, you know, the well, I'll just read out specifically. The Social Planning Council

has proposed in a letter to the Mayor and City Councillors in February 2005 a development of Poverty Advisory Committee to City Council that would consist of representatives of the community to advise Council and make recommendations on important policy and regulatory issues related to poverty in Winnipeg.

We'd like to recommend that such a committee be developed by Council and a comprehensive range of solutions related to obstructive solicitation. This should include a review of the proposed amendments. The committee should be mandated to hold a community dialogue including all stakeholders to address the many complex issues involved in panhandling in Winnipeg. The committee would engage stakeholders in the development of community-based strategy and action plan with appropriate and fair solutions that focus on prevention as well as the management of the problems. Social Planning Council is prepared to work with City Council by providing leadership for this initiative to arrive at solutions that all stakeholders can support.

With that my five minutes, Mr. Speaker, thank you for your indulgence Your Worship and Council, and hopefully your deliberations will result in Winnipeg continuing to be a fair and just City. This issue is, of course, has national resonance. Some of the press have been; we're being watched nationally, and I just hope that Winnipeg continues to bear a reputation of being a temperate, humane and a just City. Thank you.

Mr. Speaker: Thank you Wayne. Next delegations, five minute slots on the same side of the same issue, Kate Sjoberg, U of W Students' Association. She will be followed by Valerie Price and Mary-Ann Cerelli.

Ms Kate Sjoberg: Good morning. Thanks Mr. Speaker, thanks Mr. Mayor and thank you Councillors for allowing us to speak today.

Again, my name is Kate Sjoberg; I'm President of the University of Winnipeg Students' Association. I represent 8,500 students who aren't really visible in the summer, but they are there, and I also bring greetings from the Canadian Federation of Students, Provincial Component, of which the University of Manitoba students, Brandon University students and College ´Universitaire de Saint Boniface are also a component so I bring greetings from them, and all of which are opposed to the motion on the floor today.

As student leaders we fight for people's ability to access the tools to ensure a better future for them and their families. We've looked, we look at our world with a class analysis and find that there are clear forces and interests at work keeping some people at high socioeconomic levels and creating significant ongoing barriers for others. We believe that fighting for what is right for a society in which a quality of opportunity prevails involves seeking out barriers due to race, gender, colonization, class, background, sexuality and more, and addressing them head-on in a systemic socially conscious fashion.

We believe in the strength of the collective, that we are better together and that marginalization happens at our peril. We believe in empowerment, that people have a chance, a better chance at succeeding when their rights are upheld rather than taken away. The amendment being proposed today and indeed the By-law itself smacks in the face of the values that we hold for a number of reasons.

Number 1 - panhandling is protected by the Charter. Section 7 specifically protects one's ability to provide for oneself and to let other people know that one is in need of assistance. Constraining one's mobility when panhandling would be in clear violation of these rights.

Number 2 - through its very existence panhandling speaks to a number of social issues not being adequately addressed by any level of government. Through further marginalization we admit willing indifference to forces that lead people to panhandling in the first place and simultaneously wash our hands of the

need to do anything meaningful about poverty in Winnipeg.

Number 3 - laws already exist for situations of harassment, theft and violence and if so-called aggressive panhandling does occur, which I'm not convinced it does to the extent that's being conveyed, then there are already ways to deal with it.

By criminalizing panhandlers we are reinforcing the barriers to equality that encourage panhandling as a means to get by and on that note I think it is worthwhile to point out the double standard of targeting aggressive panhandlers on the street but rewarding similar behaviour inside office tower walls when we grant tax cuts for Winnipeg businesses. This last point, while being tongue in cheek, is incredibly important because dealing with poverty needs to be a comprehensive, sincere effort of progressive strategies such as those referenced in Shauna MacKinnon's recent *Free Press* article on the examples of Edmonton, Calgary and Montréal.

By this amendment we commit ourselves to the quick fix and simultaneously compound the problem by seeing poverty as a solitary issue, unconnected to policy in other areas. The move to privatize garbage collection in some areas of the City is just one indication of this lack of understanding. Governments should set the standard when it comes to worker rights, such as the right to a living wage. Privatization of services works in clear contrast to this principle.

So to conclude my presentation today as reflected the student position that all levels of government have a responsibility to work towards positive solutions rather than waste time with band-aids, especially when it comes to systemic social problems. I encourage Councillors to vote against this motion and hope that in doing so we'll spur on discussion on how we can begin to incorporate a comprehensive anti-poverty strategy into all policy decisions. Thanks so much.

Mr. Speaker: Valerie Price.

Ms. Valerie Price: Good morning. I'd just like to thank City Council for allowing us to speak to you today and suspending the rules. We certainly appreciate the opportunity to appear before Council today.

The Manitoba Association for Rights and Liberties is a non-profit, non-government voluntary organization, and since 1978 we've been dedicated to the promotion of respect for and observance of fundamental human rights and civil liberties in this Province. And we're going to address today, we're going to focus largely on the Charter implications of the proposed By-law, you've heard the social policy implications from others, and I think they have done a good job of that, so we will just supplement their remarks briefly.

The *Canadian Charter of Rights and Freedoms* guarantees everyone in Canada the freedom of expression regardless of one's social status or ideology, and that Charter also guarantees everyone the freedom of association with other individuals and groups. The right to express one self to convey the messages to fellow citizens in a peaceful manner and to associate in public with members of society are fundamental freedoms which form part of the backbone of our democracy and the Supreme Court of Canada has recognized this time and again.

Panhandling is a type of expression protected by our Charter. It is simply a plea for help from one citizen in dire need to a fellow citizen. Of course Charter rights, including the freedom of expression, are not absolute. Governments can put reasonable limits on the exercise of fundamental rights and freedoms in order to foster other pressing and substantial social objectives, but the Supreme Court of Canada has mandated that any restrictions of Charter rights must impair the right as little as possible and be proportionate to the objective being sought.

For example, everyone has the right to espouse their political views but that doesn't mean you can do it with a blow horn down residential streets at 3:00 a.m.

People also have a right to peaceful and quiet enjoyment of their homes so while the Noise By-law restricts this type of speech it does so minimally and it's proportionate to its goal. Therefore, it's a reasonable limit.

Similarly, a plea for help is a type of expression protected by the Constitution, but that does not mean it is without limit. Aggressive, obstructive panhandling need not and should not be tolerated by fellow citizens. And governments can pass laws to stop such aggressive and obstructive forms of expression in public places. The current Obstructive Solicitation By-law is an example. Under the By-law asking for money is not allowed if it is done in an aggressive or obstructive manner as defined in the By-law.

So what about the amendments being proposed before Council today? Well, it is MARL's position that these amendments are unnecessary, will achieve little and unduly infringe the Charter freedom of expression. There is absolutely no pressing or substantial objective that can justify restricting entirely peaceful unobstructive forms of expression in public places, even if you do not like the message. Whether you're wearing a suit or rags, whether you are a friend or a complete stranger, the Charter protects the right of every citizen to ask someone on the street for help. It should not matter whether the help being sought is for directions, for the time of day or for spare change, as long as it is done in a peaceful, unobstructive manner.

Of course, no one has to respond favourably to any of these requests. You're free to say no. You're free to walk on, but just because you don't like the way someone looks or you don't like being confronted by poverty does not justify muzzling the plea for help. The proposed amendments are said to be needed in order to address the problem of aggressive or intimidating panhandling or panhandling while intoxicated. It is further argued that people should not be panhandled at certain locations because they are a captive audience.

The problem is the amendments do nothing to address the problematic behaviour. Asking for money is not an inherently aggressive or obstructive act. If I ask you politely for some change, you may say yes or you may say no. Nor is panhandling near a bus stop or an ATM or in a walkway an inherently aggressive or obstructive act. The so-called captive audience can respond in the same manner as anyone else. If a panhandler persists in begging after being refused that's already captured by the existing By-law.

MARL does not dispute that aggressive panhandling is a problem, but the problem is not where the asking is done or by whom, but how it is done. The problem is individuals, who harass, intimidate, threaten, curse or are intoxicated while panhandling, and this type of By-law is already, type of behaviour is already addressed by the current By-law as well as other laws such as assault. The so-called captive audience amendments do absolutely nothing to stop aggressive panhandling. The proposed amendments violate the Charter because they also...

Mr. Speaker: Ma'am, if you'd would make a general statement to wrap up please.

Ms. Valerie Price: Am I out of time?

Mr. Speaker: You're completely out of time.

Ms. Valerie Price: I'm completely out of time, okay.

Mr. Speaker: Just a moment to wrap up.

Ms. Valerie Price: Okay, sure. Well the proposed amendment would violate the Charter. They are overbroad, and I would say that the Ontario and B.C. cases referred to in the administration's report are not particularly helpful in this matter. They don't deal with the same circumstances and therefore they don't offer much reassurance and we would like to conclude by saying that we endorse the Social Planning Council's request for a Poverty Advisory

Committee, and that working with the other levels of government is a much more positive approach to solving this problem. Thank you for your time.

Mr. Speaker: Thank you. Mary-Ann Cerelli.

Mary-Ann Cerelli: Good morning, everyone. Appreciate the chance to speak to this issue today, and I'm actually feeling quite upset about this, that our City is taking the tack that it is in approaching issues of poverty. So I'm going to talk a little bit about comparing how the City is responding to this issue and compare it to how it's responding to other issues of the day. I want to talk a little bit about the conditions that lead to someone to be on the street, cap in hand asking for money and I want to talk about some very specific doable actions that this City Council could take today to actually address the situation in our City where 25% of people living in Winnipeg are struggling to house and feed and clothe themselves.

I would ask that you pay attention, if you would; it's only going to take four minutes, five minutes. I would ask that you stop looking at your computers for five minutes, and you listen to what those of us that are working with people who are living on the streets are hearing about. Thank you.

I want to start by talking, first of all, about the way that this situation is being addressed compared to how you're addressing the situation with the drag racers on Portage Avenue and other regional streets, because those of us that listen to our radio, we can't quite understand why there's such a difference. So when I heard the Mayor talk about the problem with guys who race down the streets and kill people with their cars, because they are speeding, the Mayor indicated that people who race their cars need a place to race their cars.

And then when I hear the Mayor and others talking about the situation with panhandlers and people who are begging for money it's that they need to be ticketed, they need to be fined and they need to be perhaps jailed if they can't pay their tickets without any mention of what those people who are panhandling need. No mention of housing, no mention of food, no mention of supports for dealing with addictions or mental health issues, no supports for transition job creation and job development.

Not a very good picture of our City, and I come to the conclusion that the way that you're dealing with this is classist, that it's prejudice against people who do not have the means to support themselves, and it occurs to me that people who panhandle on the street have something in common with many of us that don't. Some of the people that panhandle do it because they think that charity and welfare is beneath them, and that's why they are on the street. They think that they are an entrepreneur if they are a squeegee kid.

So let's think about the way that we're approaching this situation. People have the right to panhandle. You just heard from the Rights and Liberties Association, and the rest of us can respond and deal with our collective guilt and shame the way we feel like it as individuals, but you are acting collectively on behalf of our City, and I want to remind you that. So we have to deal with our collective responsibility here.

So the out of sight, out of mind approach to poverty that's underlying this approach to panhandling which will attempt to criminalize some part of it is not going to reduce poverty. And we may find it a nuisance when we're bothered because we're enjoying the privilege that many of us have on a patio to enjoy a drink when other people exercise their under-privilege by asking us for money.

However the way that I look at it is those panhandlers are the ambassadors for the legions of people who are poor in this City and in this Province. They are the ones who are refusing to be invisible. Twenty-one percent of kids in this City live in poverty. Most of them come from single-parent families that are led by women, their moms, who are in that situation where do they go on welfare and live in poverty and care for their kids at home or do they get a job that pays $7 or something an hour and live in poverty and

have someone else care for the kids and have to have to pay for childcare…

Mr. Speaker: Ms. Cerelli you're time is up, if you could prepare a wrap up statement, please.

Ms. Mary-Ann Cerelli: I want to also remind that you 51% of women who are elderly who live alone are living in poverty, and they're probably not the ones panhandling, they are invisible. So I just want to wrap up by saying to you that you should defeat this amendment. You should do what the Social Planning Council has been asking to you. Mr. Mayor, we have met with your staff twice. They have told us that there were too many Committees at City Hall and you didn't want to strike a Poverty Advisory Committee but then on May the 10th you struck a Youth Advisory Committee so I would ask you to defeat this motion, to change it so that you strike a Poverty Advisory Committee so that we can meet together and solve the deep institutional and quite shameful poverty in a City with such affluence as ours has. Thank you very much.

Mr. Speaker: Thank you very much. On the other side of the same issue in the 10 minute slot we have Trudy Turner and Stan Halbesma on behalf of the West End BIZ. Is Stan appearing with you? You have to share the same ten minutes so if he would like to come forward. You don't have to. Get up there.

Ms. Trudy Turner: Good morning, Mr. Speaker, your Worship Mayor Katz, City Councillors, ladies and gentlemen, we appreciate you allowing us to be here today to express our opinions.

My name is Trudy Turner. I'm the Executive Director of the West End BIZ and I have with me Mr. Stan Halbesma who is the owner of Harry's Foods and a long-time board member and volunteer with our organization. I'll be speaking on behalf of the BIZ and Stan will speak on behalf of the individual business owners who struggle with this issue on a daily basis.

The West End BIZ represents a total of almost 1,100 businesses and residential neighbourhoods consisting of 220 city blocks and more than 15,000 households. We are a little unique in that we do include the neighbourhoods in our concerns and in a matter such as the obstructive solicitation issue it's of equal concern to both our businesses and our residents. And we work with Police on an almost daily basis. In fact, the Sergeant of the Community Support Unit sits on our Safety Committee as a regular attendee.

The West End BIZ is here today to support the Obstructive Solicitation By-law, and although the incidents of aggressive panhandling doesn't occur in our area as much as it does in both the downtown and the Exchange we do have pockets where it is a significant problem, and it does have a very, very negative effect, wherever and whenever it does happen.

Residents, visitors, customers and the business management and staff are all affected by the behaviour of a person who is aggressively soliciting donations, and this effect does not stop with that action of that person with that resident. It actually continues and exponentially increases its impact in the community as the story is told and retold. So it can have a very serious impact on a business, one occurrence of aggressive panhandling can have a very serious impact.

The By-law that is before you today does not take away the fundamental right of a person to panhandle nor would we ever imply that it should. It simply limits the location at which the activity can take place. These limits are set so that the rights of other citizens to go about their business safely and respectfully is not violated, are not violated. And in society we have many examples of limitations that are put on our rights simply because of location. For example, we can consume alcohol in a bar, in a restaurant or in our home, but we do not have that right to consume alcohol in a public park, a schoolyard or curb side on Portage Avenue. The smoking issue is another example where people can smoke in their homes and in other outdoors and non-

enclosed areas, well for now, but they can't smoke virtually anywhere else, so we believe that this By-law is being very reasonable in enabling the activity of non-aggressive panhandling but limiting its location.

In another argument against this By-law is that it doesn't help Police with enforcement but we do argue that it would. By providing Police with a geographic location in order for them to act, the burden of proof will be much easier to obtain. For the most part, aggressive panhandlers, and we want to be clear here that we're not saying all panhandlers we're talking about the ones who are aggressive. They are generally suffering from some sort of an addiction or mental health problem. This is why they become aggressive. Our business owners perform a citizens arrest and are asked to hold them for Police, and Police being overtaxed as they are sometimes take a while before they arrive, and by this time this person has calmed down or sobered up and is no longer exhibiting the aggressive behaviour. That doesn't mean that the aggressive behaviour didn't happen. Under this new By-law Police will be able to act because of their location being inappropriate which would be very beneficial to our business owners.

Furthermore the argument has been made that Police will misuse this discretion and focus on the non-aggressive panhandlers, and I strongly disagree with this. Police have enough to keep themselves busy without going after people that are not causing difficulties. They don't go out looking for problems. In my work with Police in other issues such as prostitution we have found Police to be very cognizant of the social service issues that are affecting our residents. They work intensely with many different social service agencies offering those people the ability to get off the streets or get clean or whatever their need is. Some people choose to take them up on that, some people do not, but if they do not it doesn't give them the right to impede other people's rights by their behaviour.

And also the final comment that I'd like to make before I turn the floor to Stan is that comments have been made that people don't complain and that City Hall has not received a lot of complaints about panhandling, and I find that surprising, but even if it is true, I would like to say that the problem probably is more to do with the embarrassment of feeling that you have to complain because somebody has made you feel uncomfortable. The stigma of being called a coward because somebody has got in your face and impeded your process causes people to just avoid the situation rather than phone their City Councillor.

So at this point we would like to encourage the Council to adopt this By-law, and I would like to turn the floor over to Stan Halbesma here who is going to share with you his experiences firsthand.

Mr. Stan Halbesma: Thank you Mr. Speaker. Good morning, ladies and gentlemen. My name is Stan Halbesma and I'm the owner of Harry's Foods located on Portage Avenue between Arlington and Burnell. I have operated this community grocery store for the last 20 years. I was asked to attend this meeting to speak in favour of the new Aggressive Panhandling By-law. I reluctantly agreed to speak again on this matter. Reluctantly because it is not always good policy to be overly vocal on these types of sensitive issues when you are involved in retail, but I believe I can offer a valuable insight to this situation because of my 20 years of face-to-face dealings with panhandlers.

There are two types of panhandlers. The majority of them are usually quiet and cooperative who are prepared to understand a few simple rules which I will get to a little bit later. A lot of times they are a real nuisance and sometimes they can get quite aggressive, but for the most part, with some tact, some reasonableness, some patience, some social work and sometimes being hard-nosed you can control and even tolerate this type of panhandler.

The small majority of the next type are the aggressive panhandler. This type usually has substance abuse problems or mental health issues. They truly deserve our

assistance and pity but they can also be very unpredictable. They are known to travel in groups. More times than not they are intoxicated and very aggressively pester people for assistance. They will hover just outside the car door as people pull into the parking lot. They will prevent people from getting into their cars. Many times I've seen groups inside the bus shelter on a cold day while people shiver outside waiting for the bus, too scared to go inside the shelter. You try to approach this group with the same methods as the previous group, but it does not work the same. This small group is who this By-law is for. It is unrealistic to think that we can eliminate all panhandling in our City, but it is also unrealistic to allow a small group of people to make so many other people feel unsafe. We as a society have drawn a line in the sand regarding our behaviour in public and this small group crosses that line constantly.

I would like to share with you how I try to deal with panhandlers on a day-to-day basis. You try to get to know them, understand them a little bit and be reasonable with them while at the same time explaining to them how their behaviour can affect people and my business. I ask them to follow some simple rules, stand there with a hat, your hand, a cup, and, yes, sometimes even a kitchen drawer and allow the people who want to help the chance to do that. If you get support say thank you. Never follow someone or yell at them. If you follow these rules you can spend 30 to 45 minutes in front of my store and then I ask you to move on to the next block. For the most part this is quite effective in dealing with the majority of the panhandlers.

This method does not work very good with the aggressive panhandler. It is difficult to reason with this group because they use this behaviour to intimidate people. They scare people, they know it, and it works for them. This aggressive panhandling By-law is meant for this group. This By-law will allow areas where people should be able to feel safe at ATMs, bus stops and so on.

This is not an attack on the poor or homeless. We must continue to make progress in building or improving on the programs to help them. This is not about scooping people off the streets as Police see fit. This is about making the City and streets safer for all people, including the poor and homeless. This By-law will improve the Police officers ability to control this aggressive behaviour. We trust our Police officers to make many, many discretionary calls every day. I think we can trust them with this one. It is a responsibility of this Council to make sure that the Police have the resources to do that job properly.

Mr. Speaker: Will you sum up now?

Mr. Stan Halbesma: Just a few more moments. I agree that an appropriate penalty will be difficult to impose and enforce. We will find common ground in the penalty that will send a strong message to that certain, that a certain level of behaviour is required from everyone in public, not just panhandlers. Bottom line, you can't go around scaring people to get their money. It's not because you were poor or down on your luck. It's because people have a right to feel safe. A strong, vibrant, safe City has many more resources to assist society's less fortunate. Pass this By-law and give this City the opportunity to move forward in achieving this goal and we will all benefit.

Mr. Speaker: Thank you. Thank you very much. There is a five minute slot also in favour of the By-law amendments, Rick Joyal and Stefano Grande on behalf of the Downtown BIZ.

Mr. Rick Joyal: Mr. Speaker, Mr. Mayor, members of Council and ladies and gentlemen, thank you for the opportunity to speak to this important issue this morning.

I'm here on behalf of the Downtown Winnipeg BIZ who are happy to say that we're glad to see the City taking a lead role in this issue, and we're supportive of a comprehensive approach to tackling the problem. We represent over 1,400 businesses, approximately 1,400 businesses in the downtown area, and through member surveys that we've

conducted in 2002, 84% of our members surveyed said that panhandling has a negative impact on their business. In 2004 a further survey of the five issues that need to be addressed to enhance downtown, aggressive panhandling was the number one issue, of 67%, and panhandling in general a further 61%.

We would like to look at this issue. It is not eliminating panhandling but only to regulate much the way we do other things in our community. We're not talking about stopping people from panhandling. We're just looking at putting it in areas where other people may feel safer not having to be accosted or be approached, and we're looking at their Charter of rights as well.

To give you an example, we received, I've received a call this year from a lady whose daughter has to transfer through the downtown area and sit at a bus stop waiting for the bus to transfer, and is been approached by panhandlers and very intimidated no matter which way they were approached, but looking at other ways of transporting their children because of this issue. We're not also looking at creating a debtors prison because people are getting fined, and we're looking at a, we believe that Winnipeg Police will use this as a common sense tool, valuable tool, in enforcement.

We look at this as a multi-faceted approach, and we would like to encourage the City to continue to work closely with the Provincial Community Court model as our Justice Minister has been looking at and finding alternative ways to punish, not only to incarcerate or fine but to look at other more comprehensive alternative solutions. And the BIZ is also supportive of the City looking at the creation of a multi-faceted task force to look at and develop a comprehensive long-term approach much like a ten-year program put together by the United States in looking at homelessness in their area.

We feel that the BIZ can partner with the City in the area of public education which we've done in some areas through our Blue Key Program. One of the areas that touches on panhandling, a study that we conducted and further supported by the Addictions Foundation show that 70% of the people admit using the money through panhandling to feed their addiction. We're looking at also 20% of people that tell us they continue to give. We realize that giving is part of the problem, but we also want to encourage and educate the public that there are an awful lot of agencies out there that are providing food for those that are in need. There are six agencies alone in the downtown that do provide food. Some provide shelter. Others provide showers and clothing as well.

We're glad that the City is asking Winnipeg Police to bring forward an enforcement strategy and we feel this will help complement a proposal that we submitted on looking at a Special Constable initiative to deal with the public intoxication as well.

And again we look at this; it's an important part of an overall strategy. The By-law, the Winnipeg Police enforcement. They are also doing an information data base on Project Breakaway, the Province on a Community Court model, the BIZ through our Change for the Better and Special Constable initiatives and we're also looking at the benefits that were done through these types of foot patrol programs. Seventy-two percent of people that we've surveyed said that the Downtown Watch Program is increasing the public sense of safety in the downtown but further 49% talk about how they feel it's decreasing criminal activity and we're also supportive of agencies that provide the food and shelter for services for these people.

So again, thank you for the opportunity to speak this morning. We're in support of the City going forward with this By-law. We feel, again, it's a valuable tool in the overall package of dealing with this issue. Thank you.

Mr. Speaker: Thank you. We'll now move along to the report of the Executive Policy Committee, the report of June 8th, Mr. Mayor.

**REPORT OF THE EXECUTIVE POLICY COMMITTEE
DATED JUNE 8, 2005**

Mayor Katz: Thank you Mr. Speaker. I would like to introduce the report of June 8th, 2005, and move adoption of Consent Agenda items 1 to 10.

Mr. Speaker: Other than an amendment to item 9 it's automatically stood down. Any others? Consent Items 1 through 8, both inclusive and item 10.

All in favour? Contrary? Carried.

Item 9, we have an amendment. Would you like to introduce the clause Mr. Mayor and we'll have the amendment introduced.

**Item No. 9 - Municipal Rural Infrastructure Fund - Policy to Regulate Endorsement of Applications for Funding
File S-7**

Mr. Speaker: Mr. Mayor on the clause.

Mayor Katz: Mr. Speaker we had some concern when it came to what we call MRIFs and the concern was as you know the pot of money that's been put forward by the Provincial and Federal governments is very quickly disappearing. There is not a significant amount of money, and as you know that the rules are that Council does have to give their blessings, even though they are not financially contributing to these projects.

The proposal was that it would be incumbent upon Council to talk to administration and see if we have any specific projects that we think would be good for our City and bring these forward along with any Councillors who may have some projects before this money is gone.

I would say to you today that the majority of this money is already gone. It may be all gone because there could be other projects that the other two senior levels of government are bringing forward, have agreed to, so we thought that we should at least get in the game and start participating and having a system where administration, as well as Councillors, can put forward projects through the EPC Secretariat. We can filter them there, and then as always everything has to come to the floor of Council.

Mr. Speaker: Mr. Mayor. On the amendment, Councillor Benham.

Councillor Benham: Thank you Mr. Speaker and I can both introduce the amendment and speak on the main clause as well?

Mr. Speaker: Absolutely.

**Motion No. 1
Moved by Councillor Benham
Seconded by Councillor Wyatt**

THAT Item 9 of the Report of the Executive Policy Committee dated June 8, 2005 be amended by deleting 1C and 2 and substituting therefor:

1C. External groups are required to begin the city endorsement process by applying before the relevant community committee for their project. In a process analogous to that used for Community Incentive grants, the applications for endorsement will be analyzed by City staff to ensure they meet the criteria of the fund and any relevant City policies. That report will be made available to community committee. Community Committee can recommend for or against city endorsement for applications to the Infrastructure Endorsement Committee.

2. City Council will establish an Infrastructure Endorsement Committee, to be composed of one representative elected by each community committee. The Infrastructure Endorsement Committee, in co-operation with Administration and EPC Secretariat, will prepare a list of potential City of Winnipeg MRIF projects for consideration by Executive Policy Committee and Council in September 2005, January 2006 and June 2006.

Councillor Benham: Thank you Mr. Speaker. Mr. Speaker, I want to give credit to our colleague Councillor Wyatt who came before our Committee and pointed out what had happened at EPC with this motion, and asked us to consider it and to come forward with a different proposal. My concern Mr. Speaker, the Mayor is quite right, that, of course, we want to have City Council have a final judgment as to what MRIF applications should go forward, what fits the City's needs. This fund is a very interesting fund. There are two types of applications, one by groups from the community which are then matched by Federal and Provincial funds, but those applications require endorsement by Council and a clear statement by Council that no money will be forthcoming for capital projects from the City.

It's that process, and there are other projects that can be put forward by the City. So what we are talking about is those two types of projects. How will they be identified as coming forward? What process will be used by both the City and community groups to identify those projects? How will the public know what is being proposed and whether or not they agree with it, and finally how will independent City Councillors, that is, the Councillors who do not sit on Executive Policy Committee, how will we know what is going on in our wards? How will we know how this Federal and Provincial funding will be used for the people we represent?

Well Mr. Speaker when Councillor Wyatt appeared before Committee he had a very simple example of what we can expect, and that is how the $43 million dollars, the money that ten Councillors around this table, Mr. Speaker, voted to divert from bus rapid transit to community centres and when the day came Mr. Speaker we were given half an hour's notice as to how that money was going to be spent. It was a done deal Mr. Speaker. It was all wrapped up in a gift package with a neat little ribbon all ready to be announced by the Mayor and as Councillors we had not one say in how that money was going to be spent. As Councillors we were presented with a fait accompli and it was a simple take it or leave it.

And in fact the package was wrapped so attractively Mr. Speaker that of course there was something for every ward, something for every Community Committee and some money left over for Councillors to spend as they see fit. It was a very attractive package and people have bought into it as a result. Councillor Wyatt's point before Committee and I invite him into the debate, I hope he will join in because he has some good things to say, was that this was unfair to Councillors, unfair to the public.

So Mr. Speaker I have a remedy proposed to delete 1c. and replace it with a suggestion that we take a process that all of us are familiar with, and that is the process of Community Incentive Grants. This is not the same program by any means but an analogous process, whereby citizens groups and the City could proceed with an application, and it would go first to Community Committee, the Committees that all of us sit on, the Committees that represent specific geographic areas of this City. And at Community Committee all Councillors would have the information, of course all of us can attend each other's Community Committees, all of us would have the information and the analysis from the administration that says yes this application meets MRIF criteria or no it doesn't.

Well that's very important Mr. Speaker and I would suggest all Councillors should know that about projects right from the beginning, before they go any further, before any of us have to deal with frustrated volunteers from community centres who have put forward a project and suddenly find it stopped somewhere Mr. Speaker inside the black box that's being created by EPC's motion. The EPC motion says oh all the applications will go across the courtyard to the administration and to the Executive Policy Committee Secretariat. And you Councillors, you won't see them until they come out the other end, until they have decided first as administration and as political appointees what projects will take precedence. Then

it goes to a secret meeting of Executive Policy Committee that none of us as Councillors can attend. And finally we will be presented with a fait accompli when it comes to MRIF just as we were presented with a fait accompli when it came to the money that should have been spent on bus rapid transit.

Mr. Speaker what should happen next after Community Committee? Community Committee can vote yea or nay and that doesn't necessarily stop it Mr. Speaker, but it does provide a very strong indication of how the ward Councillor and the other two Councillors most affected feel about the project. Then this motion proposes the establishment of an Infrastructure Endorsement Committee. The Infrastructure Endorsement Committee would be set up by establishing a five-member committee with one member elected from each Community Committee.

I have very specifically not allocated EPC seats or non-EPC seats on this committee. That's up to each Community Committee and each Community Committee can decide how to go but that is where Mr. Speaker, meeting in open session, the Infrastructure Endorsement Committee, composed of Councillors from every part of the City would then recommend what projects should go forward and which wouldn't. Now there's a transparent, accountable process that includes every Councillor in this chamber and includes every part of this City.

Mr. Speaker I would hope that that would be seen as being preferable when we are talking about millions and millions of dollars of taxpayers' money. I would hope that every Councillor in this chamber, whether they sit on Executive Policy Committee or not, would support an open, transparent, accountable process that would include all Councillors and that would include the public. Otherwise, if you support the motion as it stands, you are voting to give away all your power, all your say, everything that you stand for with your Community and with your community centres and with anybody else who wants to put forward a project and saying, yes, that's fine. Let bureaucrats decide it. Let political appointees decide it. Let EPC decide it behind closed doors and then I guess as a Councillor I can vote yes or no. That's how much power you'll have. I hope that every single Councillor at this table will support this amendment. Thank you Mr. Speaker.

Mr. Speaker: Thank you Councillor Benham. There is a speaker's list, so far Councillors Wyatt, Gerbasi, Steeves and then Benham. Councillor Wyatt.

Councillor Wyatt: Thank you Mr. Speaker. I rise to pick up; I think Councillor Benham spoke quite eloquently on this issue. It's a pretty straightforward amendment that I think is quite reasonable considering how certain funds have been decided recently specifically the $43 million dollars. This is an excellent program, the MRIF program, which the majority of the funds as we know are going into rural Manitoba, and the City of Winnipeg is getting a small percentage of those funds for the City. I think one of the things that caused this motion to come forward is cited in the original motion brought forward, and I think it was by Councillor Clement, that the, you know, the variable five projects including the Transcona Recreation Park came forward and now there's this rush to try to take back control of the MRIF so the City can decide what they feel their priorities are.

Of course the MRIF fund cannot only be applied for by the City of Winnipeg. The terms are very clear with regards to how the fund operates and applications can also come from not just municipalities but they can come from community groups. They can come from not-for-profit organizations, community groups wanting to do things in the community, but they do require the endorsation of the municipality. So there should be a process, there's no doubt about it, with regards to how Council decides how this funding should be applied and what should be applied, every municipality setting their own priorities. Rural municipalities they are putting an emphasis on green projects with regards to their MRIF funding, but, you know, our situation is quite different here in the City of Winnipeg, as we know, and I would

hope that there would be a little bit of understanding.

Just because we have an Executive Policy Committee doesn't mean that the Executive Policy Committee has to be everything to everybody and do all things under the sun next to God, you know. There can be a little bit of decentralization I think and this is a good example of where this can work. I think it's worth a try. I think it's reasonable, you know. At the end of the day the recommendations still have to come back to the Executive Policy Committee. The Infrastructure Endorsement Committee would do that, come back to the Executive Policy Committee, come back to Council. The list would be, of course, compiled in coordination with the administration and with the EPC Secretariat.

That by the way is kind of bizarre. I haven't really seen this in a motion. I can't recall the last time I saw that the EPC Policy Committee Secretariat is actually being named in a motion. Normally it's EPC, but I guess this is now become an official body of Council somehow deciding how we should do things, you know. I'm starting to wonder, you know, maybe they should join us on the floor of Council here to have discussions. So my thought on it, Mr. Speaker, let's have or Mr. Deputy Speaker, let's have this as an opportunity to have some input. I think each Community Committee would elect a representative to sit on this committee, this endorsement committee, and go through the applications with our administration, with the EPC Secretariat, with the CAO's Office, and come forward with recommendations. As was pointed out by the Mayor, there's not a lot of money left in the fund, well, I don't know what a lot is but you know there's still dollars there that can be invested, the sooner we do it the better.

The reality is quite often the administration has issues that they would like us to address with regards to infrastructure and concerns, and that would ensure a little bit of a balance. I think what we saw with regards to the $43 million was that it was a fairly political decision from what I understand. Of course, I don't have proof of that. I don't have any access to minutes of the informal EPC meetings because they are not published, if they do exist, which I'm sure they do, but nevertheless from what I've gathered from discussions with the administration that it was pretty well a political decision involving how that money was all going to be carved up.

I think this would ensure that there would be a balance, that there be input from the administration. The reality is we just don't have a lot of money in the case of we're going into the general reserve, that item comes up with regards to the $43 million. Quite often with these programs, what the City has done, you know, for example, the W.P.A., we take existing money that we are allocating for projects that we have thought of that we're already putting in and working towards in our budgets, and we basically use it as a way to leverage Provincial monies and Federal monies in to reduce those costs to ourselves, and that's the reality.

In actual fact, Mr. Speaker, the Province is often doing the same thing, using existing programs to marshal funds into these infrastructure programs. The only real new dollars that are coming in a lot of cases are the Federal dollars, which is better than nothing, but nonetheless this MRIF program is crucial. I think this is a reasonable amendment. I don't see you know why this can't be considered. If EPC wants to refer, if somebody from EPC wants to refer the entire matter back to EPC, I'm sure we would welcome that as well for consideration. If they are not happy with the exact wording, and we can discuss the wording, but I'm hopeful that if that's not the case this motion for amendment can pass today Mr. Speaker and we can get on with sitting down as a Council and working together to divide these funds up. I think that's reasonable and doable and it would allow us to run, if you want to call it a pilot project, whereby we involve all Council in decision-making, not just EPC or IEPC since that's really the body that makes the decisions. Thank you.

(Councillor Lazarenko in the Chair)

Mr. Deputy Speaker: Thank you Councillor Wyatt. Councillor Gerbasi.

Councillor Gerbasi: Thank you Mr. Speaker. I also rise to support the amendment. I have sort of a practical example in my community why this resonated with me when the idea came from Councillor Wyatt.

In my area the Corydon BIZ Improvement Zone had a project that they submitted to the Infrastructure Program four years ago and hadn't got a positive response as yet, and they read in the paper that a number of projects were chosen and they wanted to ask, they asked me and wanted me to explain the accountability and the process that other projects are approved and, you know, where were you, you're my representative. Well you know what can I say except that I'm sorry I'm not part of that process because I'm not on the EPC Secretariat, or I'm not a member of Executive Policy Committee. So this addresses that.

And what I did choose to do was to try to be creative and I said look come to Community Committee and we'll go from the bottom up, whether it's part of our formal policy or not, we can bring anything we want to Community Committee, we can bring it forward. So I did that part of it, I was able to do without changing the policy but the second part of it, that request now goes into the black box, as Councillor Benham describes it, and we will get the finished product announced to us five minutes before we have to vote on it, or whatever the process is, maybe half an hour or a day if we're lucky.

So what I would, what this does is it opens up the process to all members of Council in a fair way and so a request like that that comes from the community, that comes from the grass roots, it's their money. It's their money and other levels of government's money and in this particular case it's not even our money. All we're doing is saying what type of things we want to approve, and why shouldn't all members of Council have a say in it beyond just a last minute check-off at a Council meeting when you haven't had time to look at what you're choosing between, which is what the current process does. What this does is formalize the Community Committee option that we all have to bring anything there.

The second step is even more important in that once it comes from Community Committee and goes forward to higher levels where the decision is actually made other Councillors can participate and it can be an open public process. Even the public can participate in making their case which I know is a novel idea, but that's part of what we're here for. So I think that this, I think it's been explained very well already by Councillors Benham and Wyatt but I just wanted to add that practical example of here is a community group of volunteers that's trying to do an improvement to an area as important as the Corydon Avenue business area. They hired someone, they designed a project, they're prepared to fund-raise their share of the money and they can't even get a really open process to get it in the loop. We had to be creative to get it on an EPC agenda which we did but in terms of the actual decision-making among all the projects their Councillor is excluded from that process which just doesn't seem fair.

So I think this is a reasonable amendment. It's transparent. It's, I'm not sure what's lost by it. The administration can still look at everything. The administration is included in the process. I'm not sure what the problem is with being transparent and open. I'm not sure what's lost in that other than that the community can have some trust in our processes. That we can be more democratic, and it's easily done in times of the deadline for September for the first lists to be given out. And if there's not that much money, it would be nice to actually to know how much money there is. If the Mayor knows perhaps he can share that with the rest Council. But it's also my understanding there could be new Federal money added to that project in the future.

So we should have a spelled out coherent policy that's transparent and open, that the public can communicate, participate

in, I'm sorry, and that all Councillors can participate in, and that's all that we're asking for. It's very reasonable and I urge you to support it. Thank you.

Mr. Deputy Speaker: Thank you Councillor Gerbasi. Councillor Swandel. You're next.

Councillor Swandel: Mr. Deputy Speaker, I rise not to support this motion. It seems to me to create a great deal of red tape. We've heard much about red tape in the last couple of days and in order to accomplish the transparency all that is really needed is an amendment to the EPC recommendation to include a statement that all Councillors are to be immediately notified when applications come forward to the EPC Secretariat and we would certainly have opportunity to provide input at that time.

The EPC Secretariat would be able to look at it this in a global perspective and EPC itself would be able to ensure that we're meeting all the criteria and the policies that are in front of us. So I have a motion being prepared with an amendment that adds that statement to the EPC recommendation that all Councillors are to be notified when these applications are sent to EPC Secretariat.

Mr. Deputy Speaker: Thank you. Mr. Clerk is that motion before Council now? It will be in a minute. Does anyone else wish to speak?

Mr. Mayor. We're dealing with the clause, clause 9, and there's an amendment. Mr. Mayor do you want to speak to the amendment? Mr. Mayor you're speaking to the amendment? Okay. Go ahead.

Mayor Katz: Just for clarification, there certainly appears to be some confusion or misunderstanding, so let me make a few things perfectly clear Mr. Deputy Speaker. Number one, I believe everyone on this floor would know that the Federal and Provincial governments are the two bodies that have been deciding what becomes, what comes on the MRIF program and what goes forward. And to address Councillor Gerbasi's question about someone in her ward coming forward three or four years ago and nothing happening, the question should be asked to those two levels of government because they are the ones who are making a decision, not Council. That's number one.

Number two, I've heard reference to a black box. Maybe there might be a black box. I'm not aware of it. I believe that this Council is more transparent and more open than ever before. From our point of view the EPC Secretariat was there just to filter through. Someone has to be responsible for taking the phone calls and administering it, whether it's the EPC Secretariat or whether it's administration. It doesn't make a difference but it has to be done. It certainly isn't going to be 15 City Councillors or any Community Committees that will be taking the phone calls and handing out the applications, et cetera, et cetera.

So there has to be some administration done, and as everybody knows on these issues, all right, there was brought forward, we had a Council seminar. Everybody was told exactly what was taking place, and for all intents and purposes I can assure you that Executive Policy Committee had no input into these specific matters. This was all done by the two levels of government who made up their minds and then basically for some unknown reason it states they need the blessings of City Council and therefore it comes to City Council and we all have the opportunity to discuss it.

There is no neat packaging. This isn't Christmas or anything. This is the process whether it's right or wrong that could be a different issue. But this is very open. This is very honest and no one is trying to hide anything from anybody and if they do have questions on why their specific project has not been approved do not ask the members of Council, ask the Provincial and Federal Governments, they are making the decisions. Thank you very much Mr. Deputy Speaker.

Mr. Deputy Speaker: Thank you very much Mr. Mayor. Mr. Clerk is the amendment being distributed now?

Point of Order

Councillor Gerbasi: Point of Order Mr. Speaker. Is there another amendment that's being brought forward that we haven't debated?

Mr. Deputy Speaker: Councillor Swandel is just presenting a, he spoke briefly to it.

Councillor Gerbasi: He can do that at that point in the procedure? He can bring it in? It just seems a little unusual. We don't know what it is. Are we going to debate his amendment?

Mr. Deputy Speaker: I don't think we want to you know this is only his second Council meeting.

Councillor Gerbasi: Well I'm just trying to find out if we get an opportunity to debate it.

Mr. Deputy Speaker: You will have a chance yes.

Okay. The motion that's before you now will be moved by Councillor Swandel, seconded by Council Thomas that recommendation 1.c be modified so that all City Councillors be notified when a new project comes forward to Executive Policy Committee Secretariat. The motion has been moved by Councillor Swandel, seconded by Councillor Thomas. Yes. Recommendation 1.c., 1.c. amendment to the amendment that's here.

Councillor Steeves: So what's being proposed will be a replacement of the original motion, certainly a substitution for this amended motion for 1.c?

Point of Order

Councillor O'Shaughnessy: Mr. Speaker can I have a point of order.

Mr. Deputy Speaker: Councillor O'Shaughnessy.

Councillor O'Shaugnessey. A Point of Order Mr. Speaker. As this Council deals with the amendments in the reverse order to what they are submitted, Councillor Swandel's motion would be first and it would amend the 1.c. that exists in the original clause, then Councillor Benham's amendment would then replace the entire amended clause should it pass.

Mr. Deputy Speaker: Right. Any further Speakers?

Councillor Swandel, we want to address, does everyone have a copy of that motion? Councillor Swandel? It's coming. There you go.

We're in no rush. It's getting onto the end of June. We have a big storm outside, heavy rains.

Okay Councillor Swandel you introduce your motion.

Motion No. 7
Moved by Councillor Swandel
Seconded by Councillor Thomas

THAT Recommendation 1.C in Item 9 of the Report of the Executive Policy Committee dated June 8, 2005 be modified so that all City Councillors be notified when a new project comes forward to Executive Policy Committee Secretariat.

Councillor Swandel: Mr. Speaker, it was I that brought the concept of vetting the MRIF application forward last month at Council. The reason I did that was because I had concern about the parochialization of the dollars to serve the political needs of the other levels of government. So I wanted to ensure that when the applications came through to the City of Winnipeg that they were being vetted and that all our interests were being looked after. Subsequent to that EPC recommended what was put forward to us today and that seemed to be on a track that it was within the EPC Secretariat within EPC.

This amendment to the motion certainly makes it transparent in that we are all aware of what applications are coming forward and we will have the opportunity to talk with the advisers, the policy advisors of EPC Secretariat and further to make representation at EPC and then

again at Council. So with that, I will move the motion.

Mr. Deputy Speaker: Councillors anyone? Councillor Steeves, you are next.

Councillor Steeves: Thank you Mr. Deputy Speaker. I am not so sure this is a very good way to go about this motion on the fly like this. I am not impugning any bad will on behalf of the movers of these motions. I think the original motion and even the two amendments are almost on the same page. I guess I'm going to listen to comments as we go through here and as everyone is aware, this whole motion, I think had its heart in the right place, it still does in that this was an attempt by the Mayor and Executive Policy Committee to try to avoid the circumstance that happened this past Spring when in the rush of an election, the anticipation that we might be forced with a Federal election and then all of the political niceties that go along with that and all of the announcements that people wanted to make in that shadow that seems to have subsided now. At that time through no fault of Executive Policy Committee and through no fault of this Council this Executive Policy Committee and this Council had to deal in very short order with some requests from other levels of government that may or may not have been coloured by political purposes and that's just the reality we had to deal with.

This motion as was stated earlier came forward in an attempt to sort of say, look, we don't want to ever get ourselves into that box again. We want to make sure that whatever is happening, to this pretty substantial sum of money whenever these projects are coming forward, we want to make sure, we want to make sure that at least these projects that are being recommended by the other levels of government, which is entirely their right, because it is after all their money, at least there will be some process for us to get our priorities onto the table. Because what was shown quite clearly I think through the last round of MRIF is that in that sort of circumstance, in that rush circumstance and that harried circumstance, this process does not work at all.

And we wound up with some projects coming forward of I guess varying benefit to the City of Winnipeg that were important to other levels of government. I am not impugning the projects themselves. But I am saying that it was the opinion of some administration of the City of Winnipeg that some of those projects that went forward would not necessarily have been projects that would have been prioritized by our administration or perhaps even this Council if we had this full process. So we are a trying to avoid that problem. That said, that said, the motion that's going forward right now, I mean absent the discussions about 1.c. and number 2, I mean, the current number 2 does state that the administration, EPC Secretariat prepare a list of potential City of Winnipeg MRIF projects for consideration by EPC and Council in September of 2005.

I read that to mean that that's an inclusive process that going to include everybody that's seated on Council right now. It's not going to be a process that's only going to include the Executive Policy Committee. Yes, it does mean administration with EPC Secretariat will come forward I guess with a list that would outline their priorities and I assume part of that process is going to be our administration looking at our priorities that we already kind of said are important. And they are going to try to marry that up with potential applications that have come through the MRIF program. And that list is going to be given to us for our consideration as Council.

I don't see that as a black box type of process. At least I hope that's not what's being proposed. I don't think that's what's being proposed. So, I mean, at this stage of the game I'm going to listen to people as they discuss these motions as they come forward. I am looking at the current motion as it appears on our regular agenda. I am seeing a process that seems like a fairly standard process in that administration will prepare something for our consideration. EPC and Council as per this motion will have a chance to

consider that, and then we'll have a chance to massage that as we go through. I guess what I am saying, is whether it is this Committee or whether it is administration with EPC Secretariat that comes back to Council, I guess at some stage, somebody who is not this entirety of Council is going to have to make a list for consideration by this Council. And I don't know, it might just be one of those things where somebody's going to have to take that responsibility and I don't know if he we can always have a situation where everybody is preparing a list for everybody's consideration, so that everybody can agree on everything every time. It doesn't always seem to work that way Mr. Deputy Speaker.

So absent anything that changes my mind at this stage of the game, I am still listening because these motions are brand-new but I'm tending to agree with the original motion because I was there when it was put forward and I know that it was a genuine and straightforward attempt to try to get this Council's priorities to the other levels of government so that they could see our priorities. I mean it wasn't even necessarily an opportunity for this Council to go through an exercise of restating our priorities although that might be part of it. We already have priorities. We already have priorities here. So we just want to make sure we had a chance to get those forward.

Anyway this process has become quite convoluted and a little bit confused. I do have some specific concerns about the Community Committee becoming involved in this. The specific reason of course is that it does add that extra degree, that extra step that a community group now has to take. If this is a program that has been developed by other levels of government and I assume they have a relationship with those groups, and I don't know how many, I don't know how many groups out there exist and how many applications have even been received by those other levels of government.

I take it what is being proposed here is now we are asking the Provincial and Federal governments as a matter of course to automatically refer all of those applicants to the Community Committees to make application and I don't know if that's what's envisioned, but I imagine that is what will have to happen. And I am just concerned that maybe this hasn't been that well thought out. Thank you Mr. Speaker.

Mr. Deputy Speaker: Thank you. No further Speakers. Councillor Swandel you close on your motion.

Councillor Swandel: Well in closing, it basically comes down to the simplicity of it. The concept came forward so that we had a process to vet these MRIF grants and at the end of the day what we wanted was transparency that enabled all of us to have some input or understanding of what was happening in the big picture. I think this motion allows that to happen and I ask for your support.

Mr. Deputy Speaker: Thank you Councillor. Councillor Benham closing on your motion.

Councillor Benham: Thank you Mr. Deputy Speaker and thank you to all Councillors for their participation in the debate and good words they had to say and thank you especially to Councillor Wyatt again for raising this important issue.

Mr. Speaker I am put in the difficult position we sometimes are of what to do about Councillor Swandel's amendment to the main motion because it would be better than it is now, but my interest is not in making a better 1.c. as it exists now. It is to replace 1.c. and replace 2. However, I guess on balance, because of the motion, the vote on his motion will be called first, Mr. Deputy Speaker if that is correct and so I will be in a position I suppose to vote for it. But it does kind of miss the point. I appreciate that Councillor Swandel is at least understanding that our aim here is to become more transparent and accountable and his concern is to at least get City Councillors into the process, that's part of my concern.

But he's missed the point that we are also talking about the public. We are also talking about the people who apply for

this money. We're also talking about the media being able to track what's happening so they can report to the taxpayers what's happening. None of that is accomplished Mr. Deputy Speaker with respect by Councillor Swandel's motion. It is only accomplished by the motion put forward by myself and Councillor Wyatt and supported already by Councillor Gerbasi.

I appreciate the Mayor's statements that in it fact it is a Federal and Provincial program and of course Mr. Deputy Speaker that is quite right and Councillor Steeves making that point as well. But as this motion as the original motion shows, it is a program in which the City of Winnipeg's role is very important. The City of Winnipeg must either put forward a project as a City of Winnipeg project in which the City of Winnipeg provides 1/3 of the funds or the City of Winnipeg must endorse a community group that is going forward to get 1/3 of the funds. So when Councillor Steeves asked does this mean every Federal, every application to this program will come back to the City, the answer is yes Councillor Steeves. The answer Mr. Deputy Speaker through you to Councillor Steeves is yes it will. And if Councillor Steeves doesn't understand that from the program so far then he doesn't understand the motion that he is being asked to vote on and that he has already has voted on at EPC.

This is exactly what we are being asked to do. What is the City's part of the process? And the Mayor has repeated that he has no problem with the process in which all the decisions are made by informal Executive Policy Committee behind closed doors Mr. Speaker, without any other Councillors there. With Councillors as currently provided, even with Councillor Swandel's amendment, with Councillors having a very minimal amount of information about what is happening in their wards. About how public money including, including in some cases Winnipeg taxpayers money without sufficient information to make a judgment, without the process that all of us value. Without the public hearings before Committee, so that community organizations can come forward and make their case openly and in public.

Councillor Steeves says he objects to the notion of inserting the Community Committee into this otherwise fine process presented by EPC because he thinks community organizations would object to another step in the process. He is saying community organizations would prefer to apply in secret to a bureaucrat without local Councillors being informed and with a big list coming out at the end and that would be better as far as community organizations are concerned.

I submit Mr. Deputy Speaker that there's not a single community organization that is putting forward an application that wants to see it dealt with in secret, behind closed doors with decisions made by non-elected officials and with the people who are elected and paid to represent them not knowing what's going on. Mr. Deputy Speaker there is, I hope that we will have unanimous agreement including from Councillor Steeves now that he understands the amendment and the main motion, I hope we will have unanimous agreement to this obvious improvement in our procedures. Thank you Mr. Deputy Speaker.

Mr. Deputy Speaker: Thank you Councillor Benham. Mr. Mayor.

Mayor Katz: Thank you Mr. Deputy Speaker. It is rather interesting listening to some of the conversation that takes place on the floor of Council. And I find it amazing that there are some Councillors here who want to set up a more difficult and complicated process. Just the other day I heard Councillor Benham, actually it was yesterday, saying how he believes we should have less red tape and he basically was very happy with the Red Tape Commission coming forward and endorsed what they were doing. So maybe it is time that we forget about the BRT. He should get over it. And maybe it is time that people stop confusing accountability with grandstanding.

The realities of life are is that we have procedures here on the floor of Council. That Council has the opportunity to see

what's going on to EPC. That all Council can be informed and for once and for all maybe we should just do what's best for our citizens and take some initiative and try to do the right thing as opposed to some other initiatives that are taking place. Thank you very much.

Mr. Deputy Speaker: Thank you Mr. Mayor.

I've got rain falling on my desk. Would you believe it? It's raining here. Look.

Okay, let's deal with the first motion. Councillor Swandel's motion.

All in favour? Contrary? Carried.

Mr. Deputy Speaker: On Councillor Benham's motion.

Councillor Gerbasi: A recorded vote please.

Mr. Deputy Speaker: You want a recorded vote. On Councillor Swandel's motion a recorded vote.

Councillor Clement: No, no she wants a recorded one on this one.

Mr. Deputy Speaker: Which one?

Councillor Gerbasi: For the second motion. We already voted on Councillor Swandel's.

Mr. Deputy Speaker: Councillor Benham's motion.

Councillor Gerbasi: On Councillor Benham's motion.

Mr. Deputy Speaker: On Councillor Benham's motion. All in favour please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

Councillors Benham, Gerbasi, Lubosch, Smith, Thomas, Wyatt.

Nays

His Worship Mayor Katz, Councillors Eadie, O'Shaughnessy, Clement, De Smedt, Magnifico, Pagtakhan, Steeves, Swandel, Mr. Deputy Speaker Councillor Lazarenko.

City Clerk: The vote Mr. Speaker, Yeas 6, Nays 10.

Mr. Speaker: Defeated.

On the clause as amended, somebody wants a recorded vote? Not the case, just, right.

All in favour of the clause as amended? Those opposed? A recorded vote. I asked for a recorded vote, nobody said anything. Okay all in favour of the clause as amended please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

His Worship Mayor Katz, Councillors Eadie, O'Shaughnessy, Clement, De Smedt, Lubosch, Magnifico, Pagtakhan, Steeves, Swandel, Thomas, Mr. Deputy Speaker Councillor Lazarenko.

Nays

Councillors Benham, Gerbasi, Smith, Wyatt.

City Clerk: The vote Mr. Speaker, Yeas 12, Nays 4.

Mr. Deputy Speaker: Carried.

Richard we have to do something about this rain that is falling here.

Okay Mr. Mayor, June 15th, the report of June 15th.

**REPORT OF THE EXECUTIVE POLICY COMMITTEE
DATED JUNE 15, 2005**

Mayor Katz: Thank you Mr. Deputy Speaker. I would like to introduce the report of June 15th, 2005 and move adoption of Consent Agenda item 1.

Mr. Deputy Speaker: All in favour? Contrary? Carried.

Report of June 22nd, Mr. Mayor.

**REPORT OF THE EXECUTIVE POLICY COMMITTEE
DATED JUNE 22, 2005**

Mayor Katz: I would like to introduce the Report of June 22 and move adoption of Consent Agenda items 1 to 8.

Councillor Benham: Stand down 6 Mr. Deputy Speaker.

Councillor Wyatt: Number 7.

Mr. Deputy Speaker: Number 6. Councillor Wyatt number 7 stood down.

The rest. All in favour? Carried.

Clause 6.

**Item No. 6 - Rapid Transit Task Force - Extension of Time
File TT-5.1**

Mr. Deputy Speaker: Councillor Benham. Mr. Mayor.

Mayor Katz: Thank you Mr. Deputy Speaker. This motion is the result of the chair of the Committee coming forward to us, which would be Councillor Wyatt and asking for more time to complete what the Rapid Transit Task Force is doing. He projected he may not need all that time but asked for that and we were happy to accommodate him. Thank you.

Mr. Deputy Speaker: Councillor Benham.

Councillor Benham: Thank you Mr. Speaker I will vote in support of the motion but I think it's important to note the following things. One year ago there was an election, the Mayor was elected, Councillor Magnifico and myself. As a result of that, the Mayor put forward an initiative in September of 2004 at a time when bus rapid transit would have been under construction, under the terms of a deal that had been negotiated with the Federal and Provincial government.

Now we know that that construction cannot possibly begin in calendar year 2005 and it would take a lot for it to begin in 2006. So we have lost at least a year and a half, Mr. Deputy Speaker. At least a year and a half as a result of the decision by the Mayor and 10 Councillors who supported him to delay bus rapid transit.

Mr. Deputy Speaker I want to make it clear that I do not blame Councillor Wyatt or the members of this Task Force at all. I was sceptical about the Task Force when it was first formed. I have followed its work closely and I believe very strongly that the citizen members of the Task Force and the Council members of the Task Force have applied themselves diligently to the thankless task that was handed them by the Mayor and the 10 Councillors who supported him.

I attended the open house Mr. Deputy Speaker. I did not agree with all of the elements in substance. I understand that the Task Force is now considering all public submissions and everything that has been said including comments made by Councillors and thus they wish to put together a final report.

I await that anxiously and eagerly Mr. Deputy Speaker because I hope that having invested this amount of time and this amount of energy and this amount of their credibility, the Mayor and the 10 Councillors who supported him will take very, very seriously the Task Force report that Councillor Wyatt and his Task Force members are working to produce.

I will vote for this Mr. Deputy Speaker because we have no choice given the situation we were left in but I would be a lot happier and I believe all Winnipeggers would be a lot happier if we had simply

started construction of a bus rapid transit system in the fall of 2004 as this Council and all the Councillors had previously committed. Thank you Mr. Deputy Speaker.

Mr. Deputy Speaker: Thank you Councillor Benham. Councillor Gerbasi.

Councillor Gerbasi: Thank you Mr. Speaker. I am also supporting the Task Force layover. I have been working as a member of the Task Force and they have done some excellent work and I think when the final report is out I think it will be an excellent document. And I don't think it will be exactly what you saw in the public houses because, open houses, because that was just to show people some ideas. So there's a little more time needed to come up with a final report which will be September at the latest.

I think it is great. It's been a great process. There were people on that Committee who weren't really that, some really experienced academics and others less experienced. Everybody learned a lot and it was a great process. The only reason I am standing up right now, is I was a little concerned when I heard the Mayor suggest to Councillor Benham that he get over the BRT issue because I'm just wondering what message that sends to those of us including the citizen members who are working very hard on this project. If this is not a real project, if it is just something we should get over why are we spending $225,000 on it? Why are we working so hard for so long on it? So I would love to hear the Mayor explain why he told Councillor Benham to get over it. Because this whole Council has invested a lot of money and a lot of effort, and so have community people in coming up with recommendations on it.

So I am rather confused by the Mayor's comments which is the only reason I am standing up today. I was simply going to support it. Thank you Mr. Speaker.

Mr. Deputy Speaker: No further Speakers? Mr. Mayor.

Mayor Katz: Mr. Deputy Speaker I am sorry to hear that Councillor Gerbasi is confused and maybe I can enlighten her, because before she made her comments I was once again about to tell Councillor Benham to get over it. And why do I say that? Because no matter what we debate on the floor of Council Councillor Benham always brings into the matter BRT.

And as Councillor Gerbasi should know this is called the Rapid Transit Task Force and they presented a great deal of information to the public, which I also went to and I saw and I made some comments on it, and I think at this stage of the game, if the chair comes forward and asked for more time, why do we even have to talk about the issue. It is a matter of simplicity. So I don't want anybody to be confused. But the fact is the chair asked for more time. We thought it was a reasonable request. Let them proceed and continue to do the work they are doing and I hope now that Councillor Gerbasi is no longer confused. Thank you.

Mr. Deputy Speaker: Thank you Mr. Mayor. On the clause.

All in favour? Contrary? Carried.

EPC Motions. Oh, Clause 7. I'm sorry. Mr. Mayor and then Councillor Wyatt.

Item No. 7 - Recreation and Leisure Facilities Funding
File PR – 1

Mr. Deputy Speaker: Thank you Councillor for your concern. I am worried about the computer here, as you know the rain.

Go ahead, Councillor, I mean Mr. Mayor.

Mayor Katz: Mr. Deputy Speaker as you are aware of, we are very fortunate for the first time to be able to have a significant amount of money, $43 million dollars, to be put forward into our crumbling recreational and leisure facilities.

As well as for the first time in many, many years we actually have come up with a policy on how to deal with this as well. And I am very happy to say that Council has had the opportunity through a

seminar to be informed of what's taking place here, where these monies will go, how they will be allocated, where funds will be held for future potential projects, how the GCWCC, which is the Greater Council of Winnipeg Community Centres will be playing a very active role in this. I would certainly encourage all Councillors to support this motion.

Mr. Deputy Speaker: Councillor Wyatt.

Councillor Wyatt: Thank you Mr. Speaker. I rise today obviously supporting the recommendations coming forward and acknowledge that all the projects on this list are extremely worthy. They are well, you know, every project that's coming forward is something that deserves support.

What I would like to discuss, more or less, I guess Mr. Speaker is not so much the projects but really how we arrived at this report before us today and to question the decision-making that led us to this report. As well, also the question of the $10 million dollars with regards to the community centre investment fund and maybe I will start with that.

I recently had a chance to talk to some of our presidents of, in my community of the community clubs who had a chance to meet with the GCWCC and were told that in no uncertain terms they cannot expect a cent for expansion unless they close a club. The GCWCC under this policy reports directly to EPC so I can only assume that that direction is coming from EPC Mr. Speaker.

This advice to the presidents or this information to the presidents unfortunately ignores a number of issues. It ignores the fact that the community that I represent actually went through a downsizing of community clubs. Most Councillors were not on Council at the time but some were. Back in the 1980's we closed two community clubs. We closed Pirates Community Club and we closed down Maple Leaf Community Club and we amalgamated to form a new community club called Park City West. That was in the mid 1980's and now we have actually ratio-wise one of the lower amounts of community clubs to population than some other parts of the City.

It also ignores the fact that the community is growing and it is growing thanks to the fact I think partly because I have been very open to the idea of new growth and encouraging it and doing whatever I can to encourage investors and those coming forward to invest in the Transcona ward. And that growth creates new jobs. It creates new opportunities for citizens and it creates new homes and housing which is desperately needed. And I have been encouraging that and yet we are adding new taxes to the City tax roll, my community has been told sorry you have to downsize even further then what you have done so far before we can start investing in new facilities. So I am hoping for a clarification on that. Maybe that's not the case.

With regards to the decision to divide up the $43 million from what I gather as I mentioned in the previous debate there was no or little administrative input into this decision. It was fairly political. I don't, again, have any proof of this because no minutes are publicly filed with regards to IEPC but I've been informed of this from my conversations with administration.

The $43 million dollars of course Mr. Speaker came out, Mr. Deputy Speaker, out of the rapid transit decision not to dedicate those dollars. And at the time I remember quite well the Mayor aggressively lobbied to build support for that case and lobbied many of us on the Council floor to support that. And I supported that with the hope that there would be not only a chance to have input into where those monies were going to be spent with regards to recreation, something that I have always talked about and believed about for a long time, but that Mr. Deputy Speaker, that maybe this was the beginning of a different style and a different process and a different approach to government here at City Hall and how we actually do business.

But when it came time to actually divide up the $43 million we found out after the fact, after the decision was made, after

the IEPC meeting and it was all done. Basically we, you know, the sense I have is that you know you've got your way and not even a phone call the next day really is what it come down to with regards to how this decision was made. The sense that this is unfortunately gone backwards with regards to how this Mayor and the new administration operates is becoming more and more clear to me Mr. Speaker.

And I think to the Council colleagues who spoke and voted not to redirect those rapid transit funds I can only explain that my conviction and my sincere belief that the decision not to support you on your position was one driven by a sincere conviction and belief that was based on one big factor and that was hope, Mr. Speaker, hope. Hope that the veil of secrecy and elitism that govern the previous Mayor's administration would rise and would end and that that would not be the way of doing business into the future. I ran and got elected from the ward of Transcona Mr. Speaker, with the hope and I think a fair assumption, that I would be participating on a Council as an equal and having equal participation. Clearly though, I didn't realize how great democracy deficit was here at City Hall.

Mayor Murray, an astute student and practitioner of City Hall politics, was very smart when he got elected originally, to institute a policy whereby all reports had to go by the EPC Secretariat. That basically ensured and neutered the Standing Committees of doing any kind of real policy work.

The reports of course are the lifeblood of the decision-making process and Murray knew that. And it was basically around that same time that the so called IEPC grew out of this from what I gather and it's now basically in the habit of meeting every Wednesday after the usual EPC meeting to decide what will be happening at the next EPC meeting a week or two later. And again there's no record of this. There's no keeping track of the minutes from what I understand. If there is, it is certainly not filed publicly and I would imagine that there would be some sort of record.

IEPC as I indicated has become in a sense the real Council and by the time the decision is reached here Councillors we've already made them for all intents and purposes. And this should concern Councillors. I mean if we really want to get rid of red tape, what I would suggest is we just eliminate Council because really the decision is already made. Just stop it at EPC and that's it. You know the decisions have been made. Really, we go through the debate and it is a good debate, it's a public debate it's the only time really we have this opportunity. But unfortunately by then, the deals are done and decisions are made.

My concern Mr. Speaker is and actually just on a side point, I was talking recently to a person who deals with the City all the time on a regular basis, a businessperson of this City and they just found out about IEPC, they didn't have a clue what IEPC was. They were what is this IEPC and I said that's actually where the decisions are made and they said oh okay. So, but there's nothing in the Charter that talks about IEPC. There is nothing in the rules of Council that talks about IEPC, yet IEPC governs basically what we do.

So that brings us back to the $43 million. I guess I started with a hope that this new administration would do things differently. That we would be able to open up the decision-making process that members of Council would be able to participate and that has not been the case and I sat quietly now for a year hoping that would be the case. Proof of that in the pudding that it was not is how the Capital Budget was rolled out.

The Capital Budget was rolled out in a similar fashion as before actually less consultation with other Councillors. There was absolutely no input. When the Capital Budget cam forward it was done. The Operating Budget did the same thing. Again, absolutely no input from Council. I mean we had the pathetic excuse there was no input because the Mayor went on a trip to the Philippines which I find ironic…

Councillor Benham: Extension.

Mr. Deputy Speaker: Councillor Benham move extension of time.

All in favour? Contrary? Carried.

Councillor Wyatt: by Councillor Clement. But nonetheless we had no input and now we are seeing even by-laws coming forward Mr. Speaker which we have to read about in the newspaper such as the Panhandler's By-law to find out that this is actually being developed by EPC. Such is the derision that there seems to be for the entire Council.

And yet we have this policy Mr. Speaker of the so-called open door, I call it, the open door of the Mayor. The previous Mayor said the same thing. I have an open door to my office. Don't worry. You can always come to see me any time. The only way I can explain the open door policy is that it is like a desert mirage Mr. Speaker. You may think you see it and you may even think you pass through it, but ultimately Mr. Speaker when you enter this mirage, this imaginary open door, you are still thirsty and your mouth and throat is even drier than before. It is truly Mr. Speaker unfortunate that this has had to come to a point where we, where you want to work to be part of the team but unfortunately the team, if you are not on IEPC you are not on the team.

And that's really unfortunate. The arrogance that seems to prevail with regards to the decision-making is unfortunate and I guess I am reminded Mr. Speaker of a famous quote from Tommy Douglas who said: "if they fool you once shame on them, if they fool you twice shame on you." My hope was genuine and real to see that this great body Mr. Speaker this chamber, this Council, out of that great English tradition of councils going back to county councils and town councils of old England where elect Councillors and Mayor, Councillors from all burrows to sit equally and to debate and discuss issues together, voting together. It is my hope and it is unfortunate that my hope is false and that in this case in some ways the powers will make the man rather than the man harnessing and tempering those powers for the good of all.

Mr. Speaker, give a chance I've done that, and I think there's been too many decisions which have now proven over and over again that it's business as usual whether it be the previous Mayor or the new Mayor. Thank you.

Mr. Deputy Speaker: Thank you Councillor Wyatt. Councillor Benham is next. Councillor Benham.

I don't know what I have done that the good Lord is putting a few drops on me here.

Councillor Benham. You're next.

Councillor Benham: Thank you Mr. Deputy Speaker and unfortunately I can't answer that question for you.

Mr. Speaker only one item after the Mayor tells me specifically and Council generally to get over bus rapid transit we are debating a motion that begins whereas on September 29th, 2004, an important date to me Mr. Speaker, Council approved in principle the reallocation of $43 million dollars in tri-level government funding for bus rapid transit towards community recreation and leisure facility projects. So Mr. Deputy Speaker I submit that it is not Councillor Donald Benham who has trouble getting over bus rapid transit, it's the Mayor. This is a motion that's put forward from the Executive Policy Committee. He is the one who is reintroducing the question of $43 million dollars in bus rapid transit funding.

And thus Mr. Deputy Speaker, I have every right as a Councillor to talk about bus rapid transit funding and the Mayor will not intimidate me and will not stop me from doing that whenever it is relevant. It is obviously directly relevant here Mr. Speaker in the Mayor's own motion he refers to $43 million dollars in bus rapid transit funding.

The problem with this motion as Councillor Wyatt has so ably pointed out is that at the Council seminar that the Mayor referred to, the wonderful Council seminar where all Councillors had an opportunity to learn about all details, all

Councillors who were there know exactly what happened. This list was read to us at the very end of the seminar, and the Mayor said sorry, got to go, got a news conference. I am going to be announcing this in public with the Federal Minister and with the Premier in about 20 minutes from now and as Councillors, here is what we can do, we can go to the news conference or not. That's how much choice we had in the spending of $43 million dollars.

But it is artfully put together Mr. Deputy Speaker because there's a $10 million dollar fund in there. And let's call it what it is. It is a slush fund. It's the ability of Councillors to take this money and allocate it to anything they want as long as they can get agreement from Community Committee. Well that is a very powerful incentive Mr. Deputy Speaker. It's a very powerful incentive to endorse these recommendations.

We of course also have the problem that we can't amend this document in any meaningful way because as Councillor Swandel is complacent about this, but we don't know what else was on the table do we? We have no idea what went on inside informal Executive Policy Committee or indeed even if the members of the Executive Policy Committee were informed about what was going to happen to the $43 million dollars before it was suddenly spent and Councillors were given a choice, a take it or leave it choice. Here you go. Here is some money. It includes something for every ward, except interestingly Councillor Clement's, and plus here is a fund and you can spend that anyway you want. Take it or leave it.

Well Mr. Deputy Speaker I do not think that's the way this City Council should operate. I think this City Council should operate in a collegial way. In a way that respects that every single one of us represents at least 40,000 Winnipeggers and every one of our 40,000 Winnipeggers deserves to be represented here to the very best of our ability and to do that we need the tools. We need the information and we need to make our Committee processes of Council which are basically healthy but which have as Councillor Wyatt has pointed out, they have been misused and abused over the years. And if somebody's going to say to me that I worked for the previous Mayor and Councillor Wyatt attacked the previous Mayor, I accept that and I'll say mea culpa. And if it came to secrecy or excluding Councillors, whatever was done before, I think was wrong. I think Councillors should be included.

A final point Mr. Speaker just to put on the historic record, that I said repeatedly in this chamber that bus rapid transit qualified for that Federal money and community centres didn't Mr. Speaker and I face the Mayor time and again saying, no, no, no, that doesn't matter. That's a detail. The rules of Federal programs don't matter. We can spend money however we want, it's just a matter of getting them to agree. I note Mr. Speaker for the record, that the only way this could be done was by having the Government of Canada increase its contribution toward Winnipeg's wastewater treatment project by $17 million.

The Federal government did not fund community centres Mr. Speaker. If anyone tries to tell you they did, it's a lie. It's a terrible lie because it misleads the people of Winnipeg about how their money is being spent. This is the truth. Wastewater qualifies for the Federal funds. The Federal Government moved its money into wastewater that it qualifies for. The City moved its money out and into community centres. It was a great political shell game on the eve of a Federal election as Councillor Steeves has pointed out. It was greatly to the political benefit of the Mayor and Federal Minister to be seen together and to say over and over again that the Federal Government was giving money towards community centres. We know Mr. Speaker that is simply not true. Winnipeg's bus rapid transit system qualified for that Federal money. Community centres didn't. The proof is here. Thank you Mr. Speaker.

Mr. Deputy Speaker: Thank you Councillor Benham. Councillor Gerbasi followed by Clement and Steeves.

Councillor Gerbasi: Thank you Mr. Speaker. I agree with many of the previous comments made. I have a couple of points I would like to point out. This whole issue today harkens back to the recreation policy that was rushed through Council very quickly. Some of us were trying to have a little bit of more time to study that policy and that was turned down by this Council. And the result of that is that now there are some things in the policy that are coming out as problems and concerns that haven't been addressed.

For example, community clubs, if they want to expand in an area, something else has to be closed down. And that might make, unless there's growth, and that might make sense in some situations. But I read in the paper a couple of days ago about a project in St. Boniface that's going to involve some public funds, that is possibly going to involve some subsidies, it said largely self-supporting and this is only in the newspapers so I'm not saying that Council's agreed to it already. But what do we do with that type of situation? We're going to put public money into the expansion of an elite facility but we can't do it in the North End unless there's growth or whatever.

So I guess what I am saying is this is why we needed a more comprehensive policy. This is why we needed to analyse it before we rushed it through. And now we have a policy that you know we can't really make proper decisions with. So I just wanted to make that one point. Not to be against any specific project but the whole idea of this as a policy that we are trying to work within, and I'm not really sure how all this is going to fit.

Another thing is that some of the money, the money that's allocated for my ward out of the $43 million dollars is for spray parks. Well nobody actually asked my community if they would like their wading pools closed, two wading pools closed so they could have one spray park. No one's asked them if they want a spray park instead of a wading pool. Nobody asked me if I wanted $250,000 for that purpose. I mean who is going to say no to money for their community? But this is the problem. This is, when you don't consult people first and you go ahead and allocate money for something, I'm not sure how we're going to solve this problem. I am sure it will be a long time before that money actually flows and hopefully it will be that the thing that the community actually wants. And I don't know because we haven't had meetings to discuss that yet. But I am hoping that there will be some flexibility in the way some of these funds have been allocated because they have been done by people who are not in touch with my particular community and I wasn't part of it. And neither were the people in my community.

So that's some of the problems that have already been outlined with the process of decisions of where the money is allocated being done completely in the backroom without consultation with local Councillors. And that's, I just wanted to point out those couple of problems. You know obviously, any money going towards recreation facilities I'm going to support. The $43 million because most of it, most of the projects make sense. In many ways there is stuff for the North End and there are some very good things in there. So I am not going to you know just be against everything for the sake of being against it.

But I do have some very real concerns about this process. There is going to be some problems with future, in how this actually flows because the communities affected have not been consulted at this point in time. And I just think, you know, we keep trying to make the point that these processes need to be accountable and open and transparent and they are simply not. And I was quite, I think Councillor Wyatt's basic announcement today that you know that he's not going to take it anymore, I think is very compelling and I think it shows that there's a real issue here.

I was here under the former situation, and we had informal EPC too and it certainly, it's an imperfect system and I am not saying we shouldn't have Executive Policy Committee. But surely since the Mayor has made a commitment to openness instead of harping on the faults

of the past which every previous administration will have some faults and some warts. You know, could you please just move on and maybe he could move on and set a different example, a better example in some cases and there have been cases where, as Councillor Wyatt pointed out that it is even worse than before in terms of the budget processes the way it was handled this year was worse than ever before, worse than under the previous.

So you know if the Mayor is going to say he will have a more open process then let's see it and maybe he should get over it in terms of the former administration and get on with it in terms of his own administration being more transparent. Thank you.

Mr. Deputy Speaker: Councillor Clement you're next.

Councillor Clement: Thank you Mr. Deputy Speaker. I rise to speak in favour of the clause. And I am never amazed by some of the comments that come up in this chamber from time to time on some of these issues. It makes life interesting I guess.

First of all, everybody in this chamber knows Mr. Deputy Speaker that this Council voted to move the $43 million dollar commitment from rapid transit into recreational facilities. It wasn't unanimous but it passed and Council is supreme and we have moved down that path. Now let me share with you that it is pretty naive to believe that once this chamber makes that decision if people within the confines of these walls believe that the other two levels of government aren't going to get involved in the process that is very naive. I can absolute guarantee you that that they were very, very involved in what's in front of you and what's been going on.

Councillor Benham made the point that the Federal government doesn't have money in this program because it put the money into the wastewater system because he is quite right. Under the former infrastructure program the recreational facilities didn't qualify. So there had to be a creative solution. There's absolutely no question about that. But when there are $17 million dollars that goes into wastewater and $17 million gets transferred out it is a bit of a stretch to suggest that they A) didn't know that that's what was going to happen and B) that they weren't involved.

They absolutely have been involved which is why there's a spray park going in Councillor Benham's ward because I can guarantee you the First Minister wants it there. He has a lot of say about that $17 million dollars just like the Premier had a lot of say on the other $17 million dollars. Those types of governments whether we like it or not want larger facility expenditures. That's how they do things and that's what this is. I am proud to stand here and know that there are $7 million dollars going into the North End. In fact I championed it at EPC. Notwithstanding that there wasn't much in my ward. By the way there is money in Charleswood, there's $100,000 dollars for a skateboard park and the $6 million dollar soccer complex happens to be in my ward where the land is being assembled for that, by the way. But that's just a small point. We wouldn't want to waste a lot of time on that.

The fact of the matter is that my constituency has a lot of facilities because we have been taking land dedication money, Councillor, or pardon me, Mr. Deputy Speaker, for years and using it appropriately. When we've had development in our area whether it be residential or commercial we've been taking that very money and we've been using that money, $200,000 dollars at a time, $300,000 dollars at a time, to enhance existing facilities, parking lots, swimming pools, pick one. Creating new bicycle path walkways and even building community centres with them, Mr. Speaker.

I got to tell you with the wee little bit of commercial development that's taking place out on Kenaston and McGillivray in the last 4 or 5 years compared to what's gone on a little east of here Mr. Speaker, I have to wonder what's happened to all of the land dedication money from all of the development a little ways east of here

and why there seems to be a shortfall of cash flow out that way Mr. Speaker and I am not speaking about the existing Councillor. I am just speaking in general.

And I can't control what other people do in their constituencies. But when people start pointing at other people's money and at other people's area to try to solve their own problems I take exception to it and the arrogance that comes with those kinds of comments, Mr. Speaker. There's been huge development in East Kildonan and Transcona in the last number of years and there has been huge volumes of land dedication monies and they've been spent on something. But I note that there is some money for a skateboard park in Councillor Wyatt's ward as well. Congratulations. You got about as much as I did.

Councillor Wyatt: Thanks for consulting.

Councillor Clement: Not a problem. I didn't consult with you, anymore than you consulted on the $3 million MRIF money.

The money for the North End I think is extremely important. Even if we have to facilitate the programming in that facility Mr. Speaker in my view, because it is an area of our City that in my view can't wait for some sort of recreational redevelopment and I think it's important. You look at the money that's going into Bronx Park, the reason it is going there is because they were ready and they have already been pursuing these things. There is senior's involved with this. It involves a community centre. It's on the east side of the river. It's in an area where it's a little bit older.

Sargent Park. Sargent Park is already getting a facelift of I believe somewhere in the area of $2 and a half million to $3 million dollars and this money enhances what we are already doing. What a terrible idea. To take an area in the downtown where we are on the periphery of where many of the problems are and create a facility that's much more well rounded, not only for the people in that general area but for people in the far-reaching areas. And I have all kinds of constituents that use the Sargent Park Pool because we don't have one.

It was kind of said tongue-in-cheek that oh well there's a $10 million dollar amount of money here. That $10 million dollars was placed there and in part because we had been going through this plus inventory report of some of the shortfalls in some of our facilities Mr. Speaker, and everybody here knows that there would be a committee created through the GCWCC that would create a criteria for the community clubs and local athletic groups and facilities groups throughout the City to apply for that money once that criteria is created. And who better than to a adjudicate some of those funds than the people who are volunteering in every corner of our City Mr. Speaker.

This Kildonan Oasis is an exciting project. I don't know a lot about the facilities in West Kildonan. I just know that it's an older part of the City and I can't recall in the time I have been here where there's major expenditures over there on anything. And I have no problem with this whatsoever. You get down into the smaller numbers, there's even a couple of million dollars I believe, it's $1.8 million I guess it is, pardon me, it's $850,000 dollars that's left now because there has been a couple of small changes. Pardon me, I'm talking about the skateboard parks and the spray parks I guess there's a number I was looking for and I'm wrong. It's a little higher up.

Councillor O'Shaughnessy: Extension Mr. Speaker.

Mr. Deputy Speaker: Extension of time.

All in favour? Contrary? Carried.

Councillor Clement: Now these spray parks aren't in my ward. But there is a million one available down there where interested groups, community centres that are in my area that want to come forward and invest in trying to do this, have the ability to do it, no different than they could do that if they were from Transcona or if they were from St. James or anywhere else. And there is money there. There's approximately $11 million dollars on the

table yet Mr. Speaker. More than a quarter of the money that's available still for community groups to come forward and put decent projects forward.

We have a far bigger problem than this $43 million dollars as the *PUFS* inventory report gave us. And hopefully over time we are going to be able to deal with that and try to use some of the funds that come forward through the gasoline tax and that type thing in that regard, although it is my fervent hope that the majority of that money is somehow spent on roads and bridges and sidewalks and curbs and things like that.

The long and short of this, Mr. Speaker is, that when you are dealing with the other two levels of government, you have to involve them in the game and you have to involve them in the package and whether everybody in this chamber likes it or not they don't meet with all of the Councillors, they meet with the Mayor. That's just the way that it is. And he then has to try and formulate something that he can get them to agree to and that's what this package is.

Would Executive Policy Committee have rather a little different style of putting something forward? Sure. But you know what the problem is Mr. Speaker then you have the Federal and Provincial governments to deal with and the reality is they don't want to do things like that. That's not their style; it's not the way they do business. It's the reality and I appreciate that Harry and I will sit down. Unfortunately, it's not about arrogance of people on EPC, it is sometimes naiveté of procedure Mr. Speaker, of other people.

Mr. Deputy Speaker: Thank you. Councillor Clement.

Councillor Eadie: Call the clock Mr. Deputy Speaker.

Mr. Deputy Speaker: Councillor Eadie would that we call the clock. We have a list after 1:30, Steeves, De Smedt and Franco Magnifico.

All in favour that we adjourn to 1:30.p.m? Contrary? Carried.

Council reconvened for June 29 2005 at 1:32 p.m., quorum was present.

Mr. Deputy Speaker: That's clause 7 of the report of June 22nd of 2005.

Do we have a quorum Mr. Clerk?

Councillor Steeves the floor is yours.

Councillor Steeves: Thank you very much Mr. Speaker. I'll rise in support of the clause. I guess I would acknowledge the imperfection of this process and the difficulty that's arisen throughout the course, throughout the course of this particular block of funding. And it's interesting. I don't just go back to what we've done in the last little while, I think back to the original infrastructure funding on all of this money. This has been the exact same process by and large, I think, as we originally had with the original bus rapid transit announcement. I believe it's been pretty much the exact same situation, if I'm not mistaken.

My recollection is last year or whatever the heck it was when we first had the strategic infrastructure funding announcements for Kenaston, for the bus rapid transit and for the water-sewer upgrades; my impression was that we were called that morning to the Forks for a press announcement. We all showed up or didn't show up as the case may be, and at that stage I believe that the announcement was made that we were going to be doing these three projects. This Council I guess, had talked in different scenarios about the idea of whether or not we would do bus rapid transit. We discussed that and I personally have had discussions with our Transit department on that.

I don't recall ever this Council having a discussion about those monies being allocated towards water-sewer upgrades. I could be wrong but I don't recall that. Now I look forward to being corrected if I am in fact wrong and I fully admit that might be a possibility but when Glen Murray, Premier Doer and Lead Minister Alcock went to the Forks and had that announcement, I don't recall this Council being involved in allocating much of that

funding toward water-sewer upgrades. Okay so I just want to lay that out because I don't believe that was part of the process that we were involved in, ever.

And I'm not saying I'm not defending anybody. I'm not impugning anybody. I'm not levelling any criticism, but I am stating that this process that has come through lately was I think a process while maybe not, maybe not as drawn out as it might have been, there was more discussion, more opportunity for involvement in this process than there was prior. So if we're going to criticize this process, if that's what we're doing today, I think we have to open up the criticism for the entire process and the way it's been handled from the beginning. And I think what the answer might be, as Councillor Clement alluded to, when we're talking about this type of funding that's coming from different levels of government, it's difficult. It's very, very difficult.

When the Federal government and the Provincial government want to get together with the City to find funding to do certain projects that aren't only important to us but are also important to them we don't own the process. It's not our process that we control in the same way that we control other processes. It's just not the case, and we have to acknowledge that, and we have to acknowledge the different circumstances that exist. And I think that's been part of the problem, so if people around this table are struggling with that, and I get, and I get the sense that they are, and perhaps legitimately, I'm not sure, but if you're struggling with that, I think that's the answer.

There was a reason last year I suppose that Glen Murray didn't give us any notice that a big part of this money was going towards water-sewer upgrades. I imagine there's a reason. There's a reason Councillor Gerbasi never came into my office and told me that that was the case, if she knew. If Councillor Benham knew, there was a reason he didn't tell me, I suppose. And I'm not saying they did or they didn't, but there was a reason, I suppose, for all of that. I hear some laughter, and I acknowledge that, and I'm just saying that I think we have to we have to sort of take responsibility for all of this. And we have to acknowledge there's a difference here, and it is a different situation, and that difference should be recognized. That's all.

I mean, and if we're going to be true about process, I mean we've talked about today, and with respect to this item, and Councillor Wyatt had mentioned how informal EPC has become "the new Council" and we've heard that today a couple of times. How there's no openness and there's no availability, and people have no opportunity to influence things.

Let me give you my perspective Mr. Deputy Speaker. As a guy who spent the majority of his Council career off of EPC, I actually thought I had some success in getting things done. I actually thought I had success in trying to influence people and getting enough Council consensus on things that were important to me whereby I would talk to people. I would try to get them involved. I would try to emphasize what my priorities were. That's what I would try to do.

And sometimes I was critical of process and sometimes I felt that maybe I wasn't as involved as I might have been, and I fully acknowledge that, but what I didn't do, what I didn't, what I don't quite understand is how if the mistake that's being made is that we're not including people enough and that we're not open enough and that we're not giving enough notice, if this motion that's been, that was announced a month and a half ago and has been on the agenda, was on the agenda last week and is now coming to Council, it's been around and people have known the direction for quite some time. If that's not enough time how then can we argue that all of these motions that come forward this morning with no notice whatsoever, how is that enough notice?

I mean if the process, if the process of giving notice is so great and so excellent and so wonderful, why am I not being given notice at some point that the way to solve the MRIF problem is to include the Community Committee. For heavens

sakes Mr. Speaker, I have an office right next to Councillor Benham and when I stand up and I say I'm not sure about a couple of these things what do I get in return? I get zinger about how I don't understand. Well here's what I don't understand Mr. Speaker. What I don't understand is why if this is so important. If these issues advanced and all of these motions are so important, why then is it not important enough for Councillor Benham to come into my office and say Councillor Steeves, this is what I'd like to accomplish. What do you think of this? If it's that important is that too much to ask?

I'm going to pause for effect right now. I'm going to pause for effect right now. Because I've become concerned, I've become concerned that the end game for many of these motions is not to make the changes that are being espoused in these motions. The endgame is to surprise people and I'm not being critical of that process. I understand how the game works. But my advice, take it or leave it. My advice, take it or leave it. Is that if you truly want to affect change, if you want to make a difference, spend the time building the relationships that are necessary. Spend the time talking to people. Spend the time trying to build the consensus that you need to get the job done. It's hard work, and you won't get the headlines but you will get the results.

Mr. Deputy Speaker: Extension of time.

All in favour? Contrary? Carried.

Councillor Steeves: I'll conclude with that Mr. Speaker, and I recognize that my learned friend from the Fort Rouge ward probably doesn't see the wisdom in what I'm saying, and I can tell she doesn't, but I can offer every assurance that there is an answer to the problems that they are encountering. I mean it may well have been on some of these motions. It may have been some, there may have been some merit, there may have been some things that could have worked, had notice been given in time.

That's all that, that's all that I would ask, is that if something is important and something has to be done in your estimation to better the lives of the citizens you represent, take the time, take the time to think about the issue in advance. Draw up the motion, bring the motion to me or whatever Standing Committee is important in your motion, offer it up, and we can talk about it and make changes. That's what we could do. That's the way I did it before I was on EPC and you know what Mr. Speaker? It worked. It actually worked.

And I don't want to lecture anybody. I don't want to sort of tell other people how to do their job, but if there's a concern that's developing here that people are feeling left out of process, that they are being blocked out, that they can't get through, well I'm here to tell you that on these motions I don't believe anybody came and talked to me about any of them. None. And if they are that important, if something is such an important issue I can't help but think that if something is that important to a person they would come forward and bring that issue forward to a person in a timely manner so that they can be thought out and decisions can be made.

If that's asking too much Mr. Deputy Speaker, then I apologize. If I'm out of line, then I apologize. If I come across like I'm lecturing, I apologize, but I believe my advice is good advice. It's made in good faith and I offer that invitation to anybody who wants to take me up on it.

Mr. Deputy Speaker: Thank you Councillor. Councillor De Smedt, on the same clause.

Councillor De Smedt: Thank you very much Mr. Deputy Speaker. It's hard to approach this subject in a Socratic method in which I think our Council should operate on. On the one hand I may find merit in some things on the other hand I may not.

We've been hearing this intriguing discussion in the great liberal tradition of not taking a position down the middle. In the event that I seem to be critical, let me just say this. The Councillor from Transcona has brought up some interesting points. We all work together

very well I think on Committees around this Council table. It is regrettable that sometimes there seems to be some issues that are important to individual Councillors that perhaps haven't been addressed in the process that they would like. But let me certainly say and I'm not here to defend the Mayor I'm simply here to explain what I see has been happening in a very positive way since last year.

As a Councillor who has been on both sides of the equation, and receiving the beneficence of a Mayor as well as the wrath of a Mayor, I can certainly tell you and it's my view that what has been happening in the course of the last year is much more open and much more transparent. It may not be perfect. We understand that. And we are trying to build I think reasonable consensus as we move forward through our Committees and through EPC.

The matter in front of us I think as Councillor Clement has so interestingly suggested is a very balanced approach to try and to meet the urgent needs of our City and redeveloping recreation centres. I mean $23 million of this money is focused directly to high important need areas. Councillor Clement has already indicated those and essentially most of them are for the Inner city, adjacent to the Inner city and just across the river in Elmwood and North Kildonan, and I think it represents on balance what is needed to kick-start something that has been left adrift for many years.

And as Councillor Clement had said he was a champion of some of those issues. I too have been a strong champion of Sargent Park, the North End, the Bronx Park and the new urban oasis at Kildonan. It represents a critical investment into something that has been needed for a very long time. And I think the opportunity was there, as Councillor Steeves has indicated, for those interested in other projects to get involved. I am absolutely certain that if MRIF or certainly in this project, if we had whatever is needed for phase two of the Transcona baseball park that we probably would not have had I think the umbrage shown by my good colleague who sits on Committee with me from Transcona.

Unfortunately it just doesn't cut at this stage of the game. There are other opportunities I think that will come forward so simply put I think on balance this Council is working reasonably harmoniously. It isn't going to be perfect because there were those who were upset last September about the decision taken to shift a priority from BRT, bus rapid transit, into renegotiating and redeveloping some critical infrastructure which benefits a very large segment of our community and will for the long-term benefit our community.

Would I like to have both? Would I like to have both plus all the regional streets improved upon? Would I like to have both plus all the regional streets, plus the Peguis Trail, plus the Charleswood Parkway? Of course! We're going to have to take things one at a time regrettably because there's only so much money to go around. So trying to build I think a common ground is important to us all. So I think we're always willing to listen and I don't think we do have that distinct group of EPC who are hiding things and doing things on their own. I think there is opportunities for connectivity. There always will be, and I would encourage those to seek us out and see what's important for the years ahead. Thank you.

Mr. Deputy Speaker: Councillor Magnifico you're next followed by Councillor Eadie.

Councillor Magnifico: Thank you Mr. Speaker. I'm not going to beat a dead horse. That happens enough here at Council. I just want EPC and the Mayor to understand it's not about projects, it's not about the money, and I think sometimes you're having trouble seeing that. I'm not talking about what the individual items are. It's about allowing the ward Councillor the common courtesy of being involved in the process that concerns his ward or her ward. That's all it is, its decency.

It's them being able to hear about a project prior to it hitting the papers or the general Council floor if it's in their ward. Even if it can't be changed, it's a common courtesy that has to be given to some of the Councillors right now that aren't on EPC because, unfortunately, perceived, real, whatever you like, it's there, and it's not getting any better, I think it's getting worse. Thank you.

Mr. Deputy Speaker: Thank you Councillor. Councillor Eadie.

Councillor Eadie: Mr. Speaker I'm not going to speak long on this. I do indicate, of course that I'm supporting the clause. We've had considerable discussion on it here today and last week in Executive Committee, and I think Councillor De Smedt has outlined where some of the priorities have been directed for the funding that we have. I don't object to that at all in so far as trying to meet some needs in the so-called inner city area which has the, not as much ability in terms of its people to fund-raise and to do those kind of things that many of us outside or in the suburban areas our residents can do. So I don't have any problem with this and where this money is going.

I do want to spend just a moment though on the matter of the Community Centre Investment Fund because of course, I am interested in that as well as the others, but there was some misinformation provided that I did want to correct with respect to the Community Centre Investment Fund. And I think Councillor Wyatt and I think Councillor Gerbasi also indicated this in their participation in the debate that either they have been told or somebody mentioned to them that for a community centre to take advantage of some of these dollars in order to expand then another community centre is going to close. And there was I think indication that they have been told that. They haven't been told that or people haven't been told that by the General Council of Winnipeg Community Centres because that is not the message that the General Council has been taking when they have been meeting with the various community centre boards in the various districts.

It's also not part of the Recreation and Leisure Facilities Policy that we approved in this place unanimously just six weeks ago. There's no mention made in that policy about if a community centre is going to expand then another one has to close. That's not in there. It was never intended to be that way. The policy that we just passed six weeks ago does not speak to any kind of forced closure of community centres or, you know, if you're going to get so much money to expand your centre, then the next one down the street has to close. It's not there. It hasn't been communicated in our policy because it's not in the policy because we don't believe in that, and it hasn't been communicated by the community centre's board because that is not the message they have been directed to give.

We established in the policy we approved six weeks ago when it comes to community centres a governance model for the General Council of Winnipeg Community Centres and our local community centres boards to consult with each other on various projects to get a handle on what's going on in the various community centres so that when the criteria are developed for this particular pot of money, the $10 million dollar Community Centre Investment Fund, then we have a process that's in place for the volunteers in our community centres, for the community centres board in our district and for General Council to sit down and try to sit down and work out the priorities for the dollars that are going to be available in the various areas.

That's the policy and no other. So I just wanted Mr. Speaker to correct that particular misstatement. I'm not saying it was done intentionally. Somebody may have conveyed wrong information, but the correct and the facts are we have a policy that's now been established by this Council six weeks ago. It does not speak to any closure of community centres or forced closure or this is the quid pro quo, if you get this money, the next one has to close. That's not in the policy and the General Council is not conveying that kind of information in their meetings with the community centre boards and individual community centres presidents.

And from what I've been told the meetings have been going very well. There has been some concern amongst some individuals. They are trying to work those things out but generally the conveyance of the information that was passed through our policy, through this Council last month is being well received in our communities, and I think our volunteers in the various community centres are fully prepared to sit down and work out the details and to negotiate what they need to negotiate in terms of improving their various centres, and that's the way I think this policy or at least the policy we approved last month is going to work and it's going to work well.

And when these dollars are approved, and I'm assuming they will be approved this afternoon, Mr. Speaker, then we can work out the criteria and let our volunteers get to work.

Mr. Deputy Speaker: Thank you Councillor. Councillor Thomas.

Councillor Thomas: Thank you. I wasn't going to talk on this item but I've changed my mind and decided to talk on it because I think that we need to focus on the clause and I'm going to do something that I think has been somewhat unusual in this debate which is I'm going to focus on the clause.

This is the terms of the $43 million dollar tripartite funding agreement with three levels of government, and it's with regard to recreational and leisure facilities within our City and our plans to upgrade them. We've been told by various studies that we have over $500 million dollars of upgrades that need to be done in our community centres. This is a good start but it is not even one-tenth of the way of what we need to do and we need to plan for that eventuality.

I want to specifically focus on the one in Appendix A of the Recreation and Leisure Facilities that were chosen, number B, Bronx Park Community Centre/Good Neighbours Seniors Centre. This project has been in the works long before this funding was ever announced. The Senior Centre and the Community Centre, even before people, it was suggested that things be rationalized, they decided by themselves that they would rationalize and have been working for a number of years. Councillor Lubosch and myself gave them some money for them to do a research project. They have a plan. They have got architectural drawings. The Community has been consulted. They are ready to go.

This money that has been given to them will mean that they can start a lot sooner and they are grateful for that because they have been planning for some time because they know that two small facilities were not meeting the needs of either Bronx Park or Good Neighbours and so they decided to join together, and I'm grateful to be able to thank the Federal and the Provincial government for their participation with the City to be able to go forward on this project.

I know there's a number of other worthy projects in other communities which I don't think are quite as ready as Bronx Park/Good Neighbours to get off the ground and that's something that we do in our community. We participated in a path process in which we do visioning exercises. I think I've done three in my ward and which we make plans for our community, this joint facility was part of the plans that occurred, and I hope that Council will give this unanimous support so that we can get on with doing the projects that need to be done and then we'll have to think about what are we going to do to get the other $500 million dollars that we need in order to make our recreation and leisure facilities healthy. Because we don't even have enough money to keep them at the maintenance level, and I'm very thankful that we were able to do this, and I'm not undermining this any way but it's the first step along a long pathway, and we've got to jointly get together and to figure out what we can do for the other facilities that are desperately in need of upgrade. And I'm thankful that our community was able to be part of that first round of projects. Thank you very much.

(Councillor O'Shaughnessy in the Chair)

Mr. Speaker: Thank you Councillor. No further Speakers?

Question on the clause.

All in favour? Contrary? Carried.

EXECUTIVE POLICY COMMITTEE MOTIONS

That's reports. EPC motions. We have motion number 2 by Councillor Benham which would be automatic referral. Pardon me? Oh, it is a notice. My apologies. We'll stand as notice of motion. Pardon me.

Councillor Benham: Notice of Motion for next Council.

Motion No. 2
Moved by Councillor Benham,
Seconded by Councillor Smith,

WHEREAS the City of Winnipeg is a member in good standing of the Federation of Canadian Municipalities;

AND WHEREAS the Federation recently held its annual meeting in St. John's, Newfoundland;

AND WHEREAS the City of Winnipeg has directly benefited from membership in the Federation by receiving funds negotiated by the Federation from the federal government;

AND WHEREAS eight Members of Council attended the meeting on behalf of the City of Winnipeg and benefited from the opportunities to meet municipal leaders from across Canada and take part in the programs;

AND WHEREAS the Mayor was not among those eight members of council who attended, and his presence was missed;

THEREFORE BE IT RESOLVED that City Council urge the Mayor to attend at the next annual general meeting of the Federation of Canadian Municipalities, to be held in Montreal from June 2 to 5, 2006.

Required to stand as Notice of Motion in accordance with Rule 17.1 of the Procedure By-law

Mr. Speaker: Yes. By-laws none. Question period. Councillor Gerbasi.

EXECUTIVE POLICY COMMITTEE QUESTION PERIOD

Councillor Gerbasi: Thank you, Mr. Speaker. My first question is at the F.C.M. Conference this year in St. John's virtually every Mayor in Canada except Winnipeg's was there to meet with other mayors and discuss the crucial issue of new money for cities. Four provinces have already signed deals with the Feds to see gas tax money flowing to their cities. Largely due to working together with other municipalities through the F.C.M. cities will now be getting gas tax revenue and money for transit and housing with the new Budget Bill. All initiatives initiated by the F.C.M. Mr. Speaker, my question to the Mayor is why was he glaringly absent from these meetings and would he reiterate his support for the F.C.M. which has gotten all this money for our City and every other city in Canada? Thank you Mr. Speaker.

Mr. Speaker: Thank you Councillor. Mr. Mayor.

Mayor Katz: Thank you Councillor Gerbasi for that question. Mr. Speaker, it's very evident to everybody here today how important the gas tax sharing is to all municipalities, specifically the City of Winnipeg. And I'm very happy to let you know that when the meetings were taking place that Councillor Steeves, who is the Acting Deputy Mayor, along with seven other City Councillors were basically representing the City of Winnipeg. Councillor Steeves is now I believe, the second Vice President of the F.C.M. I believe we were very well represented. Obviously there were Councillors in addition to myself who chose not to go. With the representation that we had there, I would never criticize people for going or for not going and if I decided to stay here in the City of Winnipeg and get work done for the City and represent the citizens that

elected me, I will make absolutely no apology for that. I believe that's my job.

In addition to that, I can let Councillor Gerbasi know that we have had conversations as well as meetings with Senior Ministers on the gas tax. We all know the decision that came down. That for some unknown reason with the Policy that has been mandated, that cities over $500,000 dollars are not allowed to use gas tax revenues to basically fix our infrastructure, our crumbling roads, our streets and our bridges, and that's the number one priority of all the citizens of Winnipeg. And I can also further let Councillor Gerbasi know that I do have meetings set up in the very near future where I've been meeting with Ministers to make sure that Winnipeg gets the monies that we need to do the job that we have to do to make sure that our citizens' concerns are met. Thank you very much.

Mr. Speaker: Thank you Mr. Mayor. Supplemental Councillor Gerbasi.

Councillor Gerbasi: The four agreements that have already been signed and virtually every other city in Canada except Winnipeg is embracing the criteria for the new Federal funding…

Mr. Speaker: Question.

Councillor Gerbasi: I'm getting right to it, for sustainable purposes will the Mayor get into the step of the reality of increasing gas prices and the Kyoto concerns and acknowledge that the new infrastructure dollars should perhaps go to promote environmental sustainable initiatives?

Mr. Speaker: Mr. Mayor.

Mayor Katz: First of all I'm very much of the opinion that Councillor Gerbasi is aware that two provinces just came on board last week very recently and there were two other provinces prior to that, British Columbia and Alberta. Every province has its needs. Every province has its problems. We have different problems, we have different needs. There's no secret to that and the focus should be very simply is that the Federal government right now is obviously focusing on their Kyoto commitments and that's what they are trying to do.

Winnipeg is not alone and the Province of Manitoba is not alone in their need for infrastructure such as roads and bridges and streets being fixed. There are the provinces that are in the same boat and I can tell you that I will continue to fight and champion what is right and what is best for the City of Winnipeg and the Province of Manitoba. There are many other initiatives that are also coming forward from the Federal Government whereby we can meet Kyoto needs and demands because as everybody knows here there are new funds coming. Thank you.

Mr. Speaker: Thank you Mr. Mayor. Final supplemental Councillor Gerbasi.

Councillor Gerbasi: Since there's such a concern about roads and bridges that the Mayor is saying here, will the Mayor please explain why the 2005 Capital Budget, there was $5 million less spent on regional and local streets than there was in 2004? Thank you.

Mr. Speaker: Mr. Mayor.

Mayor Katz: It's very simple. You can't spend what you don't have. So our idea was to get more revenues, growth revenues and share revenues, with the Feds and the Province. We're still working with both. The idea for us is not to tax and spend. The idea is for us to become creative, find new sources of revenue and add it to our budgets when we have those monies available. Thank you.

Mr. Speaker: Thank you Mr. Mayor. Councillor Benham.

Councillor Benham: Thank you Mr. Speaker. And yes the Mayor did quote me accurately before as welcoming the Red Tape Commission report yesterday as having been a good process but something that should be decided issue by issue given the breadth of the issues. And that's what I would like to ask my question about Mr. Speaker through you to the Mayor, can the Mayor assure this Council that all Red Tape

recommendations that go forward will be subject to the full Committee and Council process before proceeding?

Mr. Speaker: Thank you Councillor. Mr. Mayor.

Mayor Katz: Thank you Councillor Benham. It is my understanding from the Red Tape Commission that they are looking for input from all of our Councillors. As a matter of fact, that is why they made sure that they had, shall we call it seminars, or meetings, with Councillors, as well as EPC Councillors to make sure that everybody was aware of what's going on. So everybody knew the recommendations. So everybody could have input. As a matter of fact, I think everybody on this floor of Council will agree with the fact that they prior to making the recommendations they actually tried interviewing all members of Council and getting input from them so they all had a role to play, as well as the administration, as well as the public, and I can assure you that that will continue to be exactly the way it should be.

Mr. Speaker: Thank you Mr. Mayor. Councillor Benham supplemental.

Councillor Benham: Thank you Mr. Speaker, through you to the chair of the Red Tape Commission I believe that would be proper at this time. Thank you to Councillor Magnifico as chair of the Red Tape Commission. What role does Councillor Magnifico anticipate he will have in pursuing his own recommendations once the Red Tape Commission is accepted as information or perhaps not at our next Council meeting? What continuing role will Councillor Magnifico have?

Mr. Speaker: Thank you Councillor Benham. Councillor Magnifico.

Councillor Magnifico: Councillor Benham, Mr. Speaker, I at this point anticipate that the chairmanship of the Red Tape Committee is over. I am a Councillor like you now. The Mayor's office and his people have the project in their hands and I will be with everyone else in this room looking to see these things implemented for the sake of the City and its future and at this point I suggest my chairmanship is over of the Red Tape Commission.

Mr. Speaker: Thank you Councillor. Final supplemental Councillor Benham.

Councillor Benham: Yes, thank you Mr. Speaker through you to the Mayor. Mr. Speaker the Mayor waited at least a year in order or almost a year to release a document...

Mr. Speaker: No preamble please.

Councillor Benham: Can the Mayor explain to Council why it was necessary to stall for more than a year on releasing his diary and when he did it was blacked out of all matters of substance, who was he meeting with and why can the public not know that?

Mr. Speaker: That's three questions Councillor. Take your pick Mr. Mayor. There is a second round.

Mayor Katz: I'm happy to deal with all of them. Number one Councillor Benham is that I didn't wait a year nor did I wait a day. I was not even aware of the request. It basically was made I believe by the *Winnipeg Free Press* number one and then it went through administration and legal department and they gave the response, and I was not Involved period.

As far as why there were certain meetings that were blacked out, once again I was not participating; I was not a participant in that in any way, shape or form. Legal made a decision that there was certain things that should not be made public and that was their decision. As far as I am concerned, I don't have any secrets on what I do. If Councillor Benham has a specific question for me on any meeting I've had, I'm happy to answer it. Thank you very much Mr. Speaker.

Mr. Speaker: Thank you Mr. Mayor. Question Councillor Swandel.

Councillor Swandel: Yes Mr. Speaker thank you. Mr. Mayor in light of the fact that there are many projects identified in

the *Public Use Facilities* document, some of them are ready to go. There's $17 million dollars of money that was taken from the sewer and water project and put into the general revenue fund. Does that mean that that money is sitting there ready to access this year for those projects or do we have to go through another budget process in order to initiate those projects?

Mr. Speaker: Thank you Councillor. Mr. Mayor.

Mayor Katz: I appreciate you bringing that up Councillor Swandel. It's interesting because when you talk about the Policy and the motion that we just approved I do believe it's probably one of the most exciting, I guess progress moments I've seen in a long time. We all know how good it is and we all know how much we need it. We also know that when we all throw out the number of $43 million dollars, it's easy to throw out the number but a lot of it has to do with cash flowing it, and I can tell you although the commitments are there we still have to make sure we cash flow that money from the Province as well as from the City, and that is being worked on right now. I don't want anybody to have the impression that tomorrow or next week we're going to have $43 million dollars ready to go for all these projects. That's not the case. It's going to be over a period of time. We're hoping it will be three years. It may be five years, but that's just the way it is. Talking about it and cash flowing it are two very separate issues. Thank you.

Mr. Speaker: Thank you Mr. Mayor. Supplemental Councillor Swandel.

Councillor Swandel: At what point will the City of Winnipeg transfer $17 million dollars from the sewer utility for investment in recreation and leisure facilities?

Mr. Speaker: Thank you Councillor. Mr. Mayor.

Mayor Katz: I am not in a position to give you an exact time or an exact date but I would be happy to get that information and pass it along as soon as I can get the particulars.

Mr. Speaker: Thank you. That's it, okay, thank you Councillor. Second round Councillor Gerbasi.

Councillor Gerbasi: Thank you Mr. Speaker. I mentioned in my previous questioning that $5 million dollars was spent less this year in our budget as budgeted in our, for streets and roads, and I want to raise the issue of the frontage levy and I asked the Mayor why this was not brought forward for discussion with all of Council. It was discussed in the backroom with the Mayor and EPC. The frontage levy would have brought $10 million dollars per year for fixing streets. Will the Mayor please release the administrative briefing information or some information to the rest of Council so that the rest of us can be part of a $10 million dollar decision, if that's still possible, and the shelving of a potentially significant source of revenue for streets and potholes? Thank you.

Mr. Speaker: Thank you Councillor. Mr. Mayor. Order please.

Mayor Katz: If that report is available and administration has it I would be happy to share that with any Councillor who so desires, Councillor Gerbasi or any other Councillor. I don't have a problem with that whatsoever, Mr. Speaker.

Mr. Speaker: Thank you Mr. Mayor. Supplemental Councillor Gerbasi.

Councillor Gerbasi: Thank you very much and on that note there's another report that I know exists because I was on EPC before even though a member of EPC told me at the last Council meeting it doesn't exist.

Mr. Speaker: No preamble please.

Councillor Gerbasi: I know that the secret administrative report on the garbage user fees which also talked about autobins which affect my constituency…

Mr. Speaker: Question please.

Councillor Gerbasi: I would like to have that report also made available to non-EPC members so we can see what the administration was recommending on that. The policy decision was made without ever coming to Council. Thank you.

Mr. Speaker: I gather the question is will you make this report public?

Mayor Katz: I'm not sure if Councillor Gerbasi was referring to the report where there was a recommendation to contract out or another report.

Councillor Gerbasi: No. User fees on garbage.

Mayor Katz: User fees on garbage then I would be happy to look into that and get back to you as soon as possible.

Mr. Speaker: Thank you. Final supplemental Councillor Gerbasi.

Councillor Gerbasi: My last question has to do with one, with the Humane Society. We still haven't heard an answer. When will they be receiving an answer about not only increasing their operating funding but some policies that would reduce the number of cats that are being euthanized? The Standing Committee is working on it; other people are working on it. When are we going to hear something? Thank you.

Mr. Speaker: Thank you. Mr. Mayor.

Mayor Katz: I'm assuming then that Councillor Gerbasi is not aware that I met with the Humane Society, their Executive Director and their President and their Treasurer and their Public Relations person. We met in my office that obviously would be one of the things that Councillor Benham may find on my agenda if he so desires and we had a very positive meeting. We discussed some of those issues. Actually we discussed all their issues.

I contacted the Humane Society, I would say, the middle of last week and asked to have a second meeting with their President and I am waiting for that to be set up and as soon as they contact me we'll have some further conversation and hopefully we can land on somewhere where everybody is happy with the potential solution that may come forward. So there is existing communication and dialogue and meetings right now.

Mr. Speaker: Thank you Mr. Mayor. Councillor Benham.

Councillor Benham: Thank you Mr. Speaker, I thank the Mayor for his answer to my previous question regarding his diary being blacked out. He said he had nothing to do with it, and I don't have any secrets about what I do is what he just told the Council chamber. In view of that fact, Mr. Speaker then will the Mayor undertake to this Council to release his entire agenda for at least July 2004 with none of the items blacked out?

Mr. Speaker: Thank you Councillor. Mr. Mayor.

Mayor Katz: If Councillor Benham or any Councillor has a specific question about any day or any month or any meeting feel free to ask me and I would be happy to answer that. If you don't have any specific reason and so far no reason has been stated I find the question rather interesting and confusing at times but maybe there is a specific reason and would I love to hear it.

Mr. Speaker: Thank you. Okay. Just give me one moment please, my computer has decided to revert to something or other. It's a little slow. Here we go. It's come back.

Standing Policy Committee on Public Works, the report of June 14th Councillor Eadie.

REPORT OF THE STANDING POLICY COMMITTEE ON PUBLIC WORKS DATED JUNE 14, 2005

Councillor Eadie: Mr. Speaker I'll move the report of the Committee of June 14th and move items 1 and 2 be adopted by Consent.

Mr. Speaker: All in favour? Contrary? Carried.

Motions. We have motion number 3 by Councillor Benham which is automatic referral to the Standing Committee.

STANDING POLICY COMMITTEE ON PUBLIC WORKS MOTIONS

Motion No. 3
Moved by Councillor Benham,
Seconded by Councillor Gerbasi,

WHEREAS the Clean Environment Commission recommended the City of Winnipeg notify the public of combined sewer overflows on a timely basis;

AND WHEREAS the Water and Waste Department has stated it wishes to comply with the recommendation;

AND WHEREAS high water levels have rendered accurate measurements difficult, as stated on the Department's website;

AND WHEREAS the operation of the City's pumping stations is a reliable indicator of a combined sewer overflow;

AND WHEREAS the Department's website does not currently state when pumping stations have been engaged;

THEREFORE BE IT RESOLVED that the Standing Policy Committee on Public Works request the Department to investigate the feasibility of detailed timely reporting of the operation of pumping stations on its website and through other means of communication with the public.

Automatic Referral to the Standing Policy Committee on Public Works in accordance with Rule 16.1 of the Procedure By-law

Mr. Speaker: By-laws, none. Questions? Seeing no questions, Standing Policy Committee on Fiscal Issues, the report of June 14th, items 1 to 3.

REPORT OF THE STANDING COMMITTEE ON FISCAL ISSUES DATED JUNE 14, 2005

Councillor Clement: Thank you Mr. Speaker. I'd like to start by moving that clauses 2 and 3 be approved by Consent.

Mr. Speaker: Clauses 2 and 3 as consent.

All in favour? Contrary? Carried.

Councillor Clement: Then I'd like to move to clause 1. I'd like to move that clause 1 be separated into its five sections.

Mr. Speaker: It's been requested. It doesn't have to be moved. It can be requested.

Councillor Clement: Well I'm requesting that it be dealt with in sections and I'd like to start by moving that sections 1, 2 and 4 be approved.

Mr. Speaker: Okay. All in favour? Contrary? Carried.

Councillor Steeves: Mr. Speaker a point of clarification. I'm trying to follow along. Those were the ones that were…

Councillor Clement: It's under control Gord.

Councillor Steeves: Thanks pal, I just wanted to make sure. I was trying to match up mine with the delegation earlier.

Mr. Speaker: We're out of M.T.C. at the moment. They don't pertain to M.T.C. directly. Councillor Clement sections 2 and 5.

Councillor Clement: Do we charge admission because we really should?

Anyway, I move 1, 2 and 4, is that okay?

Mr. Speaker: Done. It's Carried, 3 and 5.

Councillor Clement: I'd like to further move that sections 3 and 5 as well as motion number 5 be referred to Fiscal Issues to allow M.T.C. to bring forward further information to support their position.

Mr. Speaker: Okay, referral without instructions. Is there anyone to speak against the referral for a moment?

If not, all favour of the referral? Contrary? Carried.

Motion 5 is referred with the remainder of the clause so there are no motions.

By-laws Councillor Clement.

STANDING COMMITTEE ON FISCAL ISSUES CONSIDERATION OF BY-LAWS

Councillor Clement: I've just got to get the mic on. I'm waiting for it to come up. It doesn't want to come up. I'll move that By-law 129, well, I'm trying to get this thing clicked in, it doesn't want to come up. Here we go. Here we go.

I'll move that By-laws 129/2005 and 130/2005 be read a first time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws 129/2005 and 130/2005.

Councillor Clement: I'll move that By-law No. 129/2005 and 130/20005 be read a second time.

Mr. Speaker: All in favour? Contrary Carried.

Clerk: By-laws No. 129/2005 and 130/2005.

Councillor Clement: I'll move that the rule be suspended and By-laws No. 129/2005 and 130/2005 both inclusive be read a third time and that the same be passed in order to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried.

Questions? None.

Standing Policy Committee on Downtown Development report of April 4th, Councillor De Smedt.

REPORT OF THE STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT DATED APRIL 4, 2005

Councillor De Smedt: Thank you very much Mr. Speaker. Executive Policy Committee would like to recommend to Council that we need 30 more days to allow further consultation to be completed.

Mr. Speaker: I think that's notification that it has been laid over, thank you.

Councillor De Smedt: Thank you.

Mr. Speaker: Report of June 9th.

REPORT OF THE STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT DATED JUNE 9, 2005

Councillor De Smedt: And I'd like to move the report of June 9th as Consent.

Mr. Speaker: Items 1 and 2

All in favour? Contrary? Carried.

Motions none. By-laws.

STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT CONSIDERATION OF BY-LAWS

Councillor De Smedt: I'd like to move By-law 121/2004 be read a first time.

Mr. Speaker: No. How about 2005. It's a new year.

Councillor De Smedt: Oh hang on. Why does it say 2004?

Mr. Speaker: It's that old fashion paper agenda.

Councillor De Smedt: Shall I go to this, 2005, you're absolutely right, Mr. Speaker, I'll accept that.

Mr. Speaker: All in favour. Contrary? Carried.

Clerk: By-law No. 121/2005.

Councillor De Smedt: And would I move that By-law 121/2005 be read a second time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-law No. 121/2005.

Councillor De Smedt: And then I would move that By-law, that the rule be suspended and By-law 121/2005 be confirmed, read a third time, passed and signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried.

Questions of the chair? Councillor Gerbasi.

STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT QUESTION PERIOD

Mr. Speaker: Questions of the chair? Councillor Gerbasi.

Councillor Gerbasi: Thank you Mr. Speaker. I have a question regarding the Portage and Main announcement the other day which I applaud and I'm very pleased that the Mayor is now supporting this initiative. My question has to do with this initiative, along with the east Exchange area initiative, both arose out of design competitions at the cost of $100,000 dollars. These fabulous initiatives that resulted in private sector contributions to our downtown and some really exciting new developments. These funds have been cut from the budget for the next three years so there is no more of these design competitions in our budget. My question is will you consider in next year's budget reinstating them, or what is your view on no longer having these design competitions that resulted in these very interesting developments in the downtown?

Mr. Speaker: Councillor De Smedt.

Councillor De Smedt: Well thank you very much for the interesting question Councillor Gerbasi. I guess I would like to take that matter under advisement and since you are a member of the Downtown Development Committee we look forward to bringing this matter up with the administration and consider how we can best move ahead for those things that might need to be considered in that context of how the previous administration or the previous leadership liked to do things. It might be a useful tool. On the other hand, we might find another way of doing it as well so thank you.

Mr. Speaker: Thank you. Thank you Councillor. Councillor Clement.

Councillor Clement: Thank you. Along the same lines, I've been receiving information like all of us that there's a review, if you like, going on of Portage and Main and that the cost to do this is $129,000 dollars. That's evidently going to be split between the City and some of the providers at the corner, and I'm not sure which account that's coming from, but what I'm curious about is the information that I've at least been able to read is that that study is all about the opening up the corner and the, it talked a lot about pedestrians and it talked a lot about new designs.

Mr. Speaker: Questions.

Councillor Clement: I'm trying to get there. There has been a lot of latitude in here today for a pile of folks including the ones who ran out of time.

Mr. Speaker: Oh no, only the good ones.

Councillor Clement: Anyway, what I guess I'm concerned about, what I haven't read anywhere is that there's going to be traffic reports associated with that study because not very long ago we changed the landscape, the geography for like of Portage Avenue which had the cause and effect of backing up traffic at rush hour approximately two blocks already, and I'm of the view that if we head down this path we might be causing a little bit more of that and I'm just concerned that we make sure we study the whole issue, and I don't know that that's going on because I haven't read

that part anywhere, and I think that's a pretty important component.

Mr. Speaker: So the question is?

Councillor Clement: The question is, is the traffic or are the traffic issues being reviewed as part of this overall planning review of the intersection?

Mr. Speaker: Thank you Councillor. I'm glad you only asked one question Councillor. Councillor De Smedt.

Councillor De Smedt: Thank you very much Mr. Speaker. I'm desperately trying to recall the intricacies of that, but surely as we go through with the partners, and you're absolutely right there is a sharing of expenses between the ten property owners and those that were involved in the original agreement and the City to analyze what can be done there, that obviously a traffic impact analysis would have to be accomplished, and I do believe it is part of the equation. It's not going to be left out. I guess I should have been at the Mayor's press conference yesterday or two days ago, and I apologize for not being there, I've been a bit under the weather, but I would even like to say that, you know, if I'd had the opportunity of being here in 1983/84 before Portage Place was constructed I really approved of the domed plan over Portage Avenue. We could have sent all the traffic elsewhere, and we could have had a marvellous garden downtown. Some of you might remember that proposal. That would have been a very useful one but I try not to make light except to say we take your point very seriously Councillor Clement understand that. Thank you.

Mr. Speaker: Thank you. Councillor Wyatt.

Councillor Wyatt: Thank you Mr. Speaker and through to you to the chair, along the same lines, actually the same issue. I have some concerns as well as the traffic and I'm glad Councillor Clement raised that. Also from, also from I guess a small business perspective I'm not sure that maybe, and if you want to take this under advisement to get back later that's fine, but the issue of also the small businesses in the Concourse now, what is going to be, is it going to be looked at the potential impact on their businesses and any form of compensation in light of the fact that they right now traffic, pedestrian traffic is driven underground, of course, and so people have to go past their businesses, the opening up of the intersection could have some consequences for their small businesses. Is this being part of the process as well and that's a concern, and if you don't have the information now...

Mr. Speaker: Thank you Councillor. Councillor De Smedt.

Councillor De Smedt: I don't have precise information, Councillor Wyatt but I think I understand the context of what you're saying. I think, please understand that with the property owners that have been part of this partnership, I mean they are leasing facilities out there to people who obviously would have an impact on, and so I think by extension as we go through this, you would probably note that that analysis in some degree would come forth through the property owners when they are reviewing the initiatives that may or may not be taken. I think you should realize as well though that there has been a significant number of those business owners that seem to be inclined to look to a change in the future. I mean, there's some evidence of that already that they see this as a positive initiative. You might even be able to bring more traffic down.

Whether the barriers go up or down, it's a companion issue. It's not just about the barriers, getting rid of them and flowing pedestrians across Portage Avenue. It's about looking at that space that we have there and getting enhancements and whether you do some, getting a different light into the Concourse area, et cetera, et cetera, so the consultant is underway. I think Miss Janet Rosenberg has a high reputation from; she's from Toronto and with her firm and is well underway to take this to the next step. Thank you.

Mr. Speaker: Thank you Councillor.

Okay, moving along. Standing Policy Committee meeting on Property and

Development, report of June 7th Councillor De Smedt.

REPORT OF THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT DATED JUNE 7, 2005

Councillor De Smedt: Thank you very much Mr. Speaker. I'm very pleased on behalf of Committee to move the report of June 7th, items 1 to 19 as Consent.

Mr. Speaker: Clause 2 has been asked to be stood down. Consent Agenda items 1 and 3 through 19 both inclusive.

All in favour? Contrary? Carried.

Item No. 2 - Rezoning –1535 Wellington Crescent (former CN Rail right-of-way including the bridge over Assiniboine River between Wolseley Avenue and Academy Road) File DAZ 235/2004

Mr. Speaker: Do you wish to introduce the clause Councillor De Smedt.

Councillor De Smedt: Just very briefly Mr. Speaker. I think many of us have been aware of this through the community process that occurred in the City Centre Committee, as well as discussion as happened around City Hall and in the media. I would like to hear what the comments are before I could summate. Thank you.

Mr. Speaker: Councillor Eadie.

Councillor Eadie: Yes thank you Mr. Speaker. I simply wanted to put a few words on the table on this particular rezoning. The first opportunity I guess that week at EPC was my first opportunity to be able to actually comment on this because of other processes that were taking place. Mr. Speaker I want to indicate that I am not supporting this rezoning recommendation. I gave the same statement last week at EPC. At the end of it I will ask to be recorded against. I believe you know it certainly has enough folks to pass here and I respect the right of every member to vote on this the way they believe this is the right way. But I did want to put a couple of comments on the record on this matter.

This particular rezoning in this property is really right on the eastern boundary of my constituency. And it's actually not a whole long way from where I live and I walk this area frequently winter and summer and I certainly drive it. And since this rezoning was dealt with by the City Centre Committee last July I've paid a lot of attention to the area, to the bridge. I've read all of the transcript of the public hearing that took place and I read all of the submissions that were presented to the public hearing, many of which were interesting. I don't agree with every single word of every submission but and I appreciate the fact that my colleagues in that Community Committee spent a long time that evening, I think in this chamber listening to the submissions that were made pro and con. And what I have taken the time to read them all and to read the transcript of the hearing in order that I could also have an understanding of the issues that were in front of that Committee during that hearing and since.

I want to say on the outset Mr. Speaker that I certainly think this is a very innovative proposal. It is certainly innovative for Winnipeg. I have no fault with the developer who I believe does good work throughout this City. I take no issue with him. I take no issue with the Planner who wrote the report. Because the report I am sure Mr. Speaker was not an easy one for Ross Mitchell to have to write, and Ross has moved on to other things in the private sector, but I do believe that even writing this report for a rezoning that was not your usual rezoning of land per say that we are used to took an awful lot of consideration, a lot of thought. And I think that by in large the Planning report on this has been well written. So I don't criticize the Planner either. I'm not being critical of the process per say Mr. Speaker. I just don't like the, don't like the recommendation.

There were lots of folks who made presentation at the public hearing pro and con. As I say I read all of the submissions. I don't agree with every word of every submission but I read them

all with interest. I think one of the people who appeared in support of this probably made a point that with respect to this bridge that we have been looking at for many years it's always been sort of there. It's kind of benign. I think my colleague Councillor De Smedt described it as sort of a rusty pile of junk last week and maybe that's the case as well.

And then when somebody comes along to build a structure on this bridge that's what gets peoples attention and it certainly has. Certainly from the people who live in my district near this site it has caused a lot of concern. I think from what I have seen in the proposal, in the developer's proposal, I agree with a lot of the commentary that was made at the hearing that when this is done it is really going to be a monolithic structure on this bridge. Roughly a three-storey structure, 24 units, parking underneath on this bridge and when you are driving in the northbound lanes of the St. James Bridge you are really going to have to your, almost to your immediate right, this great big wall. And that's sort of what concerns me in terms of the look of this. And I'm trying to imagine in my mind and I think many of the presenters at the hearing were probably also trying to convey that they had a real concern about the look of this structure sitting where it would be spanning the Assiniboine River and just creating this monolithic wall. Maybe if it's done it won't look that way but it's hard to say that it won't when we haven't actually seen the structure, the final plans have yet to be developed and I know there is a process for that.

But I simply wanted to indicate that I think from the walking I've done in this area and especially paying more attention to this since the hearing was held last July and I've been there in the winter, I've been in the summer and I drive around that area, I tend to agree that I think this is not the site to build that kind of a large structure. I don't, I can't imagine it being visually pleasing especially when you are viewing it from west to east. I just simply can't imagine that. I think there are going to be issues with the parking of vehicles and the access. This has a, this has a legal street address on Wellington Crescent which is in the City Centre-Fort Rouge area, the back end of it is on Wolseley west which is in my area and my understanding is there is not supposed to be access from that area and presently that's a very small enclave of homes between Tylehurst and St. James Street of older homes and a lot of trees and many of the properties river bank properties, certainly from those folks backyards they'll see this thing.

But it is hard to imagine that this is not going to be a large and visually unpleasing structure. And I just believe Mr. Speaker that it is not the right location over the bridge for something like this. Maybe if it is done I will be proven wrong, Mr. Speaker, but as I say I can't see a year or two down the future and actually I'm trying to actually see it and I just can't visualize anything but has been described by many presenters appearing, a very large, monolithic structure.

Some folks have suggested that this should be a pedestrian walkway and all those things but Mr. Speaker it is not public property and never has been. It's always been privately owned and this is private property so you can't use it for a public walkway. City government made a decision many years ago not to acquire it when *Plan Winnipeg* was changed and the transportation corridor was taken out at the behest of many residents of River Heights whose properties would back onto that transportation corridor as planned in the old *Plan Winnipeg* then the need for this particular property as some sort of either pedestrian route or some other route disappeared. And that was because the residents, and I am not blaming them either, they have every right to do that, the residents said through the *Plan Winnipeg* process they didn't want a major transportation corridor going through their backyard. And this Council agreed that that ought not to be in the transportation plan and just recently we took the bridge out of the transportation plan because if you don't have the corridor which was taken out five years earlier, then there's no need to say that this bridge is going to be a transportation corridor. Besides which there is plenty of pedestrian walkways right on the two wings or two spans of the St. James Bridge, so I wanted to make that point.

But I simply want to indicate, Mr. Speaker, that for many of the reasons that were expressed at the hearing and my own view of this, I don't believe that this is the right place for this kind of rezoning. I can't support it and I just simply will ask at the end of this debate that I be recorded against it. If more than three members join me of course we will have a recorded vote but I certainly wish to be recorded in this opposition to this rezoning.

Mr. Speaker: Thank you Councillor. Councillor Benham.

Councillor Benham: Thank you Mr. Speaker and I thank Councillor Eadie for his comments and I was at EPC when he made his comments last week so I heard what he had to say at that point too. And I certainly concede that he has done his homework and caught up on the work we did in Community Committee and I certainly concede that he is representing a valid point of view of his residents and as he has pointed out his neighbours. And so we do understand that this is one of those issues where one can see both sides. Whether that's a liberal view or not I leave it to my colleagues.

I have voted for this Mr. Speaker, it was my first meeting as a new Councillor at the time and the second decision I faced at that meeting and it was of course a meeting where there were a number of people out and we have all as Councillors experienced that. Bleachers fill up, people shake their fists and get angry and threaten Councillors with non re-election and so on, all of which is part of the democratic process as well.

Of course we are not supposed to be swayed by that, by mere numbers in the stands or by the number of people who sign a petition or the number of people who e-mail us or phone us. We are supposed to decide on the right and wrong. What is right and what is wrong for the City, given all of our responsibilities, our responsibilities to our residents to treat them fairly, of course. But also our responsibility to the City as a whole to ensure we have taxable property that we have, that we are ready to change and adapt to new things that happen in our City and that this Council is not seen as unnecessarily blocking good developments for the future, something that's been a continuing concern of the Mayor and by Councillor Magnifico with the Red Tape Commission and so on and something that within reason I agree with and we will always discuss the details.

This railway bridge, first of all let's talk about the past because Councillor Eadie did talk about that. I of course was not on Council when the decision was made and clearly in my view I will say this I think an opportunity was missed. I believe the City Council of the day should have purchased that property when it was available from CN. It wouldn't have cost that much money. It needn't have been used for a transportation corridor as such. It could have been used as a green corridor with a bike path. It wouldn't have cost much and would have been a very good idea. Too late, it didn't happen.

And so this bridge was purchased by a prominent architect, Alec Katz, and he put forward a plan for it. The railway bridge as it stands has no value. My understanding is we collect no tax revenues on it whatsoever because it is in fact is not being used for anything and it's not on land in the conventional sense. So at the moment it has no value to us. It has no value to the community. It is in fact a rusting derelict bridge. Not only that but it is a danger to public safety. I can tell you, Mr. Speaker, that when I was young, in the same area and there were still trains running across that bridge on a regular basis I tried to get across, in fact I did get across and my friends of mine did as well.

Today with no trains running across it and a very small fence that can be easily scaled, residents started doing exactly the same thing, young men are doing the same thing, how do I know because my son did it just to prove he could do it. It's a danger. It's a danger to public safety that would not be the case once it is made into condos. Who will be living in those condos? Well Mr. Speaker, it is the architect himself Mr. Katz who is designing his own home. Why is he doing that? He told us before Community

Committee because he supports the aging in place policy of this Council. It fits in with this Council. Mr. Katz is currently a resident of River Heights and he wishes to continue to live in the River Heights area as he changes residences.

He will be designing this. He will be re-using a piece of Winnipeg's heritage, this bridge, and working it into the new structure as a fully qualified architect can do, and when he is building his own home I believe that it will be a very nice home on the outside and on the inside. But those plans will come before Community Committee and will be subject to further approval. I think it is an excellent idea to preserve our heritage, to reuse it, to adapt it to new uses and in fact to support this Council's policy of aging in place. And I think this is an important opportunity for this Council to send a signal that in fact we favour preserving heritage and we favour new uses and we favour aging in place. There are in short very few reasons to vote against this and many to vote for it. I will be supporting it. Thank you Mr. Speaker.

Mr. Speaker: Thank you Councillor Benham. Councillor Clement.

Councillor Clement: Thank you Mr. Speaker. I stand because I have no intention of supporting this clause as well and I didn't support it at EPC either. In fact I've never voted for it in this chamber at any time that it has ever gone through here. It's not about anybody involved in the project or anything like that. It's all about to me, I don't believe and it's just a fundamental thing with me, I don't believe anybody owns air rights. I don't believe that CN owned this to sell it. At least that section. They owned land; I just don't believe that they owned the air rights over the bridge.

And I agree with Councillor Benham that I think we made a fundamental error in judgment not long ago when we didn't purchase this so that we had control over the resolve. But we didn't do that, and hindsight is always 20/20 and sometimes we make mistakes here but bottom line is that for years I've heard people say why do you design a bridge like that, why don't you design a bridge that you can see through it or that it looks nice and that type of thing.

So we designed a beautiful bridge over into St. Boniface a few years ago and you drive over it and you can see as far as the eyes can take you down the Red River in both directions when you are driving over it. You drive over the Charleswood Bridge you get exactly the same view in either direction. You can see everything because of the way it was designed. Some of them you can't see. You drive over the Midtown Bridge you can't see a thing. That's just the way that it was designed. And I have been driving over the St. James Bridge since I was a little boy. I don't know what it is, but when I drive over a bridge I like looking down the river. And I do that. Every time I go across a bridge I do that, whether I am driving or whether I am being driven.

And to me I think it is a fundamental loss. I'm driving, you can glance either way. You have to check in the mirrors once in a while, too. We all do that kind of stuff. Well you should do that when I am driving, I guess. That's why I am always in a truck. Anyway bottom line is, is that I believe that the view down the river is going to be completely lost. I don't think that that's right. And I'm just having a lot of trouble imagining, I'm no different than Councillor Eadie on this one trying to figure out what this thing is going to look like and how it's going to blend in with the rest of the community there. So I don't want to dwell on it. Everybody has their own view on these things. I plan to vote against it. I also plan so that the Clerk knows to vote against the second reading of By-law 127/2005.

Mr. Speaker: Thank you Councillor. Councillor Smith.

Councillor Smith: Yes Mr. Speaker. You know Councillor Clement talks with a blending in, how it's going to blend in with the community. While now you have a rusty old bridge. How does that blend in with the Community, I ask. You know and I find it is really amazing to hear Councillor Eadie and Councillor Clement you know they talk about business and

opportunities. I mean here is an innovative plan to build something that will be world class, novel, unique, attention drawn to it.

The fact is this is going to, we don't know what the design will be. The objection that Councillor Eadie has cannot be answered today. But the fact is, I have faith in this architect, he is going to design as Councillor Benham has just mentioned, it's going to be his home so he is going to design something nice.

You know, I guess it's the stick-in-the-muds you know who have the old idea of, you know, this is a river, this is a bridge, this is the way it should be. But there are some creative forces here. And I think it is unique and I think it's worth pursuing, and I hope this Council supports it regardless of the stick-in-the-muds on this Council.

Mr. Speaker: Thank you Councillor Smith. Councillor Thomas.

Councillor Thomas: I want to say that I am in support of this.

Mr. Speaker: Order, please.

Councillor Thomas: And I wanted to explain a couple of reasons why I am. There is this lovely Italian restaurant that I frequent on occasion that has this painting on the wall and I believe it is Ponte Del'vecchio. I believe that is the name of it. And it's got housing on the bridge. And I've looked at that for many years and thought it looked really lovely, the colours of the homes, the way it mixes in with the community and I have faith in us as Winnipeggers. We're known for innovations.

The San Francisco paper, I can't remember which one, and also in the Detroit has both named Winnipeg the cultural cradle of Canada. Because we are a nurturing community, because we are an innovative community and we give people a start. And I think that's what we are doing. I think we will be the first in Canada, probably the first in North America to have one of these bridges with housing on it. And I think it would be very innovative and I really don't think that if the architect's planning on living there himself he will make it unattractive.

But I do think in looking at the clause before us that one of the things that we have done for awhile is to put this clause in that says in the event the application is not proceeded with expeditiously and not enacted within 24 months it shall be deemed concluded. Which means that the architect has to sell this to other people. So he has to be a good businessman. He has to be a good sales representative and convince people that they want to live there. So I have great confidence that it won't be ugly because he wants to get his money back, because he's bought this thing. So I think he would do a good job of selling that.

I also wanted to point out that we have a need for housing in this area. And people have expressed their concern to us on a number of occasions. And anytime we open up a new parcel of land in our community there's an expression some people say well I always thought that would be a nature preserve next to us even though it was owned by somebody else, and turn it into parkland. And we have people who want places to live. And none of them are going to be 100% sold. There's always going to be somebody who says keep it like it is, don't change it. I think we've got to balance that and say we've got people who need homes. We have an opportunity for innovation and we have a community that seems to be sold on it although not 100%.

But I'll tell you, even in my area, getting 100% approval on something is very rare indeed. I think it's happened to me twice. In 16 years that's I consider that success that it happened at all. So we know that there is going to be some people who say don't ever change anything. I like life the way it is. And we have to balance that with people who are innovative and want to go forward and sometimes don't do their planning when they want to go forward. And I think all these clauses that we put in here really take that balance and say if you don't have a project that is going to work and you aren't able to sell it within a reasonable period of time, you are out of there. You can't do it anymore.

It's not going to be hanging over people's heads forever. You have to convince them and you have to convince them in a particular period of time. And I think that guarantee is there. And we really need housing in this community. People are interested in all sorts of pieces of land that they haven't been interested in before just because there is this pent-up demand.

And last but not least we need the revenue. You know, right now there is a piece of property that would give us; I don't even know how much revenue it would take, but to get, but more than we have now happening on that bridge. So I would say it will be good for the community. It will be innovative. We'll make it in the papers again just like we did for our innovative bridge and a number of the other things that in the way of architecture and the way of the arts. It is the reason why the first ballet company in Canada was here. It's the reason why we have the oldest art gallery in Canada. Because Winnipeggers do those things. It is the reason we've had a tree-planting policy for over 100 years. One of the first cities to do that. Let's be one of the first cities in Canada to do this and to move forward and show the world that we are and continue to be innovators in our community and that's why I am supporting this project. Thank you.

Mr. Speaker: Thank you Councillor Thomas. Councillor Swandel.

Councillor Swandel: Thank you Mr. Speaker. Thank you for pointing that out. I'm not going to support the cause. It is interesting that we speak a lot about the policy and what the policies dictate that we should do. There is a policy for the City of Winnipeg set out in *Plan Winnipeg* that says that we are to protect the unique character of neighbourhoods, these very unique neighbourhoods. And I can speak to the unique character of this neighbourhood because I grew up in this neighbourhood. In 1970 I owned my first two houses in this neighbourhood and I can tell you this does not represent the unique characteristics of this neighbourhood and it should not be allowed to go ahead.

You know, the unique characteristics, some may call it a decrepit old bridge; well to me it was part of what I grew up with. It was part of the uniqueness of the neighbourhood. I chased trains across it of course without wearing a helmet I might add. So that's right to the point on policy is that it is the unique characteristic of this neighbourhood that should make us all say we won't do this. Thank you.

Mr. Speaker: Thank you Councillor Swandel. Councillor De Smedt summing up on the clause.

Councillor De Smedt: Thank you very much Mr. Speaker. This is kind of a unique occasion here. It's not often that the Assiniboia Community Committee has a bit of a division in it. However, not only as chair of the Committee but really as a citizen of the City and as a Councillor who is trying to think like you all are, what is best for the whole City, I am supportive obviously of this clause.

I do regret that Councillor Eadie does not think that the view will be good. And that Councillor Clement feels that as he drives across the bridge his current view will be interrupted. Though I don't know how as you are trying to count the girders as you go by and check the waves in the river. But you know I think we have gone through this here in Winnipeg before. Let's go over some recency. I'm sure when the Charleswood Bridge went up some people's view was taken advantage of. The Peguis Trail Bridge right adjacent to a marvellous residential community in North Kildonan, views were taken away. Bishop Grandin Bridge, right beside a delightful little residential community on the south side as you are heading eastbound. The Disraeli Freeway must have introduced some interesting discussion at Elmwood. I'm not going to go as far back as the Louise Bridge. But you know I think we have been through this before, in some cases.

This is obviously very innovative. I think Councillor Eadie has conceded that. And there seems to be a concern amongst some members of that community that I guess they will not like the view. And of course the view always depends on your

point of view. I think this is a great opportunity for the City to be innovative. We do have a very interesting dynamic proponent that's going to try and do something that will add value to our City and I am not just thinking in terms of we are getting an increased taxation base, but you know, when you think of this location, I mean other than the fact if I could build in St. James Cemetery which I'm sure Councillor Eadie would object to, there's not much too much available land. Though there's lots of votes there Jae, you may want to do that.

I mean if we can think of the future in a very innovative structure when we do have oil hitting $100 to $200 dollars a gallon, or barrel, I should say. And when you are using electric vehicles and you can step off into a little electric vehicle onto the bridge or right onto the bus at Portage Avenue. Your shopping is there. You can hit downtown in about nine minutes max to do your business or be part of the arts and entertainment. I mean we have to continue to indicate through the future how we are going to cluster some of our residential community. But here's a chance in addition to clustering we are putting some innovative architectural design.

You know when you, I should bring up the Main Norwood Bridge or the Provencher Bridge. You know some people were complaining about their view that would be interrupted when you go across eastbound on the Provencher Bridge. We have our new restaurant and our delicate structure that's there. Some might argue if you stand back further you miss the view looking eastbound of St. Boniface Cathedrale, you do. But you have to walk around and then get the view. So we add value in different ways to our City.

I think we should allow this opportunity to go ahead. It's always unfortunate if you can't get complete consensus. But I do understand some of the concerns with the local community. But I think they will come to embrace this as not only innovative but as part of their community. In fact, if you think about our long winters here in Winnipeg and you're crossing the bridge and you have got those nice twinkling lights of windows and whatnot or if you are standing back, it gives you another set of ambience. It isn't just about a wall being there, there are other things that will provide value.

You know, there was a discussion it would be nice to have had a trail across there. Well you know go about 150 metres to the east, there is a little pedestrian bridge adjacent to a rail bridge that connects that community in River Heights over to the Polo Park area. So we already have that. How many of these do we need? I would say lots if money was no object I can think of a whole bunch of places along the Assiniboine River that I would love to have pedestrian bridges.

I believe there was a Councillor, a very famous Councillor around here, who wanted to have a pedestrian bridge at the University of Manitoba crossing the Red River, a pedestrian bridge, marvellous innovative idea to connect St. Vital and the U of M. Of course there isn't enough money to go around. Here we already have a structure there. It's not going to be necessarily public but it's going to add value. So I would end this way – mes amis, mes amies, l'audace, toujours l'audace. Let's look ahead. Thank you.

Mr. Speaker: Thank you Councillor. I'm going to ask for a recorded vote on the clause. All in favour of the clause please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

His Worship Mayor Katz, Councillors Lazarenko, Benham, De Smedt, Gerbasi, Lubosch, Magnifico, Pagtakhan, Smith, Steeves, Thomas, Wyatt, Mr. Speaker Councillor O'Shaughnessy.

Nays

Councillors Eadie, Clement, Swandel.

City Clerk: The vote Mr. Speaker, Yeas 13, Nays 3.

Mr. Speaker: Clause is carried.

Motions none. By-laws. Councillor De Smedt.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT CONSIDERATION OF BY-LAWS

Councillor De Smedt: I would like to move the following By-laws be read a first time 110/2005 to 120/2005 and 122/2005 to 127/2005.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 122, 123, 124, 125, 126, 127, all of 2005.

Councillor De Smedt: I would like to move that By-laws numbered 110/2005 to 120/2005 both inclusive and 122/2005 to 127/2005 both inclusive be read a second time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws 110/2005 to 120/2005 both inclusive and By-laws 122/2005 to 127/2005 both inclusive.

Councillor De Smedt: I'd like to move that the rule be suspended and By-laws numbered 110/2005 to 120/2005 both inclusive and 122/2005 to 127/2005 both inclusive be read a third time and that the same be passed in order to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried.

Questions? None. Standing Policy Committee on Protection and Community Services, the report of June 13th.

REPORT OF THE STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES DATED JUNE 13, 2005

Councillor Steeves: Thank you Mr. Speaker. I'll move and introduce the report and move the adoption to Consent Agenda item number 1.

Mr. Speaker: All in favour? Contrary? Carried.

Report of June 21st.

REPORT OF THE STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES DATED JUNE 21, 2005

Councillor Steeves: Mr. Speaker, I would be pleased to introduce the item as appeared in the Obstructive Solicitation By-law and I am sure there will be comments.

Mr. Speaker: Okay we have an amendment motion 6 by Councillor Benham which replaces motion 4 which was before us. Okay. You wish to introduce the clause first after the clerk.

Item No. 1 - Amendments to the Obstructive Solicitation By-law No. 7700/ 2000 File GF-2

Mr. Speaker: Councillor Steeves would you introduce the clause.

Councillor Steeves: Yes, with respect to the, just in the wording, Mr. Speaker, if I could just stop the time for a moment please so that I could clarify one thing. It appears by virtue of the, by virtue of the Clerk introducing the By-law we are still talking about the report, correct?

Mr. Speaker: Yes.

Councillor Steeves: All five recommendations?

Mr. Speaker: This is an amendment to the By-law.

Councillor Steeves: Okay I just wish to be clear. Thank you.

Mr. Speaker it's been a controversial item obviously that's arisen over the course of the last while. The report contains five recommendations and I will mention all these for clarity just so people are clear

as to, as to the issues. There is five recommendations that this matter is well on its way up from announcement through the Standing Committee through Executive Policy and finally here. The items 2, 3, 4 and 5 have been of less controversy I would suggest. Item 2 requires that the Police Service be directed to prepare a further report compromising an enforcement plan for the By-law.

Item number 3 deals with the Police Service report for also offering recommendations with respect to the community education outreach regarding the solicitation and recommending funding.

The 4th item deals with the amount of the administration and consultation of the Social Planning Council be requested to develop a framework plan to deal with the social components, et cetera.

And the 5th item is the boiler plate clause asking that all City officials be authorized to do all things necessary to implement the intent of the foregoing.

Those items I think have been of less controversy and of less moment throughout the course of the last couple few weeks. So I will leave those for now and deal with what I believe is going to be the source of the controversy and that of course is the amendments to the By-law itself as outlined by the administrative report.

The amendments specifically on the existing By-law as it's worded are that the changes are in item number 2.a. we added in the words "or vehicular" after pedestrian which hasn't been the source of much consternation and we have added in item 2.c. we've added in the words "or following a solicitation." And item number e. which is become I think the source of difficulty for many people we have added in “that panhandling be prohibited in situations where we deem there to be a captive audience."

It is therein where the difficulty lay in this matter I would imagine Mr. Speaker. And just for clarity, what this By-law does in terms of its definition of captive audience, is we are stating that a captive audience is a person who is located at a bank machine, a pay phone, a bus stop, on a bus, in an elevator, in one of our downtown pedestrian walkways, in a parking lot or on a restaurant patio. There is other verbiage surrounding that but generally speaking, that's the issue for the day.

The reason it is an issue, Mr. Speaker, I would imagine, is that this is a departure and we should probably acknowledge that Mr. Speaker that this amendment, these amendments represent a departure from what formally was our position. Our position previously was that there was certain behaviours that were prohibited by the existing By-law. That was what we prohibited. It was aggressive style, aggressive style panhandling and the insults and the like. And we, not we, but as a Council that was outlawed for want of a better term some years ago.

What we are saying now is we are saying rather than simply looking at behaviour, we are going to look at our City and we are going to say categorically that there are going to be places where it is legal to panhandle and it is not acceptable to panhandle. We are going to designate certain spaces in our City where we can say you can panhandle and certain places and can't. The places I have outlined previously are the places where you will not be able to panhandle if this By-law is passed.

Why? Why take this step, and it is a serious step, I would be the first to acknowledge this, acknowledge that. This step is being taken because there is concern that there's still a problem. Even after this Council took the step of outlining the behaviour associated with panhandling in terms of aggression. Even after that step was taken by the previous By-law, the feeling is that there's still a problem with panhandling in this City.

So we are saying by this By-law, that you cannot panhandle at those certain places, bank machines, pay phones, bus stops, buses, elevators, downtown walkways,

parking lots and restaurant patios. Everywhere else you are free to panhandle if it is public land of course.

We have heard this is still a concern primarily from the BIZ groups in the downtown area. The West End BIZ the Downtown BIZ and was it the Osborne BIZ? The final escapes me. Okay I apologize. Anyway the three BIZ groups that appeared by virtue of their executive directors at Committee made representations that on behalf of the 3,000 businesses that exist in the downtown area, this was still a problem.

The people representing these 3,000 downtown businesses said they supported this By-law and they supported these changes. The reasons for their support range from the anecdotal, the difficulties they were having on a daily basis conducting their business, to the specific on one person they happened to be dealing with. They recognized the problems of enforcement and they recognized the problems of eventual punishment. But what they did say that resonated with me, was that this By-law gave the downtown business owners the opportunity to say to these people with whom they generally speak and have a relationship, to say to them, you know, your panhandling here at this patio or your panhandling here at this ATM is against the law would you please move on.

I heard that they think that this By-law will help. Not solve the problem but it will help. The Police have echoed the problems of enforcement and they've stated that this will not be an end to panhandling. The Police as well as everyone in this chamber recognizes the Charter right that people have to panhandle in our community. The Police say that this will help. The Police say that this will help them solve this problem. They are in concert with the downtown business organizations in saying that while this won't solve the problem, this will certainly help. It will help because it will aid in terms of, it will aid in terms of clarifying where you can and cannot panhandle. That's their position. That's the Downtown BIZ's position.

The Legal department who has played a large role in this vis-à-vis the Charter problems that may or may not exist depending upon on who you listen to has given us the following opinion. That in their opinion, these changes would, in all likelihood survive a Charter challenge, were they to be challenged. No guarantees. There's certainly an acknowledgement of risk. But they have given us by virtue of the report the on balance opinion that the changes being proposed would likely survive a Charter challenge. They have made reference in the public report to a couple of cases from the British Columbia Supreme Court and from the Ontario Court of Justice that make reference to litigation surrounding the idea of captive audience.

My impression, based on listening to them, is that these cases are not exactly on all fours with our fact scenario and that every fact scenario is different. My assessment and their assessment is that these cases do give some comfort and some direction that Courts may be inclined to accept the captive audience argument as a fair and reasonable limitation on people's Charter freedoms. Again no guarantees, nobody can give that guarantee Mr. Speaker.

We will likely get into some discussion about the legalities and the Charter realities that exist and I completely respect my Council colleague's ability and right to come forward and delegations right to come forward with counter ideas and with different ideas on rights and obligations pursuant to the *Canadian Charter of Rights and Freedoms*. I recognize that right and respect that right. The choice that I am making and choice that I would urge all of Council to make is that the advice we take is the advice of our Legal department. Not the advice of anybody else. As respectful as I hope we can listen to those opinions, the advice that I hope we take is the advice of our Legal department. That it said, although these things are never guaranteed, they believe that this By-law would survive that Charter challenge were it to be brought.

I guess the most difficult decision that everybody's going to have to make is how

they personally feel about this. I have made up my mind as a private citizen and as a City Councillor that asking people to not panhandle in very limited circumstances, very specific and small places in our community is not an unreasonable thing to ask. You can panhandle by my estimation anywhere else that you want to Mr. Speaker. All we are saying by this By-law is please do not panhandle in these very specific places. I would urge you to support it.

(Councillor Lazarenko in the Chair)

Mr. Deputy Speaker: Thank you Councillor. Councillor Benham.

Motion No. 6
Moved by Councillor Benham
Seconded by Councillor Gerbasi

WHEREAS the City of Winnipeg desires to consult with the community regarding the proposed Obstructive Solicitation By-law; and

AND WHEREAS the issues raised by panhandling – both passive and aggressive – reflect complex social problems;

THEREFORE BE IT RESOLVED that Recommendation 4 of Item 1 of the Report of the Standing Policy Committee on Protection and Community Services dated June 21, 2005 be deleted and be replaced with the following:

4. That City Council establish a Poverty Action Committee under the leadership of the Social Planning Council of Winnipeg, and;

That the Poverty Action Committee be requested to develop a framework plan to deal with the many social components, related to health, mental health, housing, employment, substance abuse and income support issues faced by panhandlers, and;

That the Poverty Action Committee consist of representatives from the Social Planning Council; other organizations involved in poverty and social issues; at least two Councillors, at least one of whom is a member of Executive Policy Committee and at least one of whom is not; at least one representative of the Provincial government; at least one Winnipeg Police Service officer; and other members as shall be agreed upon by City Council and the Social Planning Council, and;

That the Obstructive Solicitation By-law be referred to the Poverty Action Committee for further study, with a report to be made to open session of the Standing Policy Committee on Protection and Community Services no later than December 31, 2005, and;

That the Poverty Action Committee continue after that time to provide advice to City Council on issues related to the City's role in fighting poverty.

Councillor Benham: Thank you Mr. Deputy Speaker and I rise to speak on the amendment and the main clause all at once. And I take you now Mr. Deputy Speaker in an Orson Wells kind of War of the Worlds way, not the latest movie but the old radio show. I take you forward in time but we remain in the same place to a future Council chamber at some time when there is a different Mayor in the Mayor's chair. He or she is addressing the City Council of the day in emergency session. Mr. Speaker this future Mayor begins, Mr. Speaker, I am proud to announce tonight that I have begun the first step of implementing my election platform for which I received a great mandate from the people of Winnipeg. I promised them this the future Mayor says, I would clean up downtown Winnipeg and tonight I am doing just that.

My new Police Chief has agreed to the formation of a Winnipeg Police Poverty Patrol. This new initiative will seek out the poorest of Winnipeg's poor. Those poor who are begging their fellow citizens for a little compassion, a little help, a loonie, or a toonie, and we're throwing them all in jail, the future Mayor says. As you know, under the provisions of the law passed by our predecessor Council, the Police Chief and I says the Mayor need no additional authority to jail the poor for the heinous crime of asking for help. It makes us uncomfortable to be reminded there are people who are not like us. We don't like seeing poor people. Well Mr. Speaker says the future Mayor after tonight we won't be seeing any of those unlucky beggars anymore.

We return Mr. Speaker to the Council chamber of today where I challenge any of the Councillors who intend to support this By-law, including Councillor Steeves, to explain clearly and fully how and why my doomsday scenario could never possibly be played out. Why not? Why couldn't it happen? And, in fact, Mr. Deputy Speaker, I wrote these words last Saturday and awoke to read the Mayor's column in Sunday's *Sun* and found it chillingly, chillingly similar to the doomsday scenario I had painted.

What does the Mayor say under his name with his photo, his words? What does he say about this law? He connects the dots. He begins by saying people fear going downtown. Next connection. Why do they fear it? Because of panhandling. Just aggressive panhandling? No, Mr. Speaker, Mr. Deputy Speaker, the Mayor begins to blur it right there. Panhandlers, particularly aggressive ones are cited as the number one source of that perception. No saying we have to go after the aggressive panhandlers, we are starting to blur it already halfway through this article and then he says, so that's number one is all panhandlers are included in this By-law and will be included in its enforcement.

And secondly, the power is now in the hands of the Police to do exactly as they want and that's what the Mayor emphasizes. The new By-law will allow Police to act without waiting for a formal complaint. Well in fact Mr. Speaker, Mr. Deputy Speaker that is stretching the truth. That is true now. And then it says it outlines areas where panhandling will not be tolerated such as bus stops, patios, banks and ATM machines, as well as our downtown walkway system. Panhandling won't be tolerated. Not aggressive panhandling. This isn't the way to go after the aggressive panhandlers. This is a way to round up all the panhandlers. That's not my assumption about the Mayor, those are in the Mayor's own words publicly stated in a newspaper in this City.

Let me state clearly so we all understand what is being proposed. There are two kinds of panhandling. Harmless beggars who simply ask for money and then move on if they are refused. There are others, about 50, according to the people who work in the field. who are aggressive panhandlers. Today's proposal is not a law against aggressive panhandling. We already have that. That By-law makes it illegal to follow a person, to verbally abuse them, to threaten them in anyway. I support the current By-law. If the current Mayor and current Police Chief had simply announced that they were going to step up enforcement of the current By-law they would be well within their rights. They would be carrying out the expressed will of this Council and in my opinion it would not contravene the *Charter of Rights and Freedoms*. There is no right to engage in that behaviour and beyond that, if there is, if there's a case of assault, extortion or uttering threats we have the Criminal Code of Canada.

The Mayor's proposal does not deal with aggressive panhandling. Instead, the Mayor proposes to jail harmless beggars if they ask for help in certain places in Winnipeg. For instance, Mr. Speaker, again from the *Winnipeg Sun* Tom Brodbeck found Arthur Cave begging harmlessly at the transit stop near the Bay. Could Arthur Cave be thrown in jail as a result of this law? Yes, even Tom Brodbeck a supporter of the By-law, concedes that that harmless beggar could be thrown in jail under this law.

Those places Mr. Speaker, bus stops, ATM's, parking lots, all be limited areas that Councillor Steeves talked about. And yet he was at Committee and knows that there are no limits on those areas, Mr. Speaker, none whatsoever. This By-law does not specify how far you have to be from an ATM machine before you are no longer coming to it or going from it. What is the zone? Is it 10 feet? Is it 100 feet? Is it 1,000 feet? Is it 1,000 miles? Well Mr. Speaker the By-law doesn't say. And of course we will say well of course you have to be reasonable. Laws aren't based on what Councillors sitting around a table right now think is common sense. They have to be written to stand the test of time and to stand up in Court.

We are told by our Police Chief, who looked very uncomfortable putting forward the Mayor's proposal, we are told by the Police Chief that we should simply trust in the discretion of the Police. Well, Mr. Speaker, Mr. Deputy Speaker I do support our Police. I know that they operate with their discretion thousands of times each day and that in most of those cases things turn out fine. But Mr. Speaker it takes only one overzealous Police officer and perhaps one misguided Judge to start throwing people like Arthur Cave in jail and they would have every justification. They could say this is what the City Council of Winnipeg wants us to do. Is that what the Mayor intends? Is that what the Councillors who are going to vote for this By-law intend? Come to Winnipeg where we jail the poor. I think that's a very poor reputation to have.

Dealing briefly Mr. Speaker with the Charter issues, the simple fact is that the cases cited in our report as pointed out to us by the Manitoba Association for Rights and Liberties a) aren't relevant. They do not deal specifically with the questions of captive audience. Two, they are from lower Courts. And I use that phrase specifically Councillor Eadie because you had some fun with me at EPC last week claiming that these were not lower Courts but I have since had that clarified, and these Courts are similar to Court of Queen's Bench except less powerful. So, in fact, Mr. Speaker they are…

Mr. Deputy Speaker: Councillor Eadie moves extension of time.

All in favour? Contrary? Carried.

Councillor Benham: So they are lower Courts. The cases are not relevant and in any case none of those cases are binding in Winnipeg. The only true thing we can say about the Charter challenge is that no one can predict going into a Court case which way it's going to go and that's only fair. Councillor Steeves can't, I can't and the Mayor can't. I think Mr. Deputy Speaker we should all be a little bit careful about quoting what Legal Services says.

The Mayor put on record in open session of Committee that Legal Services had assured him beyond a shadow of a doubt that this could withstand a Charter challenge. I do not believe that's an accurate representation. But I will not violate the in camera arrangements and agreements that I made in order to say what Legal Services said. Let's just concede that no one can know for sure. But we are taking a real chance and I hope every Councillor in this chamber will think twice before they take a real chance on violating the Charter of Rights and Freedoms and being found by a Court to have done so. I would find that extremely embarrassing.

Finally I would like to speak in support of this amendment Mr. Speaker, Mr. Deputy Speaker, there are Poverty Action Committees in many cities. This is a longstanding request by the Social Planning Council of Winnipeg. I will note that this Council somewhat arrogantly decided that the Social Planning Council of Winnipeg would lead a process without ever asking the Social Planning Council whether or not they wanted to. Well I did Mr. Speaker. I had a meeting with them last Friday and they said yes, we would be pleased to lead this process if the City gives us a Poverty Action Committee which we think should occur and if this By-law is referred to that Committee so that we can get the facts, start to understand the problem and most importantly, Mr. Deputy Speaker, hear from the community that we have not

heard from yet, including people who are actually poor. Those voices have been notably missing from this debate. Thank you Mr. Deputy Speaker.

Mr. Deputy Speaker: Thank you Councillor Benham. Councillor Swandel.

Councillor Swandel: Thank you Mr. Speaker. I want to speak first to the amendment. I honestly believe that we do need a committee that will address the complex social problems that are the cause of aggressive panhandling, panhandling, obstructive panhandling, whatever terminology you want to use. And maybe like Councillor Benham I can jump to the future and I could suggest it, you know that the mission statement for this committee might be something to the effect of: to provide action oriented leadership and social planning and effective social policy changes. That the Committee play a unique role in the community by identifying and defining social planning issues, needs and resources in the community. Developing and promoting policy and program options to policymakers. It could go on to say supporting community groups in the voluntary human service sector. Raising community awareness of social issues and human service needs, social policy options and service delivery alternatives. Serving as a link between the three levels of government and community neighbourhoods. It would be great if we had a committee like that.

But I don't have to go to the future to find that. I can come right here into the present to find that. That is the mission statement of the Social Planning Council of Winnipeg. The Social Planning Council of Winnipeg doesn't need our direction to establish a Poverty Action Committee. I will lead by example Councillor Benham, I will volunteer to sit on a committee at the Social Planning Council to address these very issues and within this mission statement this amendment is not necessary to this By-law.

And if you truly believe that these are the things that are needed Councillor Benham then let's sit together on that Committee. Let's go to the Social Planning Council, be part of a policy Committee that makes recommendations to the City Council and perhaps really what those recommendations need to be made which is to the Legislative Assembly of the Province of Manitoba who are responsible for many of the social ills that lead to aggressive, obstructive or just panhandling in general.

We spoke; we hear a great deal of speech about the *Charter of Rights and Freedoms*. I have it here. I stood up and I know Councillor Eadie loves it when I recite the Charter, he seems to find it the meter of speech of Abe Lincoln or what it is that excites him. I will recite a couple of brief excerpts again.

Councillor Eadie: It leaves me warm and fuzzy.

Councillor Swandel: That's good. Somehow you having the warm fuzzies doesn't do that much for me but let me see.

The *Canadian Charter of Rights and Freedoms* guarantees the rights of freedoms set out in the subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. And it goes on to say that everyone has the following fundamental freedoms and that includes the freedom of thought, belief and opinion and expression including freedom of the press and other media of communication, freedom of peaceful assembly and freedom of association. Which is where a Charter challenge might come from if this By-law or these amendments to this By-law were to be challenged.

But I would say it is my sense that the wise man that the Supreme Court would look to the legal rights section for some guidance as to how to adjudicate on that where it says everyone has the right to life, liberty and security of the person, and right not to be deprived thereof except in accordance with the principles of fundamental justice. And I would argue, oh, yeah, and women. Thank you. I would argue that when you take that logic and you apply it to any Charter challenge that might happen my mother,

my grandmother, my sister, my brother, my uncle, my aunt, all have the right when they walk down the streets of the City of Winnipeg to security of person. Not at the expense of your right to freedom of expression or freedom of speech but alongside of it. And I think that's where the Supreme Court of Canada would stand and probably express some disdain for our process in suggesting that one person has a greater right than another person in this document that's there for all of us to use for the protection of all. Not for the protection of few, but the protection of all.

So it is my sincere hope that some wisdom will prevail here. Some of you might join me in actually bringing change in the inner city by walking over to the Social Planning Council and offering your services on a policy committee and let's get moving ahead on a real agenda for change, not on a political agenda for a change. Thank you.

Mr. Deputy Speaker: Thank you Councillor Swandel. Next is Councillor Gerbasi.

Councillor Gerbasi: Thank you very much Mr. Speaker. This is a real agenda. I don't know where that idea comes from that it isn't but I just would like to say that. As a Councillor who represents Osborne Village and the downtown where these issues are of great concern I take this issue extremely seriously and I do want to see action. But I want action that is just, that is fair, that will be effective, that will stand up in Court and that will get to the roots of the problem.

I will not join this political parade, speaking of politics, of politicians patting themselves on the back, telling people that they are doing something about complex social problems and that they are making the City safer when in reality they are doing effectively very little to make the City safer. The term aggressive panhandling should be used to refer to unacceptable behaviour and describes public intoxication, assault and other behaviours that fall under a number of by-laws, even the Criminal Code.

The proposed new By-law casts a broad brush and applies to anyone who asks for money. It is based on geography not behaviour. There has been a communications effort, politics, to blur the facts by continually lumping all truly aggressive behaviour with being visible, poor and asking for help.

Under the old By-law the focus was solely on the unacceptable and aggressive behaviour. It concerns me also that under this new By-law the Police will be given a lot of discretion. At the Standing Committee the Chief encouraged us to trust him and his officers and that they aren't interested in going after the nice panhandlers. Councillors I put to you that we are legislators. Trust me isn't good enough when we are enacting a law which includes prison time for innocent begging on the street. All it takes is one overzealous or insensitive officer to create a serious injustice, and we are responsible for that.

I have the greatest respect for the philosophy and the work of the vast majority of our Police and our high level administrators. However there are always a few bad apples where which is why such broad discretion is dangerous when we are setting out the laws, especially when you are dealing with vulnerable disadvantaged and marginalized citizens.

The Police Chief also commented at the Standing Policy Committee that perception is reality. That is a very dangerous statement. Where do we draw the line? If someone looks scary to someone else have they broken the law? The reality is that there are prejudices in our society against poor people, against Aboriginal people, against people with mental illnesses, against people who are dirty and covered with tattoos and piercings. These people might well make someone feel unsafe simply by existing. We as legislators are obligated to protect the rights of all people. Not just people we find aesthetically pleasing.

There are already many laws on the books to deal with aggressive panhandling that if enforced could be

used such as the Intoxicated Person's By-law as well as the Obstructive Solicitation By-law as it stands now. Why are these By-laws not working, and they are not. Lack of enforcement for one. Police have many criminal problems to deal with and have to choose what is the biggest priority for safety. I don't see how that's going to change tomorrow. Also for enforcement to work people need to be willing to report incidents and take the time to proceed with the complaint. The Police Chief said people don't want to report it and go through the hassle. However if people are to be punished and convicted of illegal behaviour they must be given due process and other basic rights.

Also if a ticket is issued the Court system is reluctant to put people in jail, and it is ludicrous to impose fines on people who have no money. Jail does provide the advantage of a roof over someone's head and regular meals. However it is an expensive way for taxpayers to provide the basic necessities of life.

I expect the By-law is not enforced because the Police know that there will be a bottleneck and no consequences when it gets to the Court system. They know that nothing will happen. There will be a pile of tickets in a drawer and the same people will be there on the street tomorrow.

The same will be true with this new By-law. We all know that the root of this whole problem goes back to complex social issues that are not being dealt with. Addiction treatment, adequate housing and mental illness services are all part of the equation. The Special Constable Program initiative of the Downtown BIZ that we all should all support will actually enable facilitating people to services such as Main Street Project without requiring Police and Fire Paramedic staff time.

The Province has brought in a Downtown Prosecutor who will be bringing forward some restorative justice initiatives. Why aren't we working in concert with these progressive approaches? We have a lot more questions than answers about the problems of aggressive and criminal behaviour. The Police Chief was unable to explain at the Standing Committee how many tickets were issued under the current By-law. How many panhandlers there are. How many of them are aggressive. How many are just poor people asking for help. He currently has no information about what the enforcement strategy is for the current By-law or what it would be for the new one. Wouldn't it make sense to know this information before we blindly add a new By-law that many people believe will be unenforced and ineffective?

How about this Red Tape Committee saying we don't want to add extra rules and regulations that are unenforced? I see an inconsistency here. We should support the motion to set up a task force which would report in six months. It would give us the opportunity to make an informed decision because we would research what is actually occurring in Winnipeg. Pushing this By-law forward without an enforcement plan is putting the cart before the horse.

It appears that Council is just reacting in a mad rush, politics again Councillor Swandel, to give people the impression that action is being taken. This is a long-term social problem that does not have a silver bullet solution. We need to work with community groups, social agencies and the Province to come up meaningful resolutions based on research. Simply putting another law on the books that cannot be enforced will not make any difference. Political quick fixes, attempts like this, only serve to create cynicism and denigrate our democratic system.

The attitude of the Mayor and some Councillors that the City should have nothing to do with poverty issues and it's all up to the Province is irresponsible. We are an important partner with the senior levels of government and it serves all our citizens to try to address these problems together as a community rather than put our heads in the sand and expect others to take action. At the level of government closest to the people cities often must take the lead in kick-starting action on social issues and then other levels of government come to the table.

A good example of this is housing where there was no housing program at all, and now the Feds and Province are spending big money on the inner city. It was the City that took the lead in developing a policy, starting with a Housing Committee. If the City does nothing, nothing is likely to be what we'll see in terms results. Everyone agrees that aggressive behaviour is a problem with a certain group of poor and addicted and mentally ill people. It should be dealt with, but I don't think this By-law will deal with it because it doesn't deal with the underlying problems. It just sweeps it under the rug.

The words in the current proposal in clause 4 are clearly only lip service however well intentioned. The Mayor and some EPC members have clearly said that this is not within the City jurisdiction to deal with these social issues and an administrative report being sent off to the administration without leadership and political will is not going to make any difference.

If it was going to be a meaningful process of research and partnering with the community and the Province there would be a high-profile Councillor and the Mayor involved as is suggested in the amendment, not just have the Social Planning Council present a brief to the EPC Secretariat or whatever this proposal would end up being.

Also we should hold off amending the By-law until we have researched the actual situation and have an enforcement strategy in place. We're putting the cart before the horse. This is simply a one-off reactive approach which tries to give the impression of action.

Mr. Deputy Speaker: Councillor Smith moves an extension of time.

All in favour? Contrary? Carried.

Councillor Gerbasi: One year from now I expect we'll be discussing this again and trying to figure out how to address aggressive panhandling because this quick fix attempt will not work. We also risk taking away the rights of innocent vulnerable poor people and the By-law could very well be challenged in Court. I haven't got into a discussion about the Charter issues because first of all we're not really supposed to because it's some of it is in camera. The stuff that isn't in camera is not very impressive and is not conclusive.

I urge Council to take a more thoughtful and comprehensive approach to this challenging issue, allow for meaningful research to be done over the next six months that includes the community and includes some political will to act and to work with our community and governmental partners. I'd also like to mention that Arthur Schafer has sent a communication which I shared with you. He was quoted in the report in a misleading fashion. He's receiving an apology from the City administration which I really appreciate him acknowledging the mistake. You've all been copied on that, but it just sort of shows the glaring inaccuracies in the report that push through this By-law.

I'm not sure why, I'm not sure why our administration would be pushing through something that's so well thought out. It's not like the administration I've known and I'm very disappointed to see that. I appreciate the apology but Professor Arthur Schafer deserves an apology for the way he was misrepresented in the report without being consulted with him on his views. He does not support this By-law, as do many other people in this community that have voiced that today, those that had the opportunity.

So I urge you to support the amendment to set up a meaningful Poverty Action Committee. Clause 4 is only lip service and will result in nothing. We can always bring a by-law in later once we have some facts and we've thought it through properly. There will not be a quick fix to this problem and we need to take the time to deliberate. The problem will still be here tomorrow with or without this By-law. Thank you, Mr. Speaker.

Mr. Deputy Speaker: Thank you Councillor. Councillor Eadie.

Councillor Eadie: Mr. Speaker, the whole issue of this panhandling, obstructive solicitation, whatever you want to call it certainly isn't new; it's been around in and out of this chamber for a number of years. I want to say at the outset and I feel like I'm repeating myself because I did indicate some of this at EPC last week, that I well remember and there's a few of us around here who were around here five years ago next month when we dealt with the current legislation that's now on the books.

We had various discussions in the Committee chambers regarding the By-law that existed prior to then and there were threats about legal challenges from some anti-poverty organizations that apparently had more money to spend on legal challenges than they did on fighting poverty, but that was their issue. We spent a long time on the current By-law that's presently the law of the City today and agreed at the end of that and it wasn't an easy agreement, but we agreed that we should repeal the old Panhandling By-law and bring to Council the current legislation, the Obstructive Solicitation By-law. Most of us held our noses on that, Mr. Speaker, and I don't want to get into any great detail about all of that discussion but just let me tell you that as one of a few who were here who worked on this, along with the former Mayor Glen Murray, what the legislation we have today was not something we were really enthused about.

And indeed former Mayor Murray wrote to I believe it was the Osborne BIZ at the time and said that if I had my druthers I'd be keeping the old Panhandling By-law in place and not going forward with our current legislation. But we wrestled with that and we feel that this would be better than a long and drawn out challenge in the Courts.

And maybe in hindsight that was the wrong decision, Mr. Speaker. Maybe it was the right decision. We can't foresee, and I can't tell you now whether this proposed amendment to our legislation is going to be subject to some sort of Charter challenge or not. Anything we do here or anything any other government does could be subject to a challenge out there, if somebody on the street gets it in their mind that they think this is an infringement on their rights or their freedoms under the Charter and they go ahead and make the challenge. So I can't say with any certainty Mr. Speaker that if we passed these amendments today that they are going to be free of challenge.

Who knows what's out there, Mr. Speaker, and nor do I try and then further predict what the Courts are going to do. After all Mr. Speaker, the Courts are composed of people who used to be lawyers and we all know what problems we can have with them. The City solicitor is going to get me for that. But anyway Mr. Speaker, you know so that's always an issue and Courts aren't always known either for their common sense at times, but we can take issue or not with some of their decisions.

In any event Mr. Speaker I do know from what constituents have said to me over the years that they don't think that we are taking a strong enough stance against some of the problem with panhandling in certain areas. I think the proposed, the amendments that we're looking at for this legislation are trying to address some of those concerns. They are defining in the legislation in the proposed amendment what a captive audience is and defining that more explicitly so that everybody knows where they stand on this thing.

I appreciate that Councillor Swandel recited again those clauses in the Charter of Rights because I think that was good. I would have done it if he hadn't Mr. Speaker because I thought his intervention at EPC last week was good. I thought it was common sense, quite frankly, that to quote those lines, and everybody has rights. Every citizen has rights. Nobody has more rights than the other person. We all have rights. Some of us, we all have rights not to be harassed on the street or not to be accosted and all those kinds of things. We all have to balance those things out Mr. Speaker and as I say I can't say whether or not this thing will ever not, or be subject to a challenge under the Charter or not, I don't know.

But I don't think the amendments are unreasonable. I think over five years we've seen that the By-law that we passed five years ago, although with all the right intentions, probably isn't strong enough to deal with some of the difficult issues. So is there any other response? Is there any other answer to this? Does somebody have a better plan? Well the amendment we're dealing with Mr. Speaker here's the plan from the amendment, create a committee. That's how we solve the problem we create a committee.

I'm well aware of what the Social Planning Council has been asking for Mr. Speaker. I got a letter from them I think in January or February of this year which said create a committee. I wrote back to them and said there's 57 MLA's over on Broadway looking for work. Get them to create the committee because they have the jurisdiction. They have the constitutional jurisdiction to deal with these kinds of issues. They have the resources. They have the administration. That's where it should be dealt with. It's not a problem only in a city like Winnipeg. Poverty is a problem in many areas not only within Manitoba but across Canada. I said to them go and see the MLA's and get them to work on it.

I understand this morning there was a former MLA here in delegation who apparently was upset at these proposals. I happen to know, and I think it's probably pretty safe to say this, that in her time in the legislature she did absolutely zero on this problem, whether she was on and she sat on both sides of the Legislature. She didn't do a thing to tackle the issues of poverty, not a thing, but we'll come to City Council and we'll say create a Poverty Action Committee which can do absolutely nothing.

As a government we don't have the mandate to deal broadly with these issues. It's not to say that we don't think the issues are not serious Mr. Speaker they are, where they exist. But it is not within the mandate of municipal government to effectively deal with a lot of the root causes of these kind of issues but we do have an order of government which is well placed constitutionally and otherwise to deal with these issues. They have the broader mandate. They have the broader resources. They have the legislative authority if they choose to use all of those authorities, given them under the Constitution to really deal with these kinds of issues.

So why doesn't the Social Planning Council go there? I don't know Mr. Speaker. I didn't get a reply to my letter, to their letter they sent to me. They didn't say to me, well, we have tried or no we don't think the Legislature is the right place to go, but City Council is, as though the problem only exists in the City of Winnipeg. I'm sure it exists in the City of Brandon and in the City of Thompson but no we'll deal only with the City of Winnipeg. So I think Councillor Swandel's other suggestion why doesn't the Social Planning Council then strike such a committee and invite representation whether it's for members of this City Council or other city councils in Manitoba and from the various special interest groups. Nothing is stopping them from doing that. And then if they think they have come up with a solution they can go over to the Legislative Building, which is currently dark, and they can then take their recommendations to the order of government that actually has the mandate and the ability if they choose to use it to do something about it.

So the answer Mr. Speaker is not to create a committee and I'm not supporting this amendment. But I am going to support the amendments to the existing legislation because I think it's better than what we have. As I say I know the angst we all went through, those who were here five years ago in developing our current legislation but I think the amendments are time, it's time for them. I think we have to show that...

Mr. Deputy Speaker: Councillor Wyatt moves extension of time?

All in favour? Contrary? Carried.

Councillor Eadie: That we have to strengthen our current legislation and I think these amendments will do it.

Sloughing the drafts off to a committee to play with for a while is not going to do anything to tackle the problem. And I think changing our By-law is going to be a step in order to try and get more clarity in our legislation and in order to make it clear to all of the public who have a right to the streets what is allowable in certain locations and what is not.

So I'm supporting the amendments to the By-law that are contained in this clause. I will not be supporting the amendment which is motion number 6 which says create a committee.

Mr. Deputy Speaker: Thank you Councillor Eadie. Councillor Smith.

Councillor Smith: Yes Mr. Speaker, you know, if there was any, if this was going to curtail or eliminate panhandling I would be against it, absolutely. Because I think someone asking either someone else for help is a reasonable thing. So you know, I would be opposed to it if there was any suggestion that this would seriously hurt panhandling in the City of Winnipeg. It doesn't. The fact is there are plenty of places to panhandle.

It is not something that requires any condemnation of this proposed draft. When the proposed draft from the Mayor came forward to our Standing Committee, I didn't think it was good enough. I didn't think it was, giving out tickets and was going to be the answer, so I put forward an amendment to it. This went then to Executive Policy Committee and they changed the wording around but basically it's much the same.

The fact is that the people who are opposing this well, I'll give you an example, Councillor Benham at the Committee referred to it or are making criminals out of these people, of panhandlers, and the lawyer from the City's law department corrected him. And then I was at the EPC and I heard him say it again, the same thing, that we were making criminals out of them. The fact is if someone gets a parking ticket, are we making a criminal out of them? No, and I don't think we're making a criminal out of people who get a ticket for panhandling, or talking about jail and all this. I mean, it makes me sick, and I don't think other Councillors around this table would be supportive of a Mayor who wanted to do those things.

You know, it's really, basically the opposition comes from the idea because some Councillors don't trust the administration we presently have and the present Mayor. That's basically it, and at every opportunity they go ahead and attempt to catch him at something or other, you know. It's, I don't like that approach. I think when the Mayor is advocating something and the administration is advocating something that is bad, you attack it, and when something is good, you praise it. I don't see much praise or any balanced approach.

Now everyone has been ignoring the section of the amendment that the administration in consultation with the Social Planning Council be requested to develop a framework plan to deal with the "many social components raised of health, mental health, housing employment and substance abuse issues faced by panhandlers and report back to the appropriate Committee of Council with the intent that if their framework plan is adopted by Council that the City would then approach the Province of Manitoba to enter into discussion on this issue." I haven't heard people discussing that, you know.

All I've heard is people not trusting that to be effective. Privately I've been told, well that's lip service that nothing seriously will happen there and then of course I can understand that, because I heard Councillor Eadie, you know, Councillor Eadie, seemed to feel that this is all a Provincial matter, that the City should have no say. The fact is all the other major cities of Canada have looked at different social problems that are in the city. Vancouver Homeless Action Plan, you know. They have many of the things they say in their plan, they are saying the Province has to do but they spell it out. They put pressure on the Province and that's what we as a City should be doing.

I should point out, it's interesting the summation of this, let me read you the last of their report on homelessness and let me just read the last few sentences. "This plan provides the city's perspective of how this can be done. Giving this city's limited mandate and funding capabilities the city would be most effective in working in partnership with others. The plan suggests that implementation can best be done by building on the well-founded partnerships that already exist with other levels of government, service providers and the community." And I think that's what this, this amendment does, if allowed to pass and to be operational.

I don't believe the Executive Policy Committee members are all evil, that they have us in here just to get it passed and not do anything. I think they are serious so I'm going to be supporting this amendment. I think it's worthwhile and I think, you know, you have to remember, I represent a lot of senior citizens. I also represent a lot of people who are low income and I think it's only reasonable that they be protected too.

You heard the owner of Harry's Food, what he had to say, you know. I don't hear the people who are opposing this answering that. They say oh hire more Police officers. Well, let me tell you this, you know, it's not going to be solved by Police officers. It's not going to be solved by issuing tickets. It's going to be solved by looking at why the panhandlers are there, who they are, what their circumstances are and I think that the part of the amendment that does that, section 4, will adequately address those things. So I'm supportive of it and I'm proud to support it because I think it is a good solution.

(Councillor O'Shaughnessy in the Chair)

Mr. Speaker: Thank you Councillor. Councillor Lazarenko.

Councillor Lazarenko: Thank you Mr. Speaker. So we all repeat what we had about six years ago when we had a question of the problem that we were faced with when a Court challenge was challenged and we lost a Court battle in a Court of law. The Judge at that time had ruled and said that the City was at fault. The City did not have no monitoring mechanism, no control of the sex trade in the City of Winnipeg.

At that time in December of 1999 a motion was presented by me in Council, seconded by Councillor Smith, to proceed to establish a committee to look into the problems of the, Judge had said, lack of regulating and monitoring the sex trade and especially the exploitation of young children. Some Committee members did not want to put it through. They wanted to kill it immediately, suspend the rules and to go ahead and to kill that motion.

What happened, that motion was not and we proceeded to establish a committee consisting of retired Judges, a Judge and there was some retired Police officers, social workers and the rest, presented a comprehensive report from this committee in December of 1999 when that motion was presented by Council and was passed by Council. And then the Committee presented a comprehensive report and nothing was done by the Provincial government which we said at that time was a problem. The Province had more to do with prostitution than we did. For Police solicitation for the purpose of prostitution is illegal. Prostitution is not. We're talking about setting up a committee that will be a repeat of what we had of close to six years ago.

I applaud the Mayor for making a positive move in this direction. How many years have we been in these chambers and discussed the issues. What about the protection of the people that are providing the services, the restaurants, the stores? And the users, the customers who come there, are we going to look at them and say look forget about it because I'm concerned about the poor.

In today's society the Province of Manitoba does not allow people to go poor or to go hungry. They have all they want. We've got people coming in from the reserves, Mr. Speaker, and I've got this problem now in my area. They come from the reserves and they nest

themselves in an area, and what the do is they party all night long, like last night I had only about two hours of sleep and what happens, it is their right. It's their God-given right. This is democracy.

But what about the rights of the people that are being affected? You can't do anything because right away hey, you're a racist, you're a racist pig and I've had it up to here, Mr. Speaker. It's time that we would act and act accordingly to do the job that we're elected to do. Our job here is to address the issue that people have a problem in the area where solicitation takes place for panhandling or soliciting for money or whatever they want.

I was in Ukraine and I come back about two-and-a-half weeks ago Mr. Speaker, and I had the chance of going downtown and there they had the panhandlers, people are coming in from Romania, coming in from Bulgaria, they cross the border and they come there with their little babies and they stand in the corner and they pull your sleeve and say give me money, give me money and why, because the child wants to eat, but the child had a bun in his hand. When I said that the child has got food, that lady hit the hand of the child, that food landed on the ground for the pigeons to come pick it up and she says give me money, give me money and she says my baby is hungry. What does she do in return Councillors I want you guys to see this. She puts her hand underneath the blanket takes the baby's toes and twists the toes for the baby to cry and says my baby is hungry, it's crying.

When I talked to the administrator he said well look that's democracy at work. Our system of government is changed. This is the price you have to pay for democracy. But damn it, take a look at the reality of it to say how far do you go to say that people can abuse the system. You must remember 20% of those who are panhandling are beggars though the 20% are abusive. They will intimidate people, especially old people. They will come and they will scream at them, never touch them, but they will scream at them to say I want money, intimidation takes place and they give them whatever they can. They go on.

How many of them, I remember back in the '70's Mr. Speaker, you were here, when the late Mayor Stephen Juba, we had people panhandling outside the building here and late Stephen said hey don't want to give administrators go and monitor, see where that particular person is here every day and keeps saying I need money, I've got to feed my family, went out to follow and where did this person go, to an apartment block, got changed, put a suit on, got into a car picked up his lady friend, went to a downtown restaurant for supper, and for entertainment. Now here was a beggar, his livelihood, his profession was begging, panhandling, call it whatever you want.

But there are a good portion more than anybody who needs help, but the present Provincial Government says we help people. Why aren't they allowed to panhandle at the arena? I mean, at the casinos? You have the casinos, beautiful, looks like Hawaii with the water fountains flowing, music, entertainment. You go there with a camera and try to take a picture, you get a boot in the rear end by the security, get out or we'll press charges. Can you imagine what would happen to a panhandler? You never see them there and here is a government-owned facility. Here is a government that is concerned about the poor.

Councillor Benham I wish you would go and take someone and go in there. Try and see if you can get into a casino and set panhandlers there. You wouldn't get to first base and other areas that the Province controls Mr. Speaker. So when you talk about the rights of individual people where are the rights of the people that are being affected? Where are the rights of the people that are being intimidated? Where are the rights of the people, especially elderly people, are too scared to walk down the street at night, especially in the North End, Main and Higgins, Selkirk and Main. Get someone to walk there at 10:00 or 11:00 o'clock at night. The kind of people that are there and they look at you, they stare at you. Where the hell are the rights of the people that built this country to where it is?

And then we argue about the point to say that they have their rights. Who are these panhandlers? Where do they come from? In the summertime we are loaded with them. In the wintertime there is not one around. They go in other areas Mr. Speaker. The same that what is happening in countries in Europe. They're gone into the democracy system. People cross the border. I have to have a passport with me at all times. Where is their passport? They don't have one because they cross the border and we don't know who they are.

So the thing Mr. Speaker I know I shouldn't be alluding to you know the birth of my parents in Ukraine, but they're going to have a problem because if they don't curb it and put the pressure on it and say look enough is enough. Solicitation for either way for panhandling or solicitation for the purpose of prostitution or anything they are the criminal element.

I'd like to know is how many of these professional panhandlers are working maybe for a pimp. Such as the ladies who work for a pimp. And they have to get out there solicit themselves to give them money that they want. We don't know this. And to say that the, to say that we set up a committee, we had a committee six years and we still haven't got a response to issues I think Councillor Smith, we dealt with this, to issues a safe house that they had established because it was our recommendation. We had made a lot of recommendations and we said this is what we want. The Province said no they'd wait until the right time comes along to say this is what we have done.

Mr. Speaker: Councillor Benham moves the extension.

All in favour? Contrary? Carried.

Councillor Lazarenko: Absolutely and this is what we have done. And this is what we will continue to do. But remember you on that side, election comes along, we want you to vote for us. Forget about those that a pushing the issue. We are a small fish in a pond. The Provincial Government legislates to us what we can do, what we cannot do. We don't have the power to legislate to a point of saying that we can put, to say throw people in jail. I mean I've never seen the pimps lined up in jail. People that pimps you know that have prostitutes working the streets. I don't see any of them land up in jail. They told me they're out within a day or so.

I've seen people that get their cars confiscated because for solicitation procured by prostitution and what happens? They get their car back in no time and say, please, please I've got a Porsche it's $85,000 dollars, I live in Tuxedo and my car is $85,000, it's my wife's car and I don't want you to release, I forgot, you drive a Porsche! Not you Sam, not you, you'd be the last person. You're like me, a one-woman man. So what happens Mr. Speaker? This particular person says, please, release the car now because my $85 and $90,000 dollar car, my wife will find out, I am out. I'm in the dog house.

The Police said hey you should have thought of that before you went out soliciting for the purpose you know trying to pick up a woman for prostitution. But these are the things, the mentality that some people are using. They'll find excuses, every kind of excuse they can find.

Mr. Speaker, last night it come to my limits of the people that I have to deal with. The people that I can't even say anything what they can do. They walk 2:00 o'clock in the morning. Hey, Joe, come here, you a, come out here, you need to finish your beer! And then the girls yell out the other side, hey, f you! I'm not coming! And look, Police came and the Police can't do anything, Mr. Speaker, because it is their right. But what is the right of the people? I ask the Councillors, where are the rights of the people that are being affected by this?

Mr. Speaker: Thank you Councillor. Top that Councillor Wyatt.

Councillor Wyatt: Oh my goodness. I tell you there we go. Alright let me roll. Well Mr. Speaker I must say I cannot tell

as many great anecdotes as my learned colleague but I do have one and that was about a year and a half ago I had discovered that there was somebody panhandling in the Transcona ward and, believe it or not, and actually and it was just outside the power center, which is a fairly new building, standing right in the median with the sign up, you know, I need money, please give me money. So I asked the Police to look into it.

The Police looked into it. The Police came back and said you know Councillor we have looked into it. This individual actually has a house and is actually going to school and is using this as a way to finance the education. And I said where's this individual live? I think they mentioned Councillor Thomas' ward. It wasn't my ward, but I'm not 100% sure of that but nonetheless I then asked them to refer the matter to the social workers that we still have on staff to see if they can assist this person.

That's I think a minority of people Mr. Speaker, who actually do this. The reality is the majority of the people who are in our streets who actually are begging for money or panhandling for money are of different circumstances and different problems. And I guess I had a real opportunity to see that firsthand last October when there was a project that involved going and living in the streets, on the streets for one night and it was to say the very least an eye-opener Mr. Speaker, to see how part of our society lives.

And it truly is a subculture that is literally right outside our doors here, and these are folks who are out on the street. Various reasons they're out there, and they panhandle. They beg. Some of them are young people who are runaways who left abusive situations at home or problems at home and got out onto the street. Others are addicts. The young people also are addicts and in a lot of the cases these folks who are out on the streets and who are begging for money are addicted. They are addicted to some sort of substance and suffer from substance abuse. As well those who don't also the other element, another group of folks who are also on the street begging are folks who simply are suffering from mental disabilities and they've not been diagnosed or haven't been able to get access to medical care or both.

And this is the reality that's out on the streets today of our City. And we have, unfortunately Mr. Speaker, the designation of having some of the poorest neighbourhoods in Canada, actually here in Winnipeg. These are neighbourhoods which are desperately poor where people are literally, as one of our speakers this morning said, on the razor's edge. They can go either way and they can fall off the edge. You know there go by with the grace of God and that's very true Mr. Speaker.

You know just some times the circumstances of being in the right family and being born in certain communities and having that support that we all take for granted. I think this By-law before us today is an attempt. I'm glad we have the discussion because quite often we don't discuss these issues at Council but I think it's a bit of an attempt to try to pretend or try to solve the problem but really not solve it.

This is not really getting at the heart of the challenges we are facing as a City. I agree with some of the concerns raised that we could do more. I realize that we as a City are stretched. We have our existing problems and issues that we as a municipality are facing but that's no different than any other major municipality in this country Mr. Speaker who are facing some of these same problems. But they are rising to the challenge. You know, they're not saying, well, let's just push it out of the way and pretend we don't see these people by enacting a By-law that will be, you know, intimidate them not to do this or do that, and maybe if we don't see them we won't really, we'll pretend we don't have this problem.

We do have this problem and it's a huge problem and some very simple things can be done to make some steps in the right direction. We try to pretend that it's so complicated we can't do anything about poverty and all the symptoms of poverty. But we can do certain things. For

example one of the very simple things I heard when I was that night of walking on the street was to have a better outreach programs for drug addicts.

My Grandfather said a man can't help himself until he wants to help himself and quite often there is people out there who finally hit the wall and they say that's enough. They want to get help but they just can't get into a program. They go and they line up for the program to get off drugs and they got to wait and about a week or two later they get into the program but by then the feeling is passed and they're back on substance abuse. We need to take action. We almost literally have to grab these people and pull them out when they need that help when they actually indicate that they need help.

We can do more too as far as I'm concerned to get more Police officers out on our streets. I've indicated before to the members of EPC and the Mayor that we do have the ability to probably put another 50% more officers out on our streets without having to hire one more Police officer. But that would take some courage and some work by Council but that can be done and we can put more boots out on the pavement to have more of a presence in our communities to make people feel safer to address the concerns that Councillor Lazarenko was saying.

We need to have a very aggressive tract on our drugs that are coming in. I mean a lot of these folks who are out there, they're basically being - they are the prey. They're the prey of the drug trade people, the thugs, the gangs who are bringing these drugs into our City and they use these people. And these people beg and the ones that don't beg prostitute themselves for money. And this is fuelling the drug trade and drugs are coming into our City now in historic proportions. We could be doing a lot more to tackle the drug problem in the City. We have to do more to tackle the drug problem in the City because if we don't it's going to get worse.

And we can be targeting neighbourhoods that are in huge difficulty right now and really working, yes. There's no doubt we need to work with the Province and the Federal government by targeting neighbourhoods that are the poorest in this country to reverse that. We just can't wake up one day Mr. Speaker and declare today is the day by proclamation of the Mayor and Council that poverty is illegal. That's not how you are going to wipe out poverty. You just can't say you're going to be illegal. Anybody living in poverty well you can't anymore that's illegal. It doesn't work that way Mr. Speaker.

At the same time we can't fault somebody if they're going to go out because of their drug abuse and they are begging. Far be it that these are the folks we see begging and the others that we don't see but we know about and we hear about and the Police know about it, are those that go out and actually break and enter and steal to finance their drug addictions and do all sorts of things.

So Mr. Speaker we're tinkering here. We're playing with the, we're not really playing with the heart of the issue. And the heart of the issue is the pain that is existing in many of our neighbourhoods here in the City of Winnipeg and until we're prepared to really do something to address the chronic poverty that exists, in some cases now 2 and 3 generations of chronic poverty, until we're prepared to do that, we will always have this. And no matter what, no matter you know how many by-laws we pass like this, you know, we're still going to have the problem.

So let's start to tackle the problem head on. Let's start to reach out to some of these people. It's a segment of our society that is literally if you want to think about it in economic terms is unproductive and unproductive to be able to contribute to our economy and make our economy grow.

So those are my thoughts, Mr. Speaker, you know. Let's not fall back here into the days of Charles Dickens and Victor Hugo you know where basically somebody is locked up because they're stealing a loaf of bread. You know that's not the direction we should be going. We've gone beyond that now as a society.

We've gone beyond this kind of reactive stuff. This is childish Mr. Speaker. We have to rise above this and we have to start doing what we know we can do.

We're probably one of the richest countries in the world and we could, if we wanted to seriously do something about wiping out poverty, creating more opportunity for individuals, we could do something. And we often flub it off to other levels of government, the Province and the Federal Government but the fact of the matter is these things happen all the time Mr. Speaker when the local governments get involved because we are the closest to the people. We see it first hand. And those folks in their ivory towers in the Legislature and in Ottawa sometimes don't just because they are a little more aloof and out of touch. We've got to help them see them it again Mr. Speaker and we can do that starting here at this Council. Not like this but through a different direction. Thank you.

Mr. Speaker: Thank you Councillor. Councillor Thomas.

Councillor Thomas: Thank you. I believe it was Charles Dickens who said "the rich and the poor are equally banned from sleeping under bridges". My ward is, has the third lowest family income in Winnipeg. And over one-third meet the definition of poor, some surviving on less than $7,000 dollars a year in incomes. These people are the ones that are most likely to take the bus, to be waiting at a bus stop, to be banking at an ATM or to be paying with cash at an outdoor restaurant and these constituents of mine have let me know that they sometimes feel intimidated in these situations. Particularly at ATMs or waiting for a bus or while on the bus. They've talked to me about it. Some have said that this is one of the reasons they don't go downtown.

But we have problems. I just read in the paper a number of months ago that there was analysis done of 22 different cities on family incomes and Winnipeg was at the bottom third of the 22 cities across Canada that were done. We've been told that we have one of the lowest unemployment rates in Canada but we also have one of the highest child poverty rates in Canada. I don't want more Police. I want more free recreational programs. I want more drop-in centres and I want more support systems for people who are in need.

And no, I don't think it should be a crime to ask for help but I also must recognize that citizens in my area, there are certain places where they feel particularly intimidated. Places where they feel that they cannot escape. They've got money in their pocket. They want to use it for the bus or they have someplace that they want to particularly spend it and they feel that they can't escape from someone who's encircled them and is asking for their money. And they're also poor themselves.

What can we do? Well I definitely like the idea of having establishment of a Poverty Action Committee. I don't think this is just the responsibility of the Federal Government or the Provincial Government. I think that we as a City have to do that. I would be looking for more money in the budget for Winnipeg Housing and Homelessness Initiatives next time. I'll be looking for us to analyze the support we give to Main Street Project, the Salvation Army who are dealing with the most deprived people in society who do not have a place to stay.

While I know my ward is low income, I know that the people in my area have a place to call home. There are many who don't. And those are the people who are panhandling. Let's all ask our self what we can do. It's not somebody else's problem. It is ours. We were elected as City Councillors to solve the problems of our City and I don't believe in shoving things in pigeon holes and saying not my department.

So I've got a quandary. What am I going to do because I really believe the constituents in my area need protection from people who are aggressive and who feel intimidated. I got a phone call from someone who was taking the bus around midnight. The bus left her because she left the bus stop. That's how intimidated some people feel in this situation. And

one of the things that I am comforted in, two of the things that are there, is not after sunset and not at bus stops. And what do we do when someone's choice is to walk away from the bus stop and not get on the bus rather than dealing with someone who's intimidating them?

What do we do with someone who's on the bus and feels like their only escape is to get off the bus to escape someone but they feel that they may be followed if they exit the bus. At least they're with other people when they're on the bus. These are difficult issues.

I was moved by the words of the Social Planning Council, of the Manitoba Association for Rights and Liberties. I was also moved by the words of the business community who said you're not banning behaviour you're regulating where it occurred. So I've decided that you're both right. We need a Poverty Committee and we need to do something now.

So I'm supporting both the clause and I am supporting the amendment. And I know this won't be the last of the issue because while we are one of the richest countries in the world, we still have too many of our population that is poor. And when we have a growing homelessness problem here in our community as well as many others across the country, and people who feel that they've got no other option but to ask you directly if they can have some money because they don't have any and they need to eat, they need a place for the night or, yes, they may have an addiction, a problem, and something that we need to deal with other than that but we need to study it. We can't sweep it under the rug and say not my department. We have to do something about that. Thank you.

Mr. Speaker: Thank you Councillor. Councillor De Smedt.

Councillor De Smedt: Thank you very much, Mr. Speaker. I'll try to keep my comments as brief as I can. You know this is a matter of high politics and I say that in the non-partisan way that politics is supposed to be. You know the definition of politics is really the science of organizing society. But really it's under the humanities division of our process because it's really artwork. And in artwork we're never going to have perfection. It will be in the eye of the beholder. And all I can say is that these are one of the issues. Yes, we've debated it before five and a half, six years ago in which we will have some divisions amongst ourselves.

And I do regret that several of our colleagues and I say this in a friendly way, are trying to categorize perhaps others or this Council as being not well meaning about what we're trying to do, and I regret that. Because this is so important to us as a society. We go to the fabric of who we are and what we are as human beings and so I don't wish to be ponderous and to give a sermon but I do know that we all feel very troubled by the people that we are surrounded with every day whether it is our constituents, the well-heeled or those that are less fortunate because we can't avoid it in our normal communication in life and with each other.

So I find it difficult as well to try and take a concept and to determine whether it's being heavy-handed and ignoring the plight of those who are in need. And they're in need for a variety of reasons and it's not all because of substance abuse or alcoholic abuse or some other deficiency or mental deficiencies or disabilities. This is a complex issue that society has faced since day one. And there is nothing wrong with beggars in society. They will be there. We know that. That's why I say it goes to the heart of who we are.

On the other hand, we do have to have, in organization of our society in organizing ourselves, at least a common understanding of what's fair for everybody and without being heavy-handed. So I'm going to support the clause. I do note that recommendation 4 is a very strong one that was motivated and initiated by Councillor Smith and I appreciate that, because we do have to organize ourselves with other levels of government in developing this framework plan. It is important to who we are.

And I'm also disappointed, as Councillor Eadie has pointed out, I will try not to be as more dramatic, as dramatic as he has been, but I do support this thesis that quite often our colleagues in politics don't seem to be as willing to stand up and be counted on a very important issue. If you count the number of MLA's in this City, 31 of them are elected in the City. That's a heck of a number out of 57 that seem to just ignore many of the issues that come up. Now I'm not saying that they ignore them totally. They will stand up here and talk in perhaps the same way and maybe even in a more articulate way about their sensitivity to the people's plight. But we don't have any action.

Some of it could be our problem. We've tried to deal with that several years ago but I do think that in the context of what we are trying to do here in terms of educating each other on what's important in a fair and balanced way of respecting each other's rights. I hate to use the word rights. But you know that's really what it's about.

Despite the fact that some may think I come from the far right or whatever, I've been a strong supporter of the Charter. There are few other things that probably should come in there but I do think it was the right path for this country to take and we are always trying to balance individuals' rights with the rights of the majority and the minority.

It does disturb me from time to time when we encounter in the downtown area, in the suburbs, people who are seeking assistance in their life. And I don't know how to deal with them all. I really don't. I don't think any of us are smart enough to figure this out but I do know if we have a conviction to try and work ahead with others, and I appreciate Mr. Helgason's approach from the Social Planning Council and others, that we can work in a concerted way to try and define those issues that will bring to the forefront perhaps an action plan that all levels of government would be willing to work with.

It's not going to be easy. They will resist. I'm certainly you know many of us have been trying to get more money for Handi Transit from the Province, more money for Paramedic Service. I mean we're an ageing society. The statistics are there in terms of our status in the wealth scale. For the majority of people we're on the lower end even though we have a low unemployment rate as Councillor Thomas has pointed that out. There are so many good things in the City that we have and we share together. That's why I was hoping that when we came here today and maybe at the end of this we could try and talk together about moving ahead with I think is a balanced approach. It isn't heavy-handed. We're going to delineate the rights of one group and the rights of others to try and work together and educate each other.

And it's going to be difficult for our Police department to support it. There's no question. It's not going to be easy. I do disagree with Councillor Thomas. I do think we should have more Police services if we could afford them and a variety of ways to work in a positive sense. A Policeman on the street is a friendly asset. He is not a regulatory asset. And you might recall this City probably in the late 70's early 80s those that have been around a lot longer did a very innovative thing in the colour of their Police cars. They used to be black and white. That was a signal of antagonism to many people and we softened that as other jurisdictions in North America have done into the white with blue and yellow markers. And that was done deliberately because Police forces are supposed to be our allies in organizing our society and of course we depend upon them for some of the more nasty things in life.

So I can only say that I think if our colleagues could come on board here we are not trying to be heavy-handed, we are trying to educate each other and move ahead in a positive way. So I will support the clause.

Mr. Speaker: Thank you Councillor De Smedt. Councillor Lubosch.

Councillor Lubosch: Thank you Mr. Speaker. I think it's been a very useful debate here this afternoon to discuss things that challenge our intellect and

make us feel a bit uncomfortable. But I don't think that ultimately anybody is learning anything brand new here. Anybody who lives in this City and who has been here for sometime can see that poverty has not gone away. It's here to stay unless of course we start taking some very deliberate steps towards eradicating it.

Ultimately other cities have done this sort of thing. I don't agree with anything that anybody has said here today. I don't disagree with anything that anybody has said here today. I think we've all touched on some important aspects of this issue but I also believe very strongly that the City can have a role to play and ultimately passing it off to other levels of government is not going to resolve our problems for us. And if these are the sorts of issues including the potholed streets or the mosquitoes, or the community centres that need refurbishment, if these are the sorts of issues that our constituents are concerned about, well then by golly we got elected to solve some of those problems and ultimately waiting for Broadway or waiting for Ottawa to wade in and provide us with more tax dollars or more programs to deal with these issues is going to waste a lot of valuable time.

Having said that Mr. Speaker, the discussion whether it's about human rights or whether it is about the level of poverty or the visibility of poverty or the complex myriad of social issues that confront what we're debating here today, it ultimately won't be found in a silver bullet. The solution to Camelot is not going to be an easy one. In fact I believe this is akin to one of those lifelong ambitions of anybody who is involved in politics with the social services. You'll never really reach the end because ultimately as you improve your situation, as society improves, there's always going to be opportunities for more improvement as we learn and go forward.

And ultimately that's what we're charged with responsibility to do. I am of the belief as a former student of Criminology that the Criminal Code is sufficient in addressing the legal issues, whether it's an aggressive person challenging someone for a dollar or threatening somebody or mugging somebody for that matter. The criminal code is sufficient to address those types of transgressions in society and ultimately if we have the Police resources to respond to these kinds of transgressions, these kinds of complaints. If a complaint indeed is filed, then typically the system works to ameliorate that in some way.

And certainly people who mug other people or threaten other people or hurt other people do end up in the criminal justice system and ultimately can end up in the Courts and ultimately in jail. Whether or not the tougher By-law is going to result in more charges or more convictions is really a matter that has so many different variables at this time it's going to be very difficult to predict.

And it's for that reason that I also don't believe that if this By-law is approved today, this amendment that it's going to result in a totalitarian police state where people without jobs are going to be thrown into jail. Or that we're going to have a secret police operating in Winnipeg at some point in the future committing genocide upon the poor. I think it's an interesting, an interesting thought but I don't believe it's ever going to be carried that far. And I don't think as Winnipeggers we would ever accept that.

What I am hoping we will accept is a sincere effort by this Council in the absence of the Provincial government being overly concerned about it, and in the absence of Ottawa being overly concerned about it, a sincere effort by this Mayor and Council to look at trying to include more of the panhandlers, more of the poor (In Audible).

We need to find ways to not marginalize these people and truck them off to the sidelines but to include them both in our society in meaningful activities, whatever those activities might be, and I challenge everybody here and every citizen in Winnipeg, including those that are panhandling, to come up with meaningful activities. Things that ultimately help them get out of bed in the morning and inspire them whether it's sitting on a park bench taking in the day or whether it's

doing some work or whether it's producing art or participating in culture. There is lots of different things that people can do and they are only limited by their imagination as are we.

And so my position is thus. I'm not going to support this By-law amendment. I've been through this debate in the past and I'm not sure that it's going to be the ultimate solution. While I can appreciate full well the Mayor and many Councillor's positions, they're getting a lot of pressure from the stakeholders in the downtown and the inner city and in the suburbs to do something because ultimately people are feeling crummy about coming downtown a lot of times. Not everybody but enough that we're ultimately here discussing this issue today.

And truthfully Mr. Speaker in 10 years we really haven't addressed this problem. We really haven't debated it as thoroughly as we have today and I thank Mayor Katz and all members of Council and the delegations that came this morning and to the other Committees for raising it to the forefront. I mean I have to admit there was a time when we believed that this wouldn't be a non-smoking City or a non-smoking Province and look at us today. We would never go back to the way it was. And we are healthier and better off for it.

So ultimately this is a big problem Mr. Speaker but it's not the biggest problem that we're ever going to face I don't think and ultimately it's one of those problems that we need to start working on now if we'll ever going to make any progress.

I'm also supporting the motion to engage in a committee process with the Social Planning Council and other stakeholders on this matter. I don't think this is a problem that we can collectively solve in isolation of these other groups. There's a lot of useful information out there and a lot of important contacts and a lot of credibility that can be gained by this Council in working with the other stakeholders on this issue. So I'm looking forward to participating in that process and whether or not this motion lives or dies today it really doesn't matter. The Social Planning Council has been around a long time and so have all these other agencies and I would welcome the participation of other members of Council to work with me.

I know that Councillors Benham, and Gerbasi and Smith...

Mr. Speaker: Councillor Pagtakhan moves extension?

All in favour? Contrary? Carried.

Councillor Lubosch: have all indicated support for working with the other stakeholders and indeed in private conversations that I have had with Mayor Katz, he has also indicated strong support for working with the other non-governmental agencies and other governments if they should choose to participate in trying to eradicate poverty.

It's a problem that's not going to go away and anybody who's lived in Winnipeg for any length of time knows this to be true. And I see this as a real opportunity for our Council to do something very innovative, creative, socially redeeming and ultimately very, very good for all the citizens of Winnipeg, not just for the poor because ultimately if the poor people benefit, everybody in our society benefits. And I look forward to working with all of you on that. It's not an ideological issue at all. It's a common sense issue. The more people we have participating in society in our economy the better off we all will be. Thank you.

Mr. Speaker: Thank you Councillor. Mr. Mayor.

Mayor Katz: Thank you Mr. Speaker. It's been a very informative I guess two hours or so and I guess some of the things that I find enlightening is it's been over 13 months when I was actually running for the office of Mayor is when I first made the statement that we need to eliminate aggressive panhandling.

And I guess what really surprises me is that not 13 months with countless meetings, phone calls, running into each other in the parkade, not once has

Councillor Benham or Councillor Gerbasi ever said they have a concern or problem with this.

I also find it amazing is that I've heard the expression Chicken Little politics and the sky is falling, but I know that Councillor Benham has been here for one year. He was also one of the top advisors to the former Mayor and at that particular point in time I don't think anything came forward to address the root issue that some of us have addressed here today.

Councillor Gerbasi has been on EPC under two Mayors and has been here for seven years and I have no doubt in my mind that she's passionate about certain things and wants to do what's best, but once again very little accomplished towards the root issues.

It's during the comments that were made I would very much like to address a few comments by Councillor Benham. He certainly addressed the issue of Constitutional rights. Well my response would be that any rights of aggressive panhandlers to beg must be balanced with the rights of other citizens to personal safety. No right is absolute and these proposed amendments are designed to promote personal safety in public places by prohibiting solicitation in locations where individual safety may be threatened due to their location on a route or in an area which does not reasonably allow them to avoid solicitation.

Councillor Benham also referred to the decisions in the Courts in British Columbia and Ontario. In both instances legislation containing the words captive audience provisions was upheld. Councillor Benham so eloquently referred to my article so I would love to refer to his letter to the editor as well. The second paragraph, I'll start "on the way to work last week a man asked me for a quarter for the nearby pay phone. Unfortunately I didn't have one. I said so and he walked away. Under the By-law proposed by Mayor Sam Katz, that man would have been arrested and thrown in jail for up to 6 months."

Maybe by saying this it gets a headline. It's totally not true. It only would have violated the By-law if Benham had been using, waiting to use or departing from the telephone. He also made reference to the fact of Tom Brodbeck's article about Arthur Cave and that even though his behaviour was not aggressive it would be subject to arrest in jail under the Mayor's proposal. What he failed to say or more likely would have been asked to move and then given a ticket or fine if he did not.

He also made reference to defining harmless beggars like Arthur Cave as criminal, is criminal. And as been stated on numerous occasions and pointed out to Councillor Benham is that a by-law violation is not criminal behaviour. But I guess people will say what they have to say to get headlines.

What seems to be rather amazing is that the one thing I'm very gratified with that today because of this motion for the first time I see all of Council thinking about the root issues and I very much thank Councillor Smith for actually making the friendly amendment and pointing to the root issues, because you know what? It appears it's been ignored for such a long time. And poverty is not criminal and if I site my own personal history, in 1951, I came here from Poland with my parents. They both survived the concentration camp and my older brother and you know what? We came here with absolutely nothing. I guess you would call that as poor because the bank will not define hope as an asset on your financial statement, all right, and along with many other immigrants and we all were given opportunity in this City and I think we do have a problem. I think we should address the problem but the problem has nothing to do with aggressive panhandling.

I just want to make this final comment. There are socialist ideologs who automatically oppose anything which may benefit the private sector or for profit business. Others are philosophically predisposed against any enforcement or intervention on issues relating to personal addiction or individual freedoms. So it's

not surprising when some of the usual suspects rail against any initiative of the business community but in this case it's not the business community that is heartless and cold in pursuit of their profits.

The heartless folk in this scenario are those on ideological grounds argue against providing real assistance to street people, panhandlers and the publicly intoxicated. They are obsessed with the panhandlers' right of free speech. They have the right to request assistance and even cash from others. This is not the first time those who obsess about rights have neglected the balancing notion of responsibility.

I've got a few comments for some of these activists. It's nice to feel that you've helped someone by defending their right to beg. It's nice to pat yourself on the back for being so non-judgemental and charitable that you'll give someone spare change no matter what they're going to do with it. But before you indulge in too much self congratulation it may be wise to consider a few relevant questions.

Is it better to indulge someone's despair than to press for their healing? Is it good to frustrate your tax dollars with spare change? Countless tax dollars are spent dealing with the impact of personal addictions and the damage caused by public intoxication. It's not wise to take money from one pocket to pay for treatment while taking money from another pocket to facilitate the problem. Isn't it good to ensure that governments and agencies actually do what is needed with tax dollars or do you simply assume that since they're taking your tax dollars, the needy must be receiving assistance.

Are you content to call it welfare when government blindly cuts a monthly cheque to hard core sniffers, drunks and addicts? If welfare workers don't address the abuse of tax dollars to assist the slow suicide of suffering of addicts, they should stop calling it social assistance. In that situation their cheque is more like anti-social assistance.

Mr. Speaker: Councillor Eadie moves extension.

All in favour? Contrary? Carried.

Mayor Katz: Are you willing to substitute spare change for care of the mentally ill on the streets of our City? Why not demand that government deliver real help instead of just shuffling people out of care and onto the streets? Appeasing middle class guilt by throwing change at a problem does not alleviate us of our responsibility to seek the best from people living on our streets. It's not about tossing a quarter at a beggar and thinking you've done some great service to humanity. Many who are quick to attack laissez-faire economic policies seem quite comfortable with laissez-fair policies regarding social ills. For too many tolerance is little more than apathy, artificially sweetened with self satisfaction. It's easier to toss coins than to get personally involved.

I've talked to cops, BIZ folks and business owners who tackle the harder job. They actually take time to talk with panhandlers and other people suffering in plain view. They've tried to make sure some of the chronic panhandlers or otherwise vulnerable street people are aware of the best resources for assistance. Panhandling is not exactly a safe profession. The recent attack on a nice panhandler by a nasty panhandler is not the first time that's happened. The receipt of money on the crowded street makes panhandlers vulnerable. There are those that stoop as low as to mug panhandlers for quarters. Some who panhandle to feed an addiction are even more vulnerable in their intoxicated state than they were before they received your spare change.

I'm not advocating a callous disdain for the helpless, I'm advocating a conscientious decision to give the best help possible. We're really not helping until we're willing to ask uncomfortable but obvious questions and actually dealing with difficult situations. It's sad when some portray intervention as intrusive but defend the enabling of personal addiction or government

neglection. It's not simply an issue of whether someone is begrudging or bestowing loonies. It's not simply an issue of free speech. It's ultimately an issue of how we treat those in obvious pain and addiction. Those are the words of Reverend Harry Lehotski, someone who everyday of his life rolls up his sleeves to do the right thing to address the real issues and he believes and supports this By-law. Thank you very much.

Mr. Speaker: Thank you Mr. Mayor. Councillor Benham summing up on his amendment.

Councillor Benham: Thank you Mr. Speaker. Thank you Mr. Speaker, and I would like to certainly associate myself with the opening remarks of the Mayor to the extent that this has been a good debate and a debate in which Councillors, all members of Council I think have taken very seriously and shared with each other and with the public their concerns about this issue and I say that regardless of which side of the issue they were on. I think it was an excellent debate, and I commend all members for that.

Starting first with the Mayor's remarks that he has just made, Mr. Speaker, I would point out that first of all he has conceded that Arthur Cave would be subject, could be subject to arrest and jail under this By-law. He said that won't happen or that it's unlikely to happen, they could be asked to move along. But in fact he has confirmed that this law does give the Police the power to arrest and jail harmless beggars like Arthur Cave. The Mayor is not defending that he is saying that that is the case. You must go into it with your eyes open as to what you're agreeing to here.

Secondly the Mayor once again, confused the issue between aggressive panhandlers and harmless beggars when he said any rights of the aggressive panhandlers to beg has to be balanced against the right of safety. No Mr. Speaker even I do not argue that. I have argued that the language in our current By-law against aggressive panhandling, against threatening and abusing people is perfectly legitimate, is not a contravention of the Charter and I support it. I would support stricter enforcement of the provisions of our current By-law because I agree with the Mayor that there is no right to aggressively panhandle. What we are talking about are the rights of those who are simply passively panhandling, Arthur Cave as the icon of that chosen by the *Winnipeg Sun.*

I thank all those who pointed out we are the closest to the people and we can make a real difference. Councillor Wyatt just said that but others said it in a similar way. Councillor Swandel has invited me to join him in sitting on a committee with the Social, at the Social Policy Committee, a committee that would have no meaning, no input into this Council, a committee that would be completely separate and thus ineffective. Councillor Swandel I'm afraid has failed to read the amendment and failed to heed the point that what we would be setting up with a Poverty Action Committee would be a committee of Council and as such it would relate back to Council. Councillors would sit on it. It would have a Winnipeg Police Service officer on it. It would have representatives from the Social Planning Council. This would be a good way to deal with the genuine problems which everyone here concedes lies behind what we're talking about.

It would give us an opportunity to consider our measures. It would give us an opportunity Councillor Smith or course is quite right in saying that at Committee he moved his amendment because he realized that there were complex problems behind this. He is choosing to support the By-law anyway but what have I tried to put in this motion, along with Councillor Gerbasi, is a recognition that he was talking about the deeper issues. He was talking about a complex problem and setting up a means to deal with that.

The weakness of item 4 as strong as it is from Councillor Smith is that it simply asks our public servants to report back under the leadership of the Social Planning Council which who asked them. They're in a our motion we never asked them for agreement and I'm telling you that what they said to me is we would be happy to help lead this process but as

part of a Poverty Action Committee and hold off on your Panhandling By-law until you do that. They said the same thing publicly here in delegation today. You heard them. So if you pass this motion as it stands, if you do not pass the amendment as I have proposed it, you're telling the Social Planning Council what to do and they've already told you that's not the way they want to do it. I would suggest we don't have the power to do that, along with not having the power to take away Charter rights.

Councillor Eadie of course and I know this is a theme with him and I respect that that it's all somebody else's problem. The Province is the one with the levers. It's somebody else that must do that. I'm so glad to hear Councillor Lubosch deal with that point and talk about how we as City Councillors have to take responsibility for our City and the things that happen here. Of course we can do it in cooperation with other levels of government. Of course we should keep the lines of communication open to them.

I urge you Mr. Speaker and all Councillors to support this amendment to the main clause which would establish a Poverty Action Committee to deal with the complex problems underlying the aggressive panhandling and all panhandling and I think that that would be a true improvement. Thank you.

Mr. Speaker: Thank you Councillor. Councillor Steeves summing up on the clause and the amendment.

Councillor Steeves: Thank you Mr. Speaker. I'll try to deal with the issues as they came up. First I thank everybody for their participation in the debate. The first of course is the issue of enforcement. A difficult issue to sum up on as you can see based on Council's comments. The concerns with enforcement under this, under this amendment range from Councillor Gerbasi who stated that this document is not worth the paper it's written on practically because it is impossible to enforce. It won't be done. We don't have enough people out on the field. It's just not possible to do what we're setting out to do. All the way to the Councillor Benham who stated that effective immediately once we leave this chamber instantly everybody, including Arthur Cave and his new found celebrity, will begin being jailed instantly. These were the two polars of this debate I suppose. I am not exactly sure how to respond to that except to say I that I can tell you they're both wrong.

In fact the penalty is not changed at all. When it was passed initially in 2000 the By-law set out the penalty as a maximum $1,000 fine or 6 months imprisonment or both. This in fact is the default maximum penalty set out in the City Charter for by-laws that do not contain a different penalty. With that Mr. Speaker, I take it we can accept it as a fact that given that we haven't seen in the past. Has anyone in the chamber seen over the course of the past 5 years rampant Police brutality with respect to panhandlers? Is that what we've seen?

Once we've imposed this penalty, this proposed imprisonment on panhandlers, how many have we jailed in the last five years? Has that been a real problem here for Council? Have we seen that? Have we seen the rogue Police person out there attacking panhandlers? If we haven't seen it in the last 5 years I am going to submit to this chamber, we are not going to see it now.

Some concerns about interpretation. How do you decide on who's at a bank machine? Fair question. How do you decide who's at a bus stop? Are they leaving? Are they departing? A difficult thing. Look at the By-law as it stands right now. Does anyone here want to try to define “convenient passage”? How about negative initial response? How about threatened? How about verbally abused? Taken into the criminal context when does obstruct become assault? When does assault become aggravated assault? When does aggravated assault become attempted murder? It's all interpretation. That's what we do as a society. That's the job of the Courts. That's the job of the system. You can't nail down every single thing. It is not possible.

If you refer to your report you will see the references to the Ontario Court of Justice and the British Columbia Supreme Court, and their decisions on the Charter. I'm not going to read the whole thing. But these pieces of legislation both prohibit solicitation of a "captive audience, individuals at automatic teller machines and banks, at pay phones, taxi stands and bus stops, in public transit vehicles, getting in of or out of vehicles and in parking lots". Sound familiar? Does that ring any bells for anybody?

The amendment, I mean the amendment that we talked about and are talking about today, again I have to again say these are so direly important. If all of these meetings were happening with the Social Planning Council, if they were so very important and so crucial, come talk to me about it. Do not expect me as the chair of the Committee to receive these motions on the floor after these meetings have been taking place and somebody may have said this. Somebody may be willing to do that somebody might blah, blah, blah, blah, I don't care.

I am not going to entertain amendments on something that is this important when they come at me on the fly. I've been around here for a very, very long time. Almost 5 year years. I'm available and I am here every single day. If somebody wants to talk to me about these things I'm here for you, okay. Listen, this issue has been seized by the left as a terrible assault on poverty. It's been seized on the right frankly too as this great grandiose scheme to eliminate panhandling. Mr. Speaker it is neither.

Look around our little neighbourhood which has its share of panhandlers. What we are saying is we are saying Mr. or Mrs. Panhandler you can panhandle anywhere you want. Go to the Market District. Go anywhere you want. Talk to people walking up and down the street, crossing the street, anywhere you want around here. Just don't go to the patio at the King's Head. Don't go to the patio at the Glass Onion. Anywhere else is fine. Not the bus stops either okay.

Be a Supreme Court Judge. Is that a fair limitation on your Charter right to panhandle anywhere you want? If it is fair, vote in favour of this. If you think that is unreasonable, don't.

Mr. Speaker: Thank you Councillor Steeves. First on the amendment. A recorded vote has been asked for. All in favour of the amendment motion no. 6 please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

Councillors Benham, Gerbasi, Lubosch, Thomas, Wyatt.

Nays

His Worship Mayor Katz, Councillors Eadie, Lazarenko, Clement, De Smedt, Magnifico, Pagtakhan, Smith, Steeves, Swandel, Mr. Speaker Councillor O'Shaughnessy.

City Clerk: The vote Mr. Speaker, Yeas 5, Nays 11.

Mr. Speaker: The amendment is lost.

Vote on the clause. A recorded vote. All in favour please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

His Worship Mayor Katz, Councillors Eadie, Lazarenko, Clement, De Smedt, Magnifico, Pagtakhan, Smith, Steeves, Swandel, Thomas, Mr. Speaker Councillor O'Shaughnessy.

Nays

Councillors Benham, Gerbasi, Lubosch, Wyatt.

City Clerk: The vote Mr. Speaker, Yeas 12, Nays 4.

Mr. Speaker: Clause is carried.

STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES MOTIONS

Motion No. 4
Moved by Councillor Benham,
Seconded by Councillor Gerbasi,

WHEREAS the City of Winnipeg desires to consult with the community regarding the proposed Obstructive Solicitation By-law; and

AND WHEREAS the issues raised by panhandling – both passive and aggressive – reflect complex social problems;

THEREFORE BE IT RESOLVED that City Council establish a Poverty Action Committee under the leadership of the Social Planning Council of Winnipeg;

AND BE IT FURTHER RESOLVED that the Poverty Action Committee be requested to develop a framework plan to deal with the many social components, related to health, mental health, housing, employment, substance abuse and income support issues faced by panhandlers;

AND BE IT FURTHER RESOLVED that the Poverty Action Committee consist of representatives from the Social Planning Council; other organizations involved in poverty and social issues; at least two Councillors, at least one of whom is a member of Executive Policy Committee and at least one of whom is not; at least one representative of the Provincial government; at least one Winnipeg Police Service officer; and other members as shall be agreed upon by City Council and the Social Planning Council;

AND BE IT FURTHER RESOLVED that the Obstructive Solicitation By-law be referred to the Poverty Action Committee for further study, with a report to be made to open session of the Standing Policy Committee on Protection and Community Services no later than December 31, 2005;

AND BE IT FURTHER RESOLVED that the Poverty Action Committee continue after that time to provide advice to City Council on issues related to the City's role in fighting poverty.

With the concurrence of the seconder, Councillor Gerbasi, and with the permission of Council, Councillor Benham withdrew his motion.

Mr. Speaker: Motions, none. By-laws Councillor Steeves.

STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES CONSIDERATION OF BY-LAWS

Councillor Steeves: Thank you Mr. Speaker. I will move that By-law No. 128/2005 be read a first time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-law No. 128/2005.

Councillor Steeves: I'll move that By-law No. 128/2005 be read a second time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-law No. 128/2005.

Councillor Steeves: I'll move that the rules be suspended and By-law No. 128/2005 be read a third time and that the same be passed in order to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried.

Questions? Councillor Benham.

STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES QUESTION PERIOD

Councillor Benham: Thank you Mr. Speaker, question to Councillor Steeves as chair of the Standing Policy Committee on Protection and Community Services,

Mr. Speaker through you I'm wondering if the chair will agree to a special meeting of the Committee regarding the Mosquito Adulticiding Policy requesting an update from the administration on Mosquito Adulticiding Policy and particularly the communications policy surrounding that.

Mr. Speaker: Councillor Steeves.

Councillor Steeves: Frankly my inclination is not but, I mean I suppose, because the reason is that there was a concern about this and we sent out some information I believe it may of just came out this morning. It outlined exactly what our policy is going to be. There is a lot of information in there.

I mean my impression is that this addressed the concerns that there were out there. I'm not exactly sure why we need a special meeting. What I could do is I will talk to Councillor Benham post this meeting and sort of I guess make my mind up whether or not I feel it's necessary.

Mr. Speaker: Thank you. Report of the Alternate Service Delivery Committee. The report of June 20th, Councillor Magnifico.

REPORT OF THE ALTERNATE SERVICE DELIVERY COMMITTEE DATED JUNE 20, 2005

Councillor Magnifico: Mr. Speaker it is my pleasure to introduce the ASD report of June 20th and move adoption of the Consent Agenda items 1 to 3.

Mr. Speaker: All in favour? Contrary? Carried.

Councillor Benham moves adjournment.

Roll Call.

ROLL CALL

Clerk: His Worship Mayor Katz, Councillors Eadie, Lazarenko, Benham, Clement, De Smedt, Gerbasi, Lubosch, Magnifico, Pagtakhan, Smith, Steeves, Swandel, Thomas, Wyatt, Mr. Speaker Councillor O'Shaughnessy.

COUNCIL ADJOURNED AT 5:03 p.m.