COUNCIL OF THE CITY OF WINNIPEG
Wednesday, February 18, 2009

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 Pagtakhan.

ROLL CALL

Clerk: Mr. Speaker Councillor Lazarenko, His Worship, Mayor Katz, Councillors Browaty, Fielding, Gerbasi, Nordman, O'Shaughnessy, Pagtakhan, Smith, Steeves, Swandel, Thomas and Vandal.

INTRODUCTION AND WELCOME OF GUESTS AND ANNOUNCEMENTS

Mr. Speaker: Thank you. Pages, we have Rory Mitchell of Kelvin High School who resides in the Fort Rouge-East Fort Garry Ward. Welcome.

I would like to also recognize Simone Jaman. She was last year's Page, in the West Gallery. Welcome.

MINUTES

Councillor Steeves moves that the Minutes of the meeting held on January 28, 2009, be taken as read and confirmed.

All in favour? Contrary? Carried.

DELEGATIONS

Mr. Speaker: Delegations, first ten minutes is Steve Strang on behalf of the Partnership of the Manitoba Capital Region in support of Item 1 of the Report of the Executive Policy Committee dated February 11, 2009. Mr. Strang, if you're present, would you please come to the microphone. You have ten minutes, sir.

Steve Strang: Thank you very much, Mr. Chairman. I still say we should have an automatic expander for these mics because the big guys always got to bend down a lot.

I want to thank Council for the opportunity to speak to you today regarding the future of the Capital Region. I want to say that the resolution that will be coming before this Council is one that fits for everybody. If you support the Capital Region it's a good resolution. If you have concerns about the Capital Region, and as some of you as I spoke to before, went as far as talking about urban sprawl, you've got a good Resolution. As many of you know, and I'm going to take a line from somebody who I spoke to, as First Nations people say, you have a talking stick. Talk when you have the stick. This Resolution that's going to come before this Council will give the opportunity, not only for the City of Winnipeg, but for the entire Capital Region to talk about the future of where we will go together, because we are together, and it's not going to change. So what we need to do is find a beginning. And the Vision Statement and the Resolution before you will give you that opportunity because it uses the words like "develop" "to explore", "to understand". Those are important words and those are words that indicate the beginning of something.

I want to go back and some of the Council here may have had the opportunity to take a glimpse of the Capital Region software, and that software is very unique and it took a lot of time and a lot effort to put it together. Statistics not only from the City of Winnipeg but entirely from the Capital Region came together. And once those were gathered, they put it into a software which gave the capacity of looking into the future. What if we did this? What if we did that? And what would the outcome of those things be in 40 years from now? I think that's an important tool, and being able to utilize that tool and give consideration to the future vision, the Capital Region went out and had a number of open houses, two of them, which were in the City of Winnipeg, and there was well over 200 people attended these forums.

The Vision Statement in the beginning of the guidelines come from those open houses, and surprising that even the residents from the City and the residents from the Regional Capital, like the Capital Region, we're talking the same page. They wanted the same thing. They want

better environment. They want regional co-operation. They want a regional understanding on planning and how we will move our communities together. They want us to talk about transportation. The Capital Region is part of Manitoba, and if you look at the new logo for the partnership of the Capital Region, it is a ring of multi-colours with a bright yellow sun in the middle. The sun depicts the City, the strength, the sun, the courage, the Capital Regions combined together to build on that. We are far stronger together. We are far better to market our Capital Region based under a vision statement for the future that we can all be proud of. This isn't about turf. This isn't about a boundary line. This is about getting the job done right for the future generations to come. And I think I'll end it at that. Thank you.

Mr. Speaker: Thank you. Any questions? Thank you Mr. Strang.

Steve Strang: Thank you very much.

Mr. Speaker: The next delegation is Cindy Gilroy-Price, on behalf of the Winnipeg Citizens' Coalition in support of motion moved by Councillor Gerbasi. Cindy Gilroy-Price. Would you please come to the mic? You have ten minutes.

Cindy Gilroy-Price: Thank you very much. Thank you for this opportunity to speak with you today. The Winnipeg Citizens Coalition would like to express our support for the Gerbasi Wyatt motion that is before you today with respect to an independent Conflict of Interest Commissioner for the City of Winnipeg. The Winnipeg Citizens Coalition feels that a Conflict of Interest Commissioner will provide valued service for the public officials and the community in which it serves. The idea of a Conflict of Interest Commissioner is not new and has been debated before at City Hall and is in place in other jurisdictions. Former Winnipeg Mayor Bill Norrie provides an independent service to the legislature. He can be used as a model for the City of Winnipeg.

We understand that with all new services to the City, it comes at a financial cost, and the Winnipeg Citizens Coalition believes that the benefits of the Conflict of Interest Commissioner outweighs this cost. An independent Conflict of Interest Commissioner whose sole purpose is to help advise City officials, investigate inquiries and report on opinions and recommendations concerning sanctions, if any misconduct is found. It's a key ethical component to running day to day City business.

Thanks to your leadership on Council, you've helped to build and shape our community. With growth and prosperity in our City, also comes greater challenges with regards to conflict of interest. As we forge forward with City business matters that affect the citizens of Winnipeg, I urge you to move forward in installing an independent Conflict of Interest Commissioner that will give greater confidence to the decision making and leadership here at City Hall.

Emphasizing the importance of ethics for public confidence is vital to your role as political leaders. The presence of a Conflict of Interest Commissioner will help to ensure that all parties are following a code of conduct, by-laws, policies and protocols that are satisfactory. This will help to encourage greater debate around the vital issues of our City instead of personal debates with regards to questionable behaviour, which can create havoc on public opinion. This will only help to strengthen your leadership and your governance.

A Conflict of Interest Commissioner would give knowledge and advice. Public officials are able to freely get opinions on how to handle delicate situations before they proceed with City Hall business. This is a prudent way to deal with delicate situations that are sometimes hard because of the political nature that you are in. Having the presence of a Conflict of Interest Commissioner can protect our public officials from questionable behaviour. It is imperative that as citizens, we have confidence in your leadership and your decisions that you are making. Supporting the motion for an independent Conflict of Interest Commissioner is truly a step to building

public confidence and integrity for your roles here at City Hall.

We will be eager to hear how you respond to this and I would like to thank you for your time today.

Mr. Speaker: Questions? Councillor Fielding, you have the first question.

Councillor Fielding: Yes, I've got one question for you. Generally, I don't mind what Councillor Gerbasi has put forward, but really, in my opinion, you know it doesn't go far enough and so there is another motion that is on the floor in terms of the accountability that really looks at politicians, more of a comprehensive plan that looks at whistle blower protection as well as looking at accountability for not just politicians, but all civic employees as well as a comprehensive expense account system. Would your organization support something like that as well?

Cindy Gilroy-Price: I did review the motion that you have put forward and the concern that I have with the Motion, I was really happy to see that you did add some of the really good key components like the whistle blowing idea and stuff like that, which I think, you know, very well could fit into an independent commissioner. But, I didn't see the independence and I think that that needs to be key. If you look at the history at City Hall and I think in 2002 you did away with some kind of commissioner thing. And you need to, you know, look at the past, learn from the past, and be proactive for the future. And what you need to establish is something that is independent from what you've had in the past, and that stands alone so that you don't see these conflicts arising all the time.

Mr. Speaker: Your second question? Councillor Swandel your first question.

Councillor Swandel: Thank you, Mr. Speaker. I too, tend to support going in this direction of an independent review. As a school trustee, does the school board that you're involved with access an independent commissioner for similar purposes?

Cindy Gilroy-Price: Well, we do fall…we fall a little bit differently because we are part of also the Public Schools Act. So…and we also are nine members and do not have a full…we don't work full time like you yourselves do. I think that we've got to recognize the fact that in your business, your day-to-day capacity is very complex and not everybody out there understands the complexities in which…that you are faced with on your day-to-day challenges, and we have to look at the ethics of that, and we have to be able to be accountable for that, and you've got to also look that are you moving forward on these issues or is it becoming personal debates that are holding you up on doing City business? And having an independent person that can give you the free advice, I think, will solve some of the issues that are happening here at City Hall. Not all, but for the most part, some of it.

Mr. Speaker: Your second question, Councillor.

Councillor Swandel: We here at City Hall do have ethics conduct and conflict of interest guidelines already and we welcome the idea of having an independent body to look further at that. Are you suggesting that the school board should not also have the same thing?

Cindy Gilroy-Price: What I'm suggesting is that I fall under a different provision. I am all for opening up conversations with…regarding…I'm not afraid of that. But I'm not here to talk about the school board stuff, I'm here to talk about City Council that I see as a very, very different situation.

Mr. Speaker: Your final question.

Councillor Swandel: You're getting a little confused here. Do you believe in this in principle and will you support it or bring it forward at the school board level?

Cindy Gilroy-Price: Sure.

Mr. Speaker: Councillor Steeves your first question.

Councillor Steeves: I actually thank… some of the questions have come up and I think they've been answered Mr. Speaker so I think I'm good.

Mr. Speaker: Thank you. No further questions? Thank you, Ms Price.

Cindy Gilroy-Price: Thank you.

Mr. Speaker: The second delegation is Tom Simms, also in support of the motion. Mr. Simms you have five minutes.

Tom Simms: Yes. I'm appearing here as a private citizen and I was wondering, Mr. Speaker, if…I want to link the Riverside Park Management property tax issue as a concrete example of the conflict of interest, need for a Conflict of Interest Commissioner, and so I was wondering if it would be prudent if we…if you didn't ask the Mayor to leave the Chambers while I raise these issues in my presentation?

Mr. Speaker: I don't see what the…Mr. Mayor? Do you feel you should leave the chamber?

Mayor Katz: There is no conflict of interest (inaudible)

Mr. Speaker: Okay, go ahead, Mr. Simms. Go ahead.

(inaudible speaking in the background).

Mr. Speaker: Okay go ahead, Mr. Simms. We're not voting on any issue here.

Tom Simms: Well we're raising issues that have in the past when issues have been raised I know the last time we were here that the…because of the Municipal Conflict of Interest guidelines, the Mayor was asked to leave the chambers so I don't understand why that would not…

Mr. Speaker: Tom, you're wasting your time. You've got five minutes.

Tom Simms: Okay, I'll hand this out then.

In his recent year end interview with the Free Press, Mayor Sam Katz blamed the media for the controversy involving Riverside Park Management property tax assessment issue. The Mayor maintains...

Councillor Steeves: Mr. Speaker, if I may? Point of order, and I could be completely (inaudible).

Mr. Speaker: What's the point of order?

Councillor Steeves: Just on a point of order. My understanding is a delegation has to speak on the item that's on the agenda. Now, the item on the agenda is the accountability commissioner. Councillor Gerbasi herself has been quite clear that the accountability commissioner issue stands completely apart from anything else. What my question to you, Mr. Speaker, is how is this specific issue linked to the Riverside matter?

Mr. Speaker: Mr. Simms, Mr. Simms, please continue. You're here for the subject matter that's before us here. Speak to it.

Tom Simms: …concrete example (inaudible) brought me to be here to express my concerns about the need for a Conflict of Interest Commissioner.

(inaudible speaking in the background)

Tom Simms: Well, I think it is. I think this is the exact reason why we need a Conflict of Interest Commissioner. There's a specific example that I'm using to highlight why some of these issues need an independent body to get advice on some of these issues.

(inaudible speaking in the background)

Councillor Gerbasi: Point of order, Mr. Speaker. . Could we have a ruling? Can the delegation speak to the...

Mr. Speaker: The delegation is here to speak to the subject matter that is before us here today and I'm asking Mr. Simms to continue. If he wants to sway to a different topic he is wasting his time.

Tom Simms: I think…I would like clarification, Mr. Speaker. I have a concrete example that I'm using, why we

need a Conflict of Interest Commissioner. I see a direct link between the motion that's on the floor and what I'm talking about in terms of my concerns as a citizen and other citizens have concerns about these type of issues. I see a direct relationship, a specific example of some of the problems...

Mr. Speaker: You're making a point Mr. Simms please. Speak…set his time. Go ahead.

Tom Simms: Okay, thank you.

The Mayor maintains that this would have been a non-issue if "only everybody had looked at the facts, and that if the media had reported the facts of what this issue was all about, which was an improper assessment." He felt that he was a victim of a media policy to "never let the truth get in the way of a good story", however, the facts regarding the property tax assessment issue involving the company that the Mayor was president of from 1997 to April 23, 2008 indicate otherwise.

On March 22nd, 2006, the City of Winnipeg issued Riverpark Management an assessment notice for $3.97 million for the assessed value of the land they lease from the City of Winnipeg as a parking lot for the Goldeyes games. Riverside claims that they did not receive the assessment notice. They say that the first time they heard the new assessment value of the parking lot was on June 26th, 2006. They immediately filed an assessment appeal on June 28th, 2006, to the City of Winnipeg's Board of Revision. The Board of Revision heard the assessment appeal at Riverside…of Riverside Park Management on November 30th, 2006. The City's Legal Department argued at the hearing that the appeal should not be allowed because Riverside did not file the appeal within the 20-day period as set out in the Municipal Assessment Act. The Legal Department also presented case law that indicated that the City only had an obligation to mail out the assessment notice and was not responsible for ensuring its receipt unless it was returned to the sender.

The Board of Revision decided to hear the appeal despite the concerns raised by the City's Law Department. The Board, appointed by the Mayor and City Council, subsequently ruled that the assessment value of the land for the parking lot should be reduce from $3.97 million to is $1.64 million.

The City of Winnipeg Assessment Department appealed the ruling of the Board of Revision to the Province of Manitoba's Municipal Board. On December 18th, 2007, the Municipal Board ruled that the value of the land was $3.69 million. As a result of the ruling, Riverside Park Management owed more than $233,000 in property taxes to the City of Winnipeg.

On January 18th, 2008, Riverside sought leave to appeal the ruling of the Municipal Board to the Manitoba Court of Appeal but did not proceed with the appeal. Instead, on September 24th, 2008, a majority of City Council passed a motion to amend the Riverside lease retroactively, which in effect relieved the company from the obligation to pay the more than $233,000 in outstanding property taxes.

The facts related to this issue raise important questions. Why was Riverside allowed to proceed with an assessment appeal before the City of Winnipeg's Board of Revision, even though the company had missed the statutory deadline for filing the appeal and despite the objections of the City's Legal Department? Why was Riverside provided with a political solution by a majority of City Council that relieved Riverside from its obligation to pay the more than $233,000 in outstanding property taxes? If the issue was really about an improper assessment as stated by the Mayor, then Riverside should have proceeded with its application to the Manitoba Court of Appeal as any other taxpayer would have had to do. If the assessment was really improper, the court could have provided an independent and transparent solution to the problem.

A perceived conflict of interest is as important to address as any actual or real

conflict of Interest. The code of conduct of the City Council of Winnipeg states that "members shall not engage" and I quote, "…in activity financial or otherwise which is incompatible with the proper discharge of his or her official duties in the public interest", and this is the key point I want to emphasize. "This principle goes beyond the legal requirements and exceeds the interpretation of the law. It affects the manner in which the general public perceives the actions of their elected representatives." Even the Mayor must have perceived that he had a conflict of interest when the lease amendment was discussed by City Council on September 24th as he left the chamber.

Mr. Speaker: Mr. Simms, Mr. Simms. Mr. Simms.

Tom Simms: Well there's I think some… one or two more paragraphs there that link it in to the final issue.

Mr. Speaker: Mr. Simms what you've been giving us here, has been in the media. It's been trashed over and over again. The subject before us here is the Accountability Commissioner.

Tom Simms: And that's what I was saying, that this kind of example would have been a perfect example of a need for an independent Conflict of Interest Commissioner to be able to advise people on how to handle these.

Mr. Speaker: Thank you. Thank you. Any questions of the delegation? Councillor Thomas.

Councillor Thomas: Thank you. Can you explain how leaving the chamber does little to avoid the public perception of a conflict of interest. Can you explain that for us?

Tom Simms: Well I think that's the key issue that is…that we need to strengthen here with our legislation and mechanisms such as the Conflict of Interest Commissioner, is that perception is as important to deal with as real conflict of interest, and when you look at the principles that you have set out in your guidelines and the general practices of conflict of interest, it's…you have to look at perceived, apparent and real conflict of interest, and, elected officials need to raise the bar and go above and beyond reproach to deal with those perceptions of conflict of interest, and in this particular example that I use, I think the remedy would have been for Riverside Park Management to go to the Court of Appeal to get an independent and transparent decision on this issue, and I think a Conflict of Interest Commissioner could have helped advise elected officials when they confront those kind of challenges to deal with those issues. So simply leaving a chamber does not avoid the perception of a conflict, and that elected representatives need to go above and beyond to not place themselves in those perceived conflicts.

Mr. Speaker: Your second question, Councillor?

Councillor Thomas: Yes. I noticed further down on your Commentary your discussion about what could have been done with the now uncollected property taxes. Can you explain the impact that this has for the inner City and the concern that people have with regard to how that impacts…

Councillor Swandel: Now that question's out of order. Mr. Speaker, point of order.

Mr. Speaker: Councillor Thomas. What's your point of order?

Councillor Swandel: This question is out of order. We're here to talk about an ethics commissioner. We're drilling into the facts of something that's already been dealt with here. An Independent Ethics Commission is the item that's on the table. That question is totally out of order.

Councillor Thomas: Mr. Speaker it has to do with his concern on conflict of interest and the ramification that happens when there is a perception of conflict of interest and one of the most grievous perceptions has to do with how tax money is or is not spent, and that's why I am asking him to explain further.

Mr. Speaker: No, no, Councillor. Councillor Thomas, that absolutely is not…you know…we're not talking about taxes, we're talking about accountability commissioner. We're getting into the issue. Stick to the topic. We're wasting our time and you're wasting the time of the delegation and his response to the questions are being raised. Stick to the topic. We're not talking about property taxes.

Councillor Thomas: How about if I re-word the question then, about the impact that an independent commissioner can have on the collection or non-collection of specific or non-specific taxes.

Tom Simms: Well I mean there's a wide range of issues and I used this specific example to illustrate the importance of having some kind of independent, proactive Conflict of Interest Commissioner, and in this case, the impact of these actions potentially, you know, if it was handled a different way, i.e. if it would have gone to the Court of Appeal, that taxpayers would not be left with an outstanding $233,000 that was remedied through a political solution. So the impact is, is that there is less funds for programs like inner City community centres, like active transportation, like infrastructure, when we're not handling in an independent…with potential role of an independent conflict of interest officer, that there then can be advice on how things should be handled in an ethical way that avoids perceived conflict of interest.

Mr. Speaker: Councillor Swandel your first question.

Councillor Swandel: Thank you. Tom, do you believe in an independent ethics commissioner?

Tom Simms: Yes, I do.

Mr. Speaker: Your second question?

Councillor Swandel: Would you consider yourself a lobbyist either paid or unpaid and do you often come to this chamber as a lobbyist?

Tom Simms: Well you know, that's an interesting question. I consider myself a citizen, and as part of the citizens I look at participating in the democratic process. I know, you know, that's why I think Canada is in Afghanistan, in order that we can build democracy so that these very things that I'm doing right now is something that we value. So, as a citizen, yes, I do feel like I am engaged in the democratic process and that I feel that's my right and duty as a citizen.

Councillor Swandel: I'll take that as a yes.

Mr. Speaker: Your third question.

Councillor Swandel: Thank you, Mr. Speaker as I said I'll take that as a yes. It was a good answer. I do consider you a lobbyist and sometimes paid as well as unpaid.

Would you consider yourself of the same political mind as our Mayor?

Tom Simms: I consider myself having a set of values that is not always in…consistent with those of the Mayor. At times they are common issues that I see that are important and there are times when there are things that are not in common in terms of our values around how the City should be run.

Mr. Speaker: No further questions? Thank you Mr. Simms.

Crystal Caron in opposition to Item 2 of the Report of Standing Policy Committee on Protection and Community Services dated January 12, 2009, regarding the roadside memorials. Crystal Caron. Miss Caron you have ten minutes.

Crystal Caron: Thank you. Hi, I'm Crystal Caron. I'm here in opposition of the memorials being removed after 90 days. Ninety days is not enough time for a memorial to be up because for anyone that has lost a loved one tragically shouldn't have a time frame in which to grieve. They need closure and for a lot of them, the place their family member or friend that was alive is the last place, is the place they need to make peace.

Dr. Richard Tay, an engineer and road safety chair at Schulich School of Engineering at the University of Calgary has studied roadside memorials and their effects. He found that there was very little difference in driver behaviour, speed or following distance. At this point there is a proposal by one of the aldermen to place a nine month time limit and ban on roads which are 70 km/h or higher. In B.C. the policy doesn't have a time frame and the roadside memorials can stay up as long as they aren't a safety hazard.

I can see why Public Works would have a problem with the memorials in trying to clear snow and cut grass around them and pick up the debris from the ones that have been vandalized. I also know that they are very proactive in health and safety, and although I don't know what their stance on the subject is, I would hope that they would be in favour of leaving the memorials up longer to show the public that they have a lot of City workers out there that are in danger every day, and one of their secretary-treasurer for Civic Services, Shannon Scromeda, was tragically killed by her common law husband last spring. I'm not sure if there was a memorial put up for her but if there was, would Public Works have wanted it removed considering Shannon was a Local 500 member?

I do understand that the memorials can't be left up forever, but would like you to consider the time frame. Some of the memorials have been up for a long time and aren't maintained, and I can see that as being an issue with the people in the neighbourhood. Although the families of the person that did kill someone has to drive by these memorials and shouldn't have to be reminded of the guilt they have because they killed someone but their family member did.

Steve Watkins, the man that drove the S.U.V. that killed Amanda Frizzley, was my neighbour. If you could see what his actions have done to the family you'd realize how hard it is for them to be reminded everyday of what Steve did, but it also makes them think of the Frizzley family and how precious life is.

My other neighbour was Corporal James Arnal, the 88th soldier killed in Afghanistan. There's yellow ribbons on every tree down the front street. So would that be considered a roadside memorial? Would you ever be able to tell the mother of a son who gave his life for freedom that 90 days is long enough?

I have two letters I'd like to read for you. The first one reads, "I'm an extremely good friend of Amanda Frizzley. The roadside memorial is very important to me because of the tragic way in which my friend died. She was clearing vehicles for the Run for the Cure Breast Cancer Marathon. She was an exceptional woman who lost her life on the job due to an unfortunate accident. The memorial isn't only a remembrance of the loss of our beloved friend Amanda. It's a reminder of how precious life is and how people must be reminded of the consequences of certain actions. I see the memorial and I think of time spent with Amanda and that was the last place she was seen alive. For the purpose of raising awareness and further education on drinking and driving, the memorial can and should continue to make an impact on society. She was my best friend and from knowing her personally she would want to be remembered. This is something she would want to stay up. If the appearance and taste of the objects at the scene are poor, I would like to propose to put up a plaque of brass or like metals to commemorate the location. Her life was taken instantly. The pain from her family and friends live on forever. There aren't always grave sites to go and visit and some people have their ashes sprinkled in their favourite places or it may not be possible to visit the grave site due to them being buried in another City. Taking away the memorial is taking away my ability to put closure on what has happened and to be able to say good-bye to a very special person in my life. Amanda deserves to be remembered the way she would want. I think the answer is obvious. Let us honour her wishes by keeping or improving the memorial site. Sincerely, Michelle Gobielski."

The second letter reads "First I must ask is, who is it hurting? Why, after 90 days does it become an issue when it wasn't an issue for the first 90 days? When I look at the ribbons that line Quayside Cove lovingly put up in memory of my son James, I remember the adventurous life my son was living, as well as the horrors in conflict that no one's children should have to go to war. My son died defending the constitution we all live by and honour which includes protecting, enabling the less fortunate. These ribbons and roadside memorials represent the need, the respect in the world and maybe someday the respect will outweigh conflict and tragedy. Ninety days certainly doesn't seem adequate to honour and respect any fallen heroes in life taken so suddenly, so senselessly. It would not be politically correct to force them down after 90 days in my opinion. It would, however, be correct to hold families responsible for the upkeep and within safety guidelines of the road or distraction to drivers. Forcing citizens to take down harmless and meaningful memorials where bigger issues lie is just plain wrong. There are many fence posts that line the highway to Shilo, and there are countless memorials along the highway in Manitoba. They've been up there much longer than 90 days. How are those citizens any different than us? They certainly are not much prouder of their lost loved ones than we are. Thank you. Wendy. Mother of corporal James Hayward Arnal, killed in action, Afghanistan."

I'd like you to consider changing the 90 days as well as a request to leave it up longer if the family still wants the memorial up. The family could then come and explain why they need more time. After a year, the family and friends could have a consecration ceremony which would give them the closure they need. I'd also like to see a small plaque with the person's name on it placed on a light standard or a stop sign near where the fatality occurred. That way the memorial may no longer be there, but the plaque will be there and it won't be in the way.

Myself and Doug Mowbray, the President of Mothers Against Drunk Drivers, are willing to sit down with someone from the City to design the plaque and the plaque would be paid for by the families so there'd be no cost to the City.

If the vote still goes through to have the roadside memorials removed in 90 days, there are a couple of questions that should be answered. What judicial system is going to monitor this? If it wasn't the family who put the memorial up, who is going to be the one responsible for any fines or tickets for having it up too long? What happens to the personal belongings that were at the site if the City takes it down? If a site is taken down by the City in the next day and another memorial is put up in its place, does it get to stay up for 90 days? In 90 days, if the 90 days come into effect after the vote, are the memorials that are up now allowed to remain for another 90 days or do they have to be removed now? How would you know which ones have been up for how long and who will be keeping track of this?

In closing I'd like to ask once again that the 90 day time frame be extended to one year with the request for longer if needed. I leave you with one question. Would you want to go to Shelley Glover, whose niece's memorial is up at Lakewood and Fermor, or Wendy Hayward-Miskiewicz whose son's yellow ribbons line Quayside Cove and tell them that they can no longer be allowed to show the public that their loved one's deaths should no longer be recognized by the public? If you can't allow more than 90 days, then please consider a plaque. Thank you.

Mr. Speaker: Thank you. First question is by Councillor Swandel.

Councillor Swandel: Thank you, Mr. Speaker. Thanks for coming out today, Crystal. I know this is a difficult issue for some of us to deal with and I think you put some very good words out here today.

You know, we got onto this track because we needed our people to have some way of dealing with roadside memorials when they start to have an affect other people's lives and a lot of times they happen to be in people's front yards and they get rather

large. I don't think anybody's hung up on the time here. What we're trying to do is find a set of rules that are…that our employees can use when they have to interact with people who are complaining about a roadside memorial, so our intent is not to eliminate roadside memorials altogether, and my sense is, even with a 90-day time line in there, nobody's going to be out there aggressively enforcing. But your points are well taken.

Without the time line in there, do you agree that it's reasonable for us to have some sort of guidelines in place to help our employees deal with the issue?

Crystal Caron: Oh yes, there should be time frames or guidelines as you say and maybe like we suggest with the plaque, to have that up or to have specific sizes or that the memorial can be to have…so they're not blocking the sidewalk or the road because you wouldn't want one on a sidewalk and have to have the pedestrians walk on to the road to get around it obviously. So we're not in disagreement with that. We just want a longer time frame.

Councillor Swandel: And the time frame you suggested was one year?

Crystal Caron: Was one year and if a family member feels that they need to leave it up longer, they can put in a request for a second year.

Mr. Speaker: Your third and final question? Councillor Thomas your first question.

Councillor Thomas: Thank you. Thank you for coming out on an issue that's very close and difficult to deal with.

I noticed you made a couple of good suggestions there. One is to have someone who takes responsibility for the memorial. So if there were some regulations developed around where a memorial could be so that it didn't interfere with either pedestrian or vehicular traffic, would that be amenable to you? And, I really liked your idea of establishing plaques. What would you feel about having this sent back to committee so that yourself and other people who might be interested have an opportunity to come and give some positive suggestions to...

Crystal Caron: Oh yeah, that would be good. I have spoke with Doug Mowbray from M.A.D. and he's more than willing to come down as well.

Councillor Thomas: Those are my questions.

Mr. Speaker: Councillor Smith, your first question.

Councillor Smith: Yes. The roadside memorials that you see in the City of Winnipeg, are they permanent? Are they permanent memorials?

Crystal Caron: No, they are not.

Councillor Smith: That's all.

Mr. Speaker: No further questions? Ms. Caron thank you very much for coming today.

Crystal Caron: Thank you.

Mr. Speaker: Councillor Fielding I believe you have a motion that you want to present about an additional delegation.

Councillor Fielding: Sure Mr. Speaker. I've got a request from Ms. Elizabeth Fleming that would like to speak on Item Number 9, of Council agenda of Executive Policy Committee. It's on the Capital Region Vision Framework and I'm not sure if she is speaking in favour or opposed but...

Mr. Speaker: Councillor first what you want to do is suspend the rules…

Councillor Fielding: I'd like to suspend the rules and allow her to speak.

Mr. Speaker: …to hear this particular delegation. All in favour? Contrary? Carried. Miss Fleming if you're here, you have five minutes and the subject is that of Item No. 1 or is that No. 9? Councillor Fielding. I assume it would be Item No. 1.

Elizabeth Fleming: Elizabeth Fleming, and yes it is Item No. 1, the Capital Region and I am just wanting…we just read the report on the agenda, we being the Provincial Council of Women of Manitoba. We have policy on informed and effective representation for Winnipeggers on the Winnipeg region strategy, and when we saw this we were somewhat taken aback. It's a report that the partners of the Manitoba Capital Region have every right to make if they wish, and submit to Council for information. But, we would respectfully say that it is not something that we should be building on and we particularly would like to recommend to Council that with the upcoming Plan Winnipeg review, that a very serious effort be made to include public participation in that effort. That's required under the Charter. And to also make sure that the Capital Region is part of that, and to do that we really have to have facts. Many of the parts of this report says measure success. We feel very strongly that we have to see what has actually been happening in the Capital Region, which means measuring the effect of things like extending border from City of Winnipeg or from other regions, has had on development, and on growth in those areas, and the effect that that's had on Winnipeg. None of that was apparent from the report. So, with that recommendation we will leave it with you but thank you very much for the opportunity to speak.

Mr. Speaker: Thank you. Question. Councillor Nordman, your first question?

Councillor Nordman: Thank you Mr. Speaker. Ms. Fleming, were you aware of the consultation process that was actually held by the Capital Region, two of which happened here in the City of Winnipeg?

Elizabeth Fleming: I had seen some advertisements. I don't think it was geared though to the City of Winnipeg as much as it was to the surrounding municipalities and I think that's evident from the report, from the answers.

Councillor Nordman: You were aware of it and you were aware that you could have attended?

Elizabeth Fleming: It was advertised, yes.

Councillor Nordman: Thank you.

Mr. Speaker: Thank you. No further questions? Ms. Fleming, thank you.

Now we get to the nitty-gritty part of the Council. Executive Policy Committee report of February the 4th of 2009. Mr. Mayor, I'm glad you did not leave the chambers. You're here. You're going to be making your presentation. Go ahead, sir.

REPORT OF THE
EXECUTIVE POLICY COMMITTEE
DATED FEBRUARY 4, 2009

Mayor Katz: Thank you, Mr. Speaker. I would like to introduce the report of February the 4th and move adoption of Consent Agenda Items 1 to 5.

Mr. Speaker: All in favour? Contrary? Carried. Report of February 11th of 2009.

REPORT OF THE
EXECUTIVE POLICY COMMITTEE
DATED FEBRUARY 11, 2009

Mayor Katz: Mr. Speaker I'd like to introduce the report and move adoption of Consent Agenda Items 1 to 10.

Mr. Speaker: Councillor Gerbasi, what...

Councillor Gerbasi: 9, please.

Mr. Speaker: Number 9?

(inaudible speaking in the background)

Mr. Speaker: What is it Councillor?

Councillor Gerbasi: The Capital Project Management.

Mr. Speaker: Number 9. No further? Motions from 1 excluding 10, 1 to 8, and 10. All in favour? Contrary? Carried. Item Number 9.

Mayor Katz: I would very much like to hear from Councillor Gerbasi and others and then I will respond.

Mr. Speaker: Just a minute Clerk. Mr. Clerk. He will introduce Number 9.

Item 9 - Capital Project Management Audit - Final Report
eFile FA-2

Mr. Speaker: Thank you. Councillor Gerbasi.

Councillor Gerbasi: Thank you, Mr. Speaker. I was hoping that the Mayor would, in his closing remarks, will respond to part of the audit which raises the question of the budget process. It's very unusual to see an audit talk about a budget process this way. It's because part of it really is a political decision in a sense to decide what the budget process is going to be because that's decided by the Mayor and Executive Policy Committee. But the audit is saying that there has…the process for public input into our Capital Budget is inadequate and is actually reducing the quality of our budget process. When you look at other cities and how they do budgets, there is extensive public consultation throughout the year. Even the Provincial Government had pre-budget consultations, and if you compare to other cities, you know, it's very clear that we have a very…that our Capital Budget process, and I would put forward our Operating Budget process as well, is really not meeting the standards for public input. And public input is mentioned in this report as part of the, in a sense, quality assurance of budgeting as a City, to have proper input from the stakeholders and from citizens-at-large as well as the…all the politicians.

So, it's very refreshing to have an audit report clearly point out something that some of us, I have to say, have been pointing out every year in the budget process for a long time and have been kind of brushed off on that point, that, you know, having a three-week budget process, having three weeks to… when the public can actually see what's in the budget to try to respond to it, is virtually impossible for community groups, for example, who have to take a document, study it, take it back to their board and then come back with recommendations is absolutely impossible when really, the budget's tabled and a week later it's in front of standing committees, so we have a completely inadequate budget process. Our auditor has now pointed that out and I guess what I'm hoping to hear in the Mayor's closing remarks is some commentary about what is going to change from here on in, in response to this audit report. Thank you Mr. Speaker.

Mr. Speaker: I understand there are three more. I've got Councillor Swandel, Thomas and Vandal. Councillor Swandel.

Councillor Swandel: Thank you, Mr. Speaker. I'm pleased to see this report come forward because it really does point to some of the issues that we've been dealing with and some of the changes that we've been making in the last few years. You see our budget process is sort of moving in this direction quite well. And the public process, you know, we have to be careful with public consultation to make sure that we're not just listening to the loud vocal minorities and that we're engaging the often silent majority out there. And if you look at the report, the report speaks very clearly about establishing priorities for the entire City, not just for the select few that choose to come out to these public arena type processes. We need to be doing more in the area of polling and sampling, across the entire population of the City, getting a sense of what the priorities are. We get some of that information on an annual basis. We know that protection, you know, community protection, police and emergency services are a key priority. We see the transit priority moving up in response, and we're taking that information from that consultation process and incorporating it into our budgets. We also, at the same time, need to be cognizant that we have to be able to deal with the time lines put on us by the other levels of government. We don't do our capital work alone. The majority of it is funded by other levels of government. Some of the money is very specific as to what it can be applied to. Some of it is parochialized for the sake of political purposes you know. Our friends at the other levels of government often want to make sure that certain announcements happen in certain ridings, depending on

what the political climate of the day might be or what's going on with elections. And they're out there trying to ensure that their dollars are being allocated in areas that serve their partisan needs. That's the reality. I don't say that to belittle it but it is a reality of having a partisan political process out there that we have to rely on for a certain amount of our spending. So it's not that easy just to say yes, public consultation and everything will be fine. We know that we're out there engaged in public consultation already. We know that we're trying to improve on it to get more brought forward. I can tell you that since last Council meeting where I invited all Councillors, just the Councillors alone to talk to me about the priorities that they're hearing for the Operating Budget. Only one Councillor to date has taken me up on that offer and that was Councillor Browaty, and it was actually quite an informative exchange that we had and it was very beneficial in the budget process.

The recommendations I think are great. We'll go through the usual process that we take audit recommendations. We have them advance, the Administration looks to implement them, brings forward reasons why they can or why they can't and what the time lines might be. We all know that our Capital Budget, we try and get it done early to take advantage of early tendering, so often times we can't align the Capital Budget with the Operating Budget because the Operating Budget tends to rely on signals coming from the Province as to what might be happening in their budget process. So, you know, on one hand yes, we would like to do them both together but on the other hand, well, by getting the Capital Budget out early, we know that we're getting better pricing for the citizens of the City of Winnipeg, and we hope to be closing that gap by getting our estimates and the budget, the audit talks to having actual three year Operating and five-year Capital, real budgets as opposed to estimates, but we're hopefully this year we'll be able to really tighten up the numbers in what are currently estimates and perhaps even get them to be budgets, at least a second year's budget out in front of us so that we know where we're going and what we're doing. So, you know, this is sort of speaking to the converted already, this report. We are doing much of this. We've certainly made a great deal of strides from where Council was, you know, five or ten years ago in ensuring that the public is more engaged. Back in those days there seemed to be a great deal less engagement when it came to financial matters and the offers of engagement are certainly out there. We're even seeing more people show up in delegation and talk about their specific interest. A lot of it is special interest. We saw that out of trail organizations and other groups when we went through the Capital Budget process. So I think this is just sort of more icing on a cake that's already got some icing on it and we'll continue to move in the direction that we have been moving and ensure a healthy and robust budget process, taking into consideration all the factors that are out there.

Mr. Speaker: thank you. Councillor Thomas you're next.

Councillor Thomas: Thank you. Just as an aside, we used to have pre-budget consultations and go around the City and have at least six public meetings where citizens had the opportunity to state what they wanted to see in the budget. I don't see us doing that any more so I think we're having less not more.

In dealing with the concerns raised by the Audit Department, I will call your attention to Page 3 and 4 in the Executive Summary. I won't go into the details of the, in excess of a hundred page report that's here. But on Page 3 it says "The corporate management control and framework of capital projects, which includes capital planning, budgeting, monitoring report, needs to be strengthened." And it acknowledges that recommended practices are being used but it says there is some significant gaps in the City's processes. "And to ensure the City's capital program is delivered in the most effective and efficient manner, there needs to be significant improvement in several areas, including the timing, level of public and political input, capital planning, project priorization and standardization." It also says "there needs to be significant revision and

development of capital project management procedures and processes that are required to bring the City up to contemporary industry standards. Despite this, projects reviewed by the audit, the gaps in processes were filled in many instances by the practice of the City's current complement of skill in its various project managers. Managers to fill the void is neither sustainable or desirable." Now …and then it says "it has key observations, and it acknowledges the compliance with government, Federal Officers Association, but nevertheless they've identified several opportunities to improve the current capital planning and budgeting practices to achieve the best practices for local governments." And my concern is, with all these comments that were made, and an over 100 page report of concerns that were raised by the Audit Department in a very serious capital program that we have that comes close to half a billion dollars each and every year, that the recommendation from Executive Policy Committee is to receive this as information. In the past when Executive Policy Committee has met, as an Audit Committee, and there has been a management letter submitted by the Audit Department, the Audit Committee of Councillors, which is Executive Policy Committee serves as an Audit Committee, they acknowledge the concerns brought forth by the Audit Department and say what they're going to do to upgrade to deal with the concerns. That's not here. That's my concern, Mr. Speaker. With all the concerns that have been raised, and there is a lot of them in this report, that's all it suggests is that Council receive this as information. I can't do that because as far as I'm concerned, the information that's here is not being dealt with and I'm not going to say it's okay to continue steady as she goes when they're clearly letting us know there's an iceberg out there and we'd better start looking at our instruments a little bit more carefully before we hit something. I don't see that Executive Policy Committee has seriously looked at the recommendations made by the Audit Department or has made any effort to say that they're going to deal with the concerns. Receiving this as information is inappropriate. Thank you.

Mr. Speaker: Councillor Vandal.

Councillor Vandal: Thank you, Mr. Speaker. Well, Councillor Thomas has raised the precise point that I was going to in reading the multitude, litany of recommendations from the Administration. There is some very brief comment back from the Public Administration and when it gets to Audit Committee, it's received as information, and it's really unclear to me at this point exactly what the real will of the Executive Committee was. Are they giving this the priority that it deserves? I've been here awhile, as have several Councillors, and we all know what happens to reports that get received as information. They get recycled in the blue bins beside our desks, and I think some of the recommendations in this Audit report are significant, and some of the recommendations of the Public Service said we'll take the lead of Executive Committee on this, and obviously I'd like the Mayor to perhaps summarize exactly whether this…it was his intention and Executive Committee's intention to approve this report, to give it priority, to move on some of the recommendations, or was it simply to quietly receive it as information and file it in the blue bin? So it's unclear to me at this point. I'm going to wait to hear the summary from the Mayor as to where these recommendations are going to go.

Mr. Speaker: Councillor Steeves.

Councillor Steeves: Just briefly, and I don't consider any of the comments made thus far completely unfair. My understanding, and I'll ask the Mayor to verify this in his closing comments, and I think most of us have either sat on the Audit Committee or had an opportunity to be in the gallery and viewed the exciting splendour that is the Audit Committee.

My understanding is that the way we deal with all of these reports is that we do receive them as information and then our Auditors, who are about as detail-orientated people as you could ever imagine, set up grids and they go through all of the recommendations, and they follow them through. For example, I was

on one of the local media outlets talking today about photo radar, which is actually not one of my favourite past times lately, but in any event, we were talking about an Audit report there and the number of recommendations that have gone through and they track each and every recommendation and check them off as they occur. In fact, and for the recommendations that haven't been achieved, there is even estimates in what year, and beside the year estimate there is a "Q" designation which will often tell you the quarter of the year in which the Audit recommendation is expected to be achieved. That's the policy and the procedure and the path that we follow. It's pretty exhaustive. Unless the Mayor says something to the contrary, I don't believe that there is any reason for anyone on this Council to vote against receiving this as information for fear that it won't be followed up on. Quite the contrary, Mr. Speaker. I don't know what the result would be if this Council did not receive this as information. I actually don't know the answer to that question. Would the Appendix 8 Audit recommendations then not be followed? I certainly wouldn't want to risk that. I don't think anybody on this Council would want to risk that. So let's just all take a deep breath here and hopefully the Mayor can lend a little bit of clarity to where we're going from here, but I think it's okay actually. I think what we're doing here makes perfect sense and is in perfect keeping with what we do with every other report we that follow through, of which, as we all know, there are many, and I think we do a really good job of checking off, in turn, each one of the Audit recommendations when they've been achieved, and if from time to time as it does happen, a recommendation can't be achieved and it's rare, but if it can't be achieved, a reason is then given why that recommendation cannot be achieved in whatever theatre we happen to be dealing. Fair enough?

I'd made some comments on the, on some of the budget issues, and I am one of those people, I think, like everybody around this Council who is in complete agreement with as much consultation as possible. I hope we recognize, I hope we recognize that sometimes consultation is a bit difficult. As political leaders we all recognize that it's harder than we would probably want to get people involved in budget processes if we're all completely honest with ourselves. Getting people out to budget meetings is not always as easy as we would like to think that it is. I've gone through this process of exhaustive consultations in my former life as a school trustee where we tried to engage the entire school division in a budget process and it was very, very difficult, Mr. Speaker, not because the effort wasn't put out. I can assure you that it was. But what we found happened is if you simply open up consultations to a blank slate, you run the risk of people not really becoming engaged in the actual process. The one suggestion I would make is that if we are hopefully going to move towards more exhaustive and complex consultations, it has to be in recognition of some structure or at least some presentation that people can grab onto and react to, to a certain degree. I think that's beneficial. I think it makes more sense and I think it will move the process forward in a more integral way than if you simply start way out before anyone has any idea what the eventual budget is going to look like. It can happen at anytime but there has to be some structure to it. That would be in our respectful advice.

There is also some discussions about longer term budgeting and the like and the combination of different aspects of budgeting, and I'm not against that but the comments of Councillor Swandel are well taken. As we move through these processes, I mean, two years ago or three years ago or four years ago, we were dealing with the CSIF program, and then the MRIF program, which morphed into the new Building Canada fund which is supported by the gas tax measures. All of these things in a long, long process, can't always be predicted and they can't always even be imagined, Mr. Speaker. And that doesn't preclude the idea that we could lengthen out the budget consultation process or that we could even attempt to achieve a longer term process. But I just hope that everybody remains open and flexible to the idea. There could be massive changes to an

out-year budget as we move forward. Think of what an announcement like a gas tax would do, to a, sort of a budget where it hasn't yet been assumed into it. Or a Building Canada fund or heaven knows what awaits us in the next couple of years given the stimulus package that's been announced by the Federal Government. All of these things are rapidly evolving and if we try to predict every single eventuality, we're going to get tied up and we're going to be counter-productive to the goal that we're trying to achieve. Again, this doesn't make it a non-worthy goal to try to achieve, but I just want to make sure that as we're going through this process, everybody understands that there's going to be big changes and that as the numbers change and as differences arrive closer to the budget year, it doesn't erode confidence. It doesn't erode confidence in the numbers that we've put out there, Mr. Speaker, because that's important. You recall the challenges that we've gone through and we try to predict out numbers and out budget years and if for some reason those numbers change, it becomes front page news Mr. Speaker. "Oh the City did a poor job of predicting this, the City did a terrible job of predicting this." The longer you go out, the more loose those numbers are going to be, the more flux there is going to be as they get closer to the actual budget date. We have to understand and respect that, Mr. Speaker.

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

Mayor Katz: Thank you, Mr. Speaker. I must say that I am a little surprised by some of the comments, although I do appreciate all the comments that have been made. I know for the concerns expressed by Councillors Gerbasi along with Thomas, along with Vandal, I appreciate their concerns, but I also understand that for Councillors who have been here for 10 years, 12 years and possibly 20 years, which is approximately 40 years, I would like to think, and also have served on EPC, Mr. Speaker, would know that the standard process is exactly what we're doing here today. It's to receive as information. It's exactly what takes place. If you speak to the CAO, you speak to the Clerk, they will tell you that's exactly what we're supposed to do. It's then up to the Audit Committee to make recommendations and they flow through the Audit Committee, and then we work in conjunction to achieve those goals. It's the exact same thing, Mr. Speaker, that's done for any department. When there is an audit on Public Works or any other department, that's exactly how the system works. I think Councillor Steeves eloquently discussed that. We're not doing anything different here, Mr. Speaker. As a matter of fact, at my State of the City address, I also mentioned the Audit Committee working in conjunction with the Chief Performance Officer. We are working to make things better and I believe we are achieving our goals, and hopefully this will move forward and we will achieve our goals as well. Thank you.

Mr. Speaker: Thank you, Mr. Mayor. Ready for the question? All in favour Item No. 9? Opposed? It's carried. Councillor Thomas wants to be recorded in opposition. Any further? Councillor Smith wants to be recorded in opposition. No one else? Thank you.

Notice of motion, moved by Councillor Vandal, seconded by Councillor Swandel. The notice of motion before us here for a discussion and to deal with. Councillor Vandal, do you want to introduce your motion?

EXECUTIVE POLICY COMMITTEE
NOTICE OF MOTION

Moved by Councillor Vandal,
Seconded by Councillor Swandel,

WHEREAS the City of Winnipeg should strive for the most transparent, equitable and fair system of municipal election financing;

AND WHEREAS Winnipeg has already adopted a partial public financing of municipal campaigns system, through the "Rebate of Election Contributions" By-law;

AND WHEREAS banning union and corporate donations to municipal campaigns will avoid disbursing financial rebates to corporations and unions;

AND WHEREAS the Government of Canada and the Province of Manitoba have prohibited corporations, businesses and unions from financially donating to their elections;

THEREFORE BE IT RESOLVED THAT the City of Winnipeg allow only individuals to donate to municipal political candidates beginning in the 2010 municipal election;

AND BE IT FURTHER RESOLVED THAT the City of Winnipeg do all things necessary to ban corporate, organization and union financial donations to all municipal political candidates beginning in the 2010 municipal election.

Councillor Vandal: Mr. Speaker, I was going to suggest that this issue be laid over till next month given that there's three people, two people that aren't here, Councillors, and there will be a new Councillor here next month so I'll move it be laid over until next month.

Mr. Speaker: Councillors you've heard the motion. All in favour? Contrary? Carried. Thank you, Councillor Vandal. It's only right that the others should be here, too. Motions.

EXECUTIVE POLICY COMMITTEE MOTIONS

Motion No. 1
Moved by Councillor Vandal,
Seconded by Councillor Gerbasi,

WHEREAS the recent inappropriate public listing for sale of the Winnipeg Square parkade has resulted in a perceived lack of clarity and confidence by the commercial real estate industry into the process utilized by the City of Winnipeg Public Service in the sale of its property assets;

AND WHEREAS the City of Winnipeg must do all things necessary to ensure that quality, independent, public policy is followed when dealing with all of its public assets;

AND WHEREAS the City of Winnipeg must do all things necessary to maintain public confidence into the manner in which it deals with all of its public assets;

THEREFORE BE IT RESOLVED THAT an independent Real Estate Management audit be conducted into the process used by the City of Winnipeg which resulted in the Winnipeg Square parkade being inappropriately listed for sale;

AND BE IT FURTHER RESOLVED THAT an independent, Real Estate Management review take place on all existing policy relating to the Acquisition, Sale and External leasing of City-owned Real Estate.

Mr. Speaker: Councillor O'Shaughnessy.

Councillor O'Shaughnessy: Point of Order if I might.

Mr. Speaker: What's your Point of Order.

Councillor O'Shaughnessy: I believe in the first resolve where it says the words "this audit be conducted into the process used by the City of Winnipeg which resulted in this place being listed for sale" it says as a statement that the City of Winnipeg's process resulted in this listing. That is conjecture. It is quite an accusation against our Administration which is in charge of setting up this process, and it's totally unproven. I would ask that you rule this motion out of order because its assumption of an almost criminal act.

Mr. Speaker: Are you referring to Motion No. 1?

Councillor O'Shaughnessy: Yes, I am.

Mr. Speaker: Okay.

(inaudible speaking in the background)

Councillor Vandal: Mr. Speaker can I speak to this?

Mr. Speaker: Go ahead.

Councillor Vandal: This is a public asset of the City of Winnipeg. We are in charge of our public assets. We do work with commercial realtors and have for

quite a while on marketing our public assets, but at the end of the day the buck stops with the City of Winnipeg, and it certainly was not my intent to imply that something illegal was done by either the City of Winnipeg or the private company. But, I think at the end of the day, the buck stops with the politicians of the City of Winnipeg.

And something was done that certainly cast a negative light on the City of Winnipeg, and I consider that very serious and I think we need to get to the bottom of it. That was the intent of my motion.

Mr. Speaker: Councillor Vandal, on what happened with that listing that took place, my understanding is that there was a mistake was made on behalf of that company.

(inaudible speaking in the background)

Mr. Speaker: Pardon? That's right. It was a mistake was made by the individual, individual company and they have addressed that question and I don't see where we want to flag on something, you know, that mistakes are being made, it wasn't the City, so I mean as far as…do you have a point of order? What is it?

Councillor Gerbasi: I'm wondering if I could, as the seconder of the motion, I could move a friendly amendment because I think what I understand Councillor O'Shaughnessy is saying is that the resolve assumes that the process resulted in it. So if we were to say that the audit be conducted to determine if the process was, you know, we could easily change a few words there to address Councillor O'Shaughnessy's concern and then it would be able to be looked at because I think the idea of asking for an audit into the policies about the acquisition, sale and external leasing of City-owned real estate is a very valid thing to ask for and that's the intent of the motion by both the mover and the seconder, so I think a friendly amendment would be in order and then the motion could go forward.

Mr. Speaker: Councillor Swandel, you have a point of order?

Councillor Swandel: Just, you know, as far as an amendment coming forward, I would suggest language just around asking the Auditor's Office to review the City of Winnipeg process to see if that in any way participated in this thing being inadvertently placed on a private company's web site for sale. All you're doing is asking for the City of Winnipeg, our Auditor to take a look at our process, because I don't think we can look into a private company. We don't have that authority. So, that's all you're asking for and I think it's the inference that there was something wrong is the problem here, so just asking the Auditor to take a look is fine. I don't see that there's an issue there. Just…you've got to change the language so that the inference isn't there.

Mr. Speaker: Councillor O'Shaughnessy.

Councillor O'Shaughnessy: Mr. Speaker I would ask that you rule on this. In addition, it does mention independent audit which would assume that our auditors would be incompetent to handle this matter. I think the whole motion needs…the basic concept behind it not being bad but I would say that this motion is out of order and I would ask you to rule on that.

Mr. Speaker: Councillor O'Shaughnessy, I believe that the first "Whereas", you know, that should not be in there but this will be an automatic referral to Executive Policy Committee and EPC can take a look at it and they can also consult with our Chief Administrator, talk to our Legal Services and to try and resolve this. This is just…I'm… we're not dealing with it. Pardon?

(inaudible speaking in the background)

Mr. Speaker: I know. I'm just saying that the first "Whereas", the first "Whereas"… No, listen. Just a minute. Councillors, please. Councillor O'Shaughnessy has asked that it be ruled out of order. I could easily say this is out of order, but no, I can do it. Do you want me to do it? Councillor Vandal. I'll do it. Hey! This motion is out of order. Let's get on with the business. What's your problem.

Councillor Vandal: Point of order. I don't agree with your ruling. This motion is not out of order. It doesn't…

Mr. Speaker: I ruled it's out of order.

Councillor Vandal: Well I'm going to challenge the chair.

Mr. Speaker: Then challenge the Chair.

Councillor Vandal: I'm challenging the Chair.

Mr. Speaker: Challenge the Chair. The Chair has been challenged.

Councillor Swandel: Okay, mixed martial arts competition outside. (Inaudible)

Mr. Speaker: All those…

Councillor Gerbasi: Point of order on the Challenge of the Chair. I just wanted to ask is there any chance to explain, to discuss why you want to Challenge the Chair? No?

Mr. Speaker: No. The Chair has been Challenged. The Chair has been Challenged. . Those of you in favour of sustaining the Chair. Recorded vote to sustain the Chair please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

His Worship Mayor Katz, Councillors Browaty, Fielding, Nordman, O'Shaughnessy, Pagtakhan, Steeves, Swandel, Mr. Speaker Councillor Lazarenko.

Nays

Councillors Gerbasi, Smith, Thomas, Vandal.

City Clerk: The vote Mr. Speaker, Yeas 9, Nays 4.

Mr. Speaker: It's carried. Councillor Swandel.

Councillor Swandel: Mr. Speaker I don't know if we can do this but I'm going to attempt to. I'm going to ask that we suspend the rules and consider another motion that basically would say that we ask the City Auditors office to…

Mr. Speaker: Councillors. Councillor Swandel, no, no, no. This is done with. The second motion is automatic referral by Councillor…oh pardon me. Public Works. I'm sorry. No. By-laws, Mr. Mayor.

EXECUTIVE POLICY COMMITTEE CONSIDERATION OF BY-LAWS

Mayor Katz: Thank you, Mr. Speaker. I would move that the By-law No. 31/2009 be read a first time.

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

Clerk: By-law No. 31/2009.

Mr. Speaker: Mr. Mayor.

Mayor Katz: Mr. Speaker I move that By-law No. 149/2008 be read a second time.

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

Clerk: By-law No. 149/2008.

Mayor Katz: Mr. Speaker I'll move that the following By-laws be read a first time: By-law No. 12/2009, 13/2009, 14/2009, 15/2009, 16/2009, 17/2009, 18/2009, 19/2009, 20/2009, 21/2009, and 22/2009 and 23/2009, 24/2009 and 25/2009.

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

Clerk: By-law No. 12/2009, 13/2009, 14/2009, 15/2009, 16/2009, 17/2009, 18/2009, 19/2009, 20/2009, 21/2009, 22/2009, 23/2009, 24/2009 and 25/2009.

Mayor Katz: Mr. Speaker I'll move that By-laws No. 12/2009 to 25/2009, both inclusive, be read a second time.

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

Clerk: By-laws numbered 12/2009 to 25/2009, both inclusive.

Mayor Katz: Mr. Speaker I'll move that the rule be suspended and By-laws numbered 12/2009 to 25/2009, both inclusive, be read a third time and that same be passed in order to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried. Question period. Councillor O'Shaughnessy, your first question.

EXECUTIVE POLICY COMMITTEE QUESTION PERIOD

Councillor O'Shaughnessy: Mr. Mayor, the matter that, that motion that was recently ruled out of order, the general subject matter of that motion, however, I feel should be looked into. Will you assure this Council that you will make sure that this…that the matter of the City's processes, with regard to real estate, sales, leases, et cetera, the matter is looked into and any matter that should be brought to public attention is released to the public.

Mr. Speaker: Mr. Mayor.

Mayor Katz: Mr. Speaker I thank Councillor O'Shaughnessy; I can tell Councillor O'Shaughnessy we're a little ahead of that. I've already asked the CAO to look into that and I would be happy to share that information with all Councillors.

Mr. Speaker: Thank you. That's it Councillor? Councillor Gerbasi your first question.

Councillor Gerbasi: Thank you, Mr. Speaker. This is a question that I had asked the CAO about in the middle of January and have yet to receive an answer. He told me that the Administration would get back to me, so I'm going ask the Mayor if he can get this information for me from the Administration. The question is regarding the exploration of a different transit project other than the BRT project that Council has approved in some form of elevated system that I asked about last month, and it has been acknowledged that Mr. Sheegl, the Deputy CAO, has been looking….has been in charge of investigating an alternative approach. I'm not sure if this is for now or sometime in the future. But I would assume that some sort of consultant has been hired with expertise to look into this, and the question I have not yet got an answer to, and I'd appreciate an answer, is which consultants have been hired, at what cost and what is the time line of the study looking into an alternative mode of rapid transit?

Mr. Speaker: Mr. Mayor.

Mayor Katz: Mr. Speaker, I thank Councillor Gerbasi for that question. I would be happy to try and give her an answer that hopefully explains everything.

One, as was mentioned earlier, we were looking at other options. I can tell you, Mr. Speaker that I myself took a trip at my own expense but had the opportunity to explore what is being discussed right now and actually see it first hand. It's my understanding that there is an engineering company…I do not know the name but I'd be happy to get that for Councillor Gerbasi…who has looked into this to see if it's feasible for our City, and I have no problem sharing that information with Councillor Gerbasi or any other Councillor. In the meantime, as Councillor Gerbasi knows, the Department is moving forward on BRT. It's my understanding they're proceeding as was discussed and I believe that we should have an answer to this, whether it's feasible or not, before the end of the month or within a few weeks for sure, Mr. Speaker. I hope that helps Councillor Gerbasi. If she has any further questions I'm sure she will feel free to ask.

Mr. Speaker: Thank you. Your second question Councillor.

Councillor Gerbasi: Thank you for the answer to that Mr. Mayor. The next question has to do with the administrative reorganization that Council approved in September. As we're going into a budget process where in the last few years we've seen significant job reductions, particularly at the middle management level, three new Deputy CAO positions

were created, filled by…and what I would like to know is would the Mayor please ask the CAO to provide all Members of Council with the following information. What are the job descriptions and salaries associated with these high level Deputy CAO positions that have been created?

Mr. Speaker: Mr. Mayor?

Mayor Katz: Mr. Speaker, it's my understanding that they were…I thought Councillor Gerbasi said three, I think she meant two, okay, oh the CFO and, okay a combination of both. First of all, I think that everybody here should be aware, and is, that with the elimination of the EPC Secretariat as well as the CAO Secretariat, we actually eliminated a significant number of jobs and there was a saving. I'm hoping everybody is aware of that, and I would be happy to inquire and try and get whatever information. I'll take that under advisement and I will certainly try and get back to the Councillor.

Mr. Speaker: Thank you. Your final question Councillor.

Councillor Gerbasi: My last question is one short question in follow up to the discussion we had about the capital projects audit. I appreciate…I understand these reports are received as information, but the decision about the budget process is not an administrative one. It's actually a political one in terms of the process of when public consultation is going to be as decided politically by EPC and the Mayor in terms of whether there's going to be public consultation. So that's not something the Administration can follow up on, and I'm just wondering, will the Mayor and EPC be making changes to the budget process along the lines of what was shown in the Audit report when they talked about the recommended process for 2004 where there was significant consultation earlier on in the process before the budget was tabled…well before the budget was tabled.

Mr. Speaker: Mr. Mayor.

Mayor Katz: Mr. Speaker, I thank Councillor Gerbasi for that. As Councillor Gerbasi is aware of, EPC has already moved forward with certain recommendations from the Audit Committee. That being that one, our audit…our Operating Budget, as well as our Capital Budget, be done prior to the end of the year. So for all intents and purposes we would be talking prior to December of '09, we have our Operating and Capital Budget done, as well as the term "Operating" according to Audit might be a…it's not a proper term and it's more of a spending budget and we're looking to make those changes and with that there will be significant other changes which would obviously address Councillor Gerbasi's concerns as well. So they're already moving forward on changes and we certainly would address those as well.

Mr. Speaker: Thank you. Councillor Nordman your first question.

Councillor Nordman: Thank you Mr. Speaker. Before I ask the Mayor a question, I'll just make a comment that at the end of a Standing Committee meeting last week, I asked a question of our civil service to bring us back a report on a particular type of event that happened in Winnipeg the week before and I'd just be curious to know how the Mayor feels about the whole concept of mixed martial arts and the participation of that type of event in the City of Winnipeg and likewise in our Convention Centre?

Mr. Speaker: Mr. Mayor.

Mayor Katz: Well the first thing I can say, Mr. Speaker, you will never see me as a competitor in that event. That's number one. Number two is, I've obviously spoken to members of the media, as well as other people who attended that event and I think everybody is remorseful of what took place with one of the competitors, an 18-year old young man. I can tell you, Mr. Speaker, that when it comes to that type of event, I'm not going to judge the event. We know it's taking place out there. I will tell you that in my opinion, the system that is in place failed that young man. And what I mean by that, he has people in his corner, there's a doctor, there's a referee, and there's the boxing commission, and if you talk to people who were there, they believe after

that second round the fight should have been stopped, and from my point of view, it was up to these people to make that decision. It wasn't made, it's unfortunate and thank god he's making a recovery.

Mr. Speaker: Your second question, Councillor? Councillor Vandal your first question.

Councillor Vandal: Mr. Mayor, the Winnipeg Square Parkade fiasco has cast an extremely negative light on our public service, and the Winnipeg commercial real estate industry is outraged at the fact that our sweetest plumb was put up for sale without it being declared surplus. Can you elaborate on the action that's been taken by yourself or the CAO on investigating this matter with the company that put the parkade up for sale, and is any form of discipline being considered?

Mr. Speaker: Mr. Mayor.

Mayor Katz: Wow, first of all, Mr. Speaker, let's talk about outrage. I haven't received a phone call. I haven't received a fax. I haven't received an e-mail from one member of the sector that the good Councillor is referring to.

Number two, I think I heard the word scandal. Oh my. It wasn't that long ago that after it took place and as we all know, Mr. Speaker, that property was never listed for sale. As a matter of fact, Mr. Speaker, it was the Winnipeg Parking Authority had been given a green light to explore the sale of the Winnipeg Square Parkade. I know that because I read the minutes, and it was unanimously approved by Councillor Vandal, Councillor Swandel, and Councillor Browaty, okay. And I believe the exact comment from the minutes talked, Councillor Vandal expressed a little…we should proceed with some caution, because I think that's where the term "the gold mine" Portage and Main generates revenue at a time when Winnipeg is looking for ways to find cash without increasing the property tax burden. I would hope, number one, that Councillor Vandal is aware of the fact this is an SOA. Whatever cash they generate does not come to our bottom line as budget. It's used by the Winnipeg Parking Authority. I'd like to think that the Councillor knows that. Number two, I spoke to the CAO who told me he had spoken directly to the entity and that someone had been, shall we say, over-aggressive and inadvertently put something on the web site. I think the good Councillor knows that there is no listing because the City of Winnipeg never signed a listing. So obviously it doesn't exist. I think we all know that. This company did apologize. Very clearly apologized. It wasn't that long ago, Mr. Speaker, okay, where unfortunately a death took place at a hospital. I recall the news director at 'OB basically saying, My God what more do you want? Why are you calling for everybody's head? They've apologized. Isn't that enough? I'd like to think that if an apology is adequate, okay, when it comes to the death of someone and an apology here is more than adequate. I referenced that individual because that is someone who I know Councillor Vandal takes at his word because repeats what he says here on the floor of Council.

Mr. Speaker: Second question Councillor Vandal.

Councillor Vandal: Mr. Speaker, I'm not sure where the Mayor heard the word scandal but I'm positive I didn't use the word scandal in my question so perhaps it's his conscience speaking.

Let me repeat my question. Can you elaborate on the investigation that's been…that the CAO or yourself are doing with the developer who has listed this property and will there be any form of discipline occurred on the developer.

Mr. Speaker: Mr. Mayor.

Mayor Katz: Mr. Speaker, Councillor Gerbasi asked a very similar question. I told her that I've already spoken to the CAO and I specifically told the answer the CAO gave me after talking, that's number one. So if Councillor Vandal is asking about an investigation, the CAO already got the answer, that's number one. He's got the answer. I don't know what more Councillor Vandal would like the CAO or

yours truly to do. Maybe he could elaborate. I don't know.

Mr. Speaker: Councillor Vandal your final question.

Councillor Vandal: Can you confirm, Mr. Mayor that the developer who inappropriately listed the property works or contracts with the City of Winnipeg to sell commercial property?

Mr. Speaker: Mr. Mayor.

Mayor Katz: I can tell you, Mr. Speaker, we're talking about a real estate company, number one. Number two that the City of Winnipeg has a list of approximately at least five different companies that we deal with and I know they are one of them along with four others.

Mr. Speaker: Thank you Mr. Mayor. Councillor Swandel your first question.

Councillor Swandel: Thank you, Mr. Speaker. Through you to the Mayor, I'd to just inquire with regard to the aboriginal youth strategy. It's been awhile since we've announced the start of some programs. I'm just wondering if the Mayor can update us on how those programs are coming along, what's being implemented so far, and what are we still waiting on.

Mr. Speaker: Mr. Mayor?

Mayor Katz: Mr. Speaker, some of those programs have commenced, others they're still working towards. There's also hopefully some new ones that will be announced in the very near future. For specific details, what I will do is, I certainly would be happy to get some documented material and be happy to share it with Councillor Swandel so he can be totally updated on where every one of those new programs are at this stage of the game. I can't give you all the details on each and every one of them today.

Mr. Speaker: Thank you. Your second question Councillor Swandel.

Councillor Swandel: Through the process we had talked about establishing some benchmarks and baselines and then some benchmarks and sort of measuring the success of these programs so it's to know whether or not we would want to invest further in the programs looking at the deliverables. Do you know if these initial set of programs if we started to establish some of those baselines and benchmarks and look to prove out the success of the program?

Mr. Speaker: Mr. Mayor.

Mayor Katz: Mr. Speaker, I can tell you, to start off with, that I very much believe in goals and benchmarks and sometimes it's easier. As Councillor Swandel knows, the whole purpose of this is to bring opportunity to aboriginal youth. Whether it's training, keeping out of gangs, having the opportunity to get a job, and from my point of view, I'm not sure that if we went around and spoke to every single Councillor here, we might get a different interpretation of what success is. If you are able to keep one aboriginal youth out of prison where so many are right now, and have a fulfilling job and a productive life, you consider that to be successful. Is the number two is the number three. I for one believe that if we can take one and make them have a good life and make a contribution to our society, that's a phenomenal start. If we can do that with fifteen or seventy-five it's even better. We have to start this process and I don't quite know how someone would actually quantify what success is. I certainly would be happy to discuss, you know, with the Grand Chief and see if maybe, you know, we can define what some of our goals, but I don't think that's the easiest thing to do although I would be happy to attempt that exercise.

Mr. Speaker: Your final question Councillor.

Councillor Swandel: Final question Mr. Speak, just in a different vein. Quite awhile ago we announced that we would be providing or assisting in providing automated external defibrillators to our community centres. I don't expect you to have the answer here today but could you give us an update perhaps by e-mail as to whether or not those machines have been installed in our community centres and if

not, why not? I'm assuming there is a training process we have to go through.

Mr. Speaker: Mr. Mayor.

Mayor Katz: I thank Councillor Swandel for that. It's my understanding that the training has been completed and they should be installed very shortly. Once again, I'd be happy to get back to Councillor Swandel and give him an exact date. That is in process, and it could be any day now that it could be taking place, which I think is a very good thing, and Mr. Speaker, sometimes you have to give credit where credit is due. That was an initiative that was started by Councillor Browaty which I very much supported and I thank him for working so hard on that.

Mr. Speaker: No further questions? Second time around, Councillor Vandal followed by Councillor Gerbasi. Councillor Vandal what is your first question?

Councillor Vandal: Mr. Mayor, given that there was some sensitivity around my audit motion earlier this morning, can you assure this Council that with clarity, that there was nothing inappropriate that our public administration have done in signaling to this private developer that the parkade was his to sell. Can you assure this Council that that happened or that didn't happen?

Mr. Speaker: Mr. Mayor.

Mayor Katz: Mr. Speaker I thank Councillor Vandal. On my understanding, after discussion with the CAO, that there was absolutely nothing inappropriate done by our staff. That's 100 percent, the end of that. They didn't do anything, and as I said before, it's my understanding that one of their employees got a little motivated and inspired and put something on their website which I believe was taken off within hours of us being made aware of that and once we called them because they did not have a listing. So yes, I believe I most definitely can assure Councillor Vandal that our people acted properly and in good faith and that there was one employee that made a mistake and an apology has been given to the CAO.

Mr. Speaker: Your second question.

Councillor Vandal: Mr. Mayor, do you think, would you support an audit to review our real estate policies relating to acquisition, sales and external leasing of our properties?

Mr. Speaker: Mr. Mayor.

Mayor Katz: Mr. Speaker, if Councillor Vandal has a specific reason for that initiative I would love to hear it. I think we are always reviewing our policies in all departments and trying to do a better job. It's been stated by many Councillors on this floor of Council that we have a lot of property sitting that we should be getting sold and we should be getting property taxes out of it. As you're aware of, in some provinces, and I'll use Alberta as an example, they actually…you can just go on a website and see what properties are for sale and what the prices are. I don't know if I totally concur a hundred percent with what they're doing but we are trying to move and make us much more progressive and so that we can do the best job possible. As everybody knows, it's a very important department. It is the economic engine. Our City is far too reliant on property taxes so we're always working towards broadening the tax base, Mr. Speaker.

Mr. Speaker: Your final question Councillor. Councillor Gerbasi your first one, first question.

Councillor Gerbasi: Thank you Mr. Speaker. I have a question about when Council first, when the ASD Committee was looking at the issue of possibly selling the parkade, I recall Councillor Swandel spoke of a report that he had read, I guess some kind of report had been done by the Public Service looking into aspects of the value of the parkade, and that information has never been shared with all members of Council. I mean the decision on this parkade has never really come to Council. It's been at the ASD level, and the decision I guess, ultimately, hasn't been made yet in terms of whether we want to proceed selling as we know. But I would think if Councillor Swandel can publicly refer to a report that

he has information about, the rest of us should have access to that report and I'm wondering if you would make that report available to all members of Council?

Mr. Speaker: Mr. Mayor.

Mayor Katz: Mr. Speaker, I don't think I have seen the report that the Councillor is referring to. But I would certainly be happy to try and access that report. That's number one. As I mentioned earlier, the ASD Committee unanimously supported moving forward to explore the opportunity of selling this asset. It's my understanding, Mr. Speaker, that in order for this to become a reality, it actually would have to go to the Downtown Committee, and they have the authority to do that. So, this process will still be moving forward and, as I understand it today, all they've done is tried to determine what a fair price is. As you know, Mr. Speaker, you certainly can't determine a fair price by looking at what it's assessed for. I think we all know that property's worth significantly more than the assessment so they were trying to come up with what a willing buyer would potentially pay a willing seller, and that's what's been explored and I certainly will take Councillor Gerbasi's question under advisement and I will see if I can come up with this report, which I don't think I've ever seen.

Mr. Speaker: Your second question, Councillor? Councillor Swandel your first question?

Councillor Swandel: Thank you, Mr. Speaker. Let me just by way of preamble, I can tell you that the Parking Authority is a Special Operating Agency. We try to adhere to solid business practices within our Special Operating Agencies. The idea of getting a valuation for our purposes is one that we try and keep confidential so we can go out and market to our advantage, and that's, the other pieces of valuation have happened (inaudible) have been sort of point-counter point, but those numbers aren't publicly discussed because we want to market and get some competition going in the market. Sometimes through competition you can drive a price up above what we've sort of assessed the value of. So I guess my question to the Mayor is, knowing that the SOA's are an effective business tool that we use, would the Mayor consider bringing the Real Estate Division forward as a Special Operating Agency to allow us to stick more closely with some solid business practices and the reporting mechanism at the end would clearly show what the transactions are, who's involved and what the numbers are on an annual basis?

Mr. Speaker: Mr. Mayor?

Mayor Katz: First of all, Mr. Speaker, regarding Councillor Swandel's preamble, number one, he is 100 percent correct that if you are being astute and trying to maximize the dollars you can receive, you don't put out publicly what you're looking for. You don't tell the world you're looking for $100 for something when they may be willing to pay 130 or 140. Not a very astute thing and I think everybody on the floor of Council would like to make sure that we maximize the dollars we get when we sell any City property. So I certainly agree with him 100 percent and maybe that's why myself and others have not seen this alleged report. Maybe that's the reason…I don't know.

As far as the balloon that's just been floated or the idea, Mr. Speaker, I am open to exploring any opportunities. If this is something that wants, you know, they want to have further discussion, I know Councillor Swandel certainly knows how to move this through the process and I think myself and everybody else would listen and determine whether it's a good idea or not so good an idea, so I'm always open minded and prepared to listen.

Mr. Speaker: Your second question Councillor Swandel.

Councillor Swandel: I think last year we floated this balloon of the Real Estate becoming part of it and we sort of re-jigged Real Estate rather than having it become a Special Operating Agency. I'm wondering if I can get something more solid out of the Mayor that would assist us in moving Real Estate more aggressively towards a Special Operating Agency.

When I look in there at the cost of sales and some of the other pieces that are attached to it…they are sort of dealing with other parts of the organization and it's not operating like a business, especially a real estate business should. I think there's advantages there. Can I get a sense from the Mayor that there would be some support if we were to push it stronger again this year?

Mayor Katz: Mr. Speaker, it's my recollection that we actually looked at separating, as you know, it's Property, Planning and Development, and there was some preliminary conversation on separating those two. The first thing that I would do was explore the idea and get the pros and cons and if this is an idea that it's time has come and would basically generate more revenue for the City of Winnipeg, I'd push the bus all by myself…hopefully I'd get help from others…but from my point of view the first thing we have to do is explore the idea and find out what its merits have. Hopefully that answers the question Mr. Speaker.

Mr. Speaker: Thank you. Your final question Councillor.

Councillor Swandel: He's worried about that not so rapid transit proposal there.

Mr. Speaker: Your final question Councillor.

Councillor Swandel: Just finally, there are other opportunities for Special Operating Agencies in the City of Winnipeg. I think the landfill's been mentioned in the past. The Committee seems to bring these ideas forward and they don't seem to be embraced here or somehow they just don't get the legs going forward. You know, in other areas would the Mayor also support new initiatives, new Special Operating Agency initiatives that can help bring further efficiencies and better business practices to the City of Winnipeg.

Mr. Speaker: Mr. Mayor.?

Mayor Katz: There's a simple answer. My number one priority is for us to have the best business practices possible and to have the best efficiencies possible, knowing that we also have a total commitment to our citizens when it comes to supplying the services that, one, they're deserving of and two, that they pay for. So that is something I would most definitely maintain an open mind to as well.

Mr. Speaker: Thank you Mr. Mayor. No further questions? Standing Policy Committee on Protection and Community Services report of January 12, 2009. Councillor Steeves.

REPORT OF THE STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES DATED JANUARY 12, 2009

Councillor Steeves: Regarding the report of Standing Policy Committee on Protection and Community Services of January 12, 2009, I'll move Item number 2.

Mr. Speaker: Councillor Thomas?

Councillor Thomas: I'd like to move referral back to the Committee and in so doing I'd like to say that I believe we can come to…if the groups that showed up today have an opportunity to come and discuss some of their concerns, I believe that a compromise can be worked out with this group, so I'd like to move referral back.

Councillor Steeves: Point of order Mr. Speaker. For Council information, I'd be amenable to that if you want to bring it back and people can have an opportunity to come forward and discuss it at the next Protection meeting. We'll bring it back next month, that's fine.

Mr. Speaker: Thank you for that motion Councillor Thomas. I agree with you on that. All in favour? Contrary? Carried. Report of February 9 of 2009. Councillor Steeves.

REPORT OF THE STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES DATED FEBRUARY 9, 2009

Councillor Steeves: With respect to the report for February 9, 2009 I move Item number 1.

Mr. Speaker: All in favour? Contrary? Carried. Motions? None. By-laws. Councillor Steeves.

STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES CONSIDERATION OF BY-LAWS

Councillor Steeves: Just one second here. I'll move By-law No. 28/2009 be read a first time.

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

Clerk: By-law No. 28/2009.

Councillor Steeves: I'll move that By-law No. 28/2009 be read a second time.

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

Clerk: By-law No. 28/2009.

Councillor Steeves: I'll move that the rules be suspended and By-law No. 28/2009 be read a third time and same be passed in order to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried. Questions. No questions? Oh, Councillor Vandal your first question.

STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES QUESTION PERIOD

Councillor Vandal: Several months ago I moved a motion for free Wi-Fi services at public libraries. I'm wondering what the plans are to deal with the issue and bring the motion back for discussion and decision.

Mr. Speaker: Councillor Steeves?

Councillor Steeves: I'm pretty sure it's coming up next month at Committee. That's my recollection. Yeah, I believe the report is coming back to Committee, I think, in March, Councillor.

Mr. Speaker: Councillors, it has been brought to my attention that the, a referral on the clause was before us on Roadside Memorials. The Clerk advises me that the By-law was passed. When was it passed?

Clerk: Just now

Mr. Speaker: Just now.

Mr. Clerk: You're asking that you revisit it. (inaudible)

Mr. Speaker: So we have approved the By-law, Councillor Steeves and we have to have a motion to revisit that.

(inaudible speaking in the background)

Mr. Speaker: Yes, absolutely.

Councillor Steeves: Motion right now that we rescind the By-law.

Mr. Speaker: Who fell asleep at the switch?

Councillor Steeves: I don't know. I have no idea Mr. Speaker who would do that.

Mr. Speaker: Okay. All in favour? Contrary? Carried. So that will be on the agenda for next month. Thanks, Mr. Clerk. No further questions? Standing Policy Committee Infrastructure Renewal and Public Works. I believe Councillor Swandel you'll be introducing the report.

REPORT OF THE STANDING POLICY COMMITTEE ON INFRASTRUCTURE RENEWAL AND PUBLIC WORKS DATED FEBRUARY 10, 2009

Councillor Swandel: Thank you Mr. Speaker. Councillor Clement is away and I'm happy that he's away. He's enjoying a much needed vacation after a struggle with his health last year and I wish him all the best of health and all indications are

that he's doing very well, and I hope he's enjoying himself out there.

I will move the report and adoption of the Consent Agenda Items 1 to 3.

Mr. Speaker: All in favour? Contrary? Carried. There's one motion that's automatic referral. Two motions. Number 3 and 2. Automatic referral.

STANDING POLICY COMMITTEE ON INFRASTRUCTURE RENEWAL AND PUBLIC WORKS MOTIONS

Motion No. 2
Moved by Councillor Pagtakhan,
Seconded by Councillor Browaty,

WHEREAS no long-term transportation plan exists with regard to river crossings (bridges) and connecting regional streets for the Northeast Winnipeg/North & South Point Douglas area;

AND WHEREAS the City of Winnipeg, including the departments of Public Works and Winnipeg Transit, have both immediate and long-term plans to develop a number of new bridges and rehabilitate existing bridges in the North East Winnipeg/North & South Point Douglas area;

AND WHEREAS, in the 2009 Capital Budget and Five Year Capital forecast, the Public Works department intends on possibly rehabilitating the existing Louise Bridge as well as building a new Louise Bridge to meet existing and future traffic demands for a growing city;

AND WHEREAS Winnipeg Transit, as part of their dedicated rapid transit corridors, requires a new bridge over the Red River to service Northeast Winnipeg;

AND WHEREAS each bridge project planned for the Northeast Winnipeg/North & South Point Douglas area are presently being planned and developed on a project by project basis, in isolation of each other;

AND WHEREAS there is growing public concern in both North East Winnipeg and Point Douglas over the lack of public input and long term planning over the existing Disraeli Bridge plan; corresponding pedestrian bridge plan, and future bridge works;

AND WHEREAS the City is currently undergoing a South Point Douglas Secondary Plan to guide the redevelopment of South Point Douglas;

AND WHEREAS there is a neighbourhood consensus that Higgins Avenue's current location and heavy traffic usage divides the South Point Douglas neighbourhood;

AND WHEREAS there is a growing consensus among residents of South & North Point Douglas that the proper redevelopment of South Point Douglas is contingent upon diverting traffic from Higgins onto the Disraeli Freeway;

THEREFORE BE IT RESOLVED that the Winnipeg Public Service be instructed to immediately facilitate a comprehensive Northeast Winnipeg/Point Douglas River Crossing Transportation Study, that would extensively involve the public, with the goals of maximizing limited capital dollars, minimizing impacts on existing neighbourhoods while concurrently guiding the city to ensure Winnipeg meets its existing and future transportation requirements;

AND BE IT FURTHER RESOLVED that the recommendations of this study be forwarded to Council for consideration prior to the awarding of the final contracts for the Disraeli Bridge Rehabilitation Project.

Motion No. 3
Moved by Councillor Pagtakhan,
Seconded by Councillor Steeves,

WHEREAS the City of Winnipeg has a comprehensive recycling program;

AND WHEREAS blue box pick occurs concurrently on garbage day cycle,

AND WHEREAS renaming all references to Garbage Day to Recycling Day may have a positive effect towards

encouraging all citizens of Winnipeg to recycle;

THEREFORE BE IT RESOLVED that the CAO investigate the possibility of renaming all references to Garbage Day as Recycling Day.

STANDING POLICY COMMITTEE ON INFRASTRUCTURE RENEWAL AND PUBLIC WORKS CONSIDERATION OF BY-LAWS

Mr. Speaker: By-laws, Councillor Swandel.

Councillor Swandel: Mr. Speaker, I'll move that the following By-laws be read a first time. By-law No. 32/2009, By-law No. 33/2009, By-law No. 34/2009.

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

Clerk: By-law No. 32/2009, 33/2009, 34/2009.

Mr. Speaker: Councillor Swandel.

Councillor Swandel: Mr. Speaker I'll move that By-laws numbered 32/2009 to 34/2009, both inclusive, be read a second time.

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

Clerk: By-laws numbered 32/2009 to 34/2009, both inclusive.

Mr. Speaker: Councillor Swandel.

Councillor Swandel: Mr. Speaker, I'll move that the rules be suspended and By-laws numbered 32/2009 to 34/2009, both inclusive, be read a third time and that same be passed and order to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried. Questions? No questions? Standing Policy Committee on Finance. No report. No motions. No By-laws. Any questions? There are no questions.

Standing Policy Committee Downtown Development. No report. Motions none. No By-laws. Any questions? No questions.

Standing Policy Committee Property and Development. Report of February 2 of 2009. Councillor Fielding.

REPORT OF THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT DATED FEBRUARY 2, 2009

Councillor Fielding: Okay Mr. Speaker, I'd like to advise that Item number 3 is referred back to the Standing Policy on Property and Development.

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

Councillor Fielding: I'd also like to introduce the report and move adoption of Consent Agenda 1, 2, 4 and 7.

Mr. Speaker: All in favour? Contrary? Carried. Motions none. Consideration of By-laws.

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

Councillor Fielding: I will move that the following by-laws be read a first time. By-law No. 26/2009, By-law No. 27/2009, By-law No. 29/2009 and By-law No. 30/2009.

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

Councillor Fielding: By-laws numbered 26/2009, 27/2009, 29/2009, 30/2009, be read a second time.

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

Clerk: By-law No. 26/2009, 27/2009, 29/2009, 30/2009.

By-laws numbered 26/2009, 27/2009, 29/2009 and 30/2009.

Mr. Speaker: Councillor Fielding.

Councillor Fielding: Okay I'd like to move the rules be suspended and By-laws numbered 26/2009, 27/2009, 29/2009 and 30/2009 be read a third time and the same be passed and ordered to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried. Question period. Councillor Gerbasi.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT QUESTION PERIOD

Councillor Gerbasi: Thank you, Mr. Speaker. I have a question about the Real Estate Division. In the last year's budget, it was my understanding that the job positions were cut virtually in half in the budget process from 14 to 7 people dealing with our own real estate matters, and I'm wondering, I know you can't go into the specifics of the budget that's not yet revealed, but I'm wondering if, as the Chair of the Committee, do you have concerns about the capacity of the Real Estate Department to currently do what it's supposed to be doing especially considering we're now hearing of having it change structure to a more private model?

Councillor Fielding: Thank you Councillor Gerbasi. I believe the number is, I thought it was 25%, but I stand…I could stand corrected on that matter.

I do know that Real Estate is a very busy sector for us as well as a revenue generator…I think the Mayor had spoken to, so I think there should be some sort of valuation in terms of work loads that are there and I think the budget process will be a part of it but I am very much supportive of ensuring that we have enough resources in the Real Estate Division to let it operate efficiently. So I would be more than interested in doing that through the budgetary process. I think the Standing Committee, through the operating process, might be a good point, and there is a passion to that for Councillor Gerbasi, maybe come to our Standing Committee in terms of the Operating Budget and make that presentation at that point and can have Administration speak to that matter as well. But I'm very open to that.

Mr. Speaker: Your second question, Councillor.

Councillor Gerbasi: The idea of the S.O.A. on the Real Estate Department has been talked about before. If I'm not wrong I believe it was in the E.O.C. report that you authored, to look at doing real estate differently and then I believe…I guess…and that whole report was referred to the budget process so I'm wondering has there been any discussion, even if you can't get into the specifics of it, have there been any discussions of changes to the Real Estate Department in this upcoming Operating Budget that we're going to see?

Councillor Fielding: There's nothing that I've been involved in it terms of the changes in terms of the Real Estate Division as such.

Councillor Gerbasi: Thank you.

Mr. Speaker: Councillor Swandel your first question.

Councillor Swandel: Thank you Mr. Speaker. Through you to the Chair, are you aware that in this year's budget, the service base fuel will show a relativity between last year's work and bodies, the numbers if you will, relative to what we have this year?

Councillor Fielding: I'm very much open to that discussion at the Standing Committee when we review the Operating portion of things, so I'll wait until the budget is tabled as well as (inaudible) discussion. I want to hear from Administration. I want to hear from other Councillors. Does it make sense in terms of resources that are there because I think it is a very busy and important element of property, planning and development so I'm very much open to try ideas and let's see what Administration has to say about it.

Councillor Swandel: I don't know if the question came out correctly. I just want to make sure that the Councillor was aware

that the service based view allows us to do the comparative analysis from one year to another of workload versus full-time equivalents and dollars spent. That's there last year. It will be there this year, so the comparative analysis will be easy to do.

Mr. Speaker: Councillor Swandel. Councillor Steeves. Your first question.

Councillor Steeves: Yes, Mr. Speaker. Through you to the Chair of Property. If this was the year 2014, and if this was opening day of the Bombers' season against the Saskatchewan Rough Riders, and I was sitting at the 50-yard line, in what part of the City would I be sitting?

(laughter).

Councillor Fielding: I guess we would have to ask the Provincial Government and the Federal Government when they start kicking the money, so we'll find out from that point Councillor Steeves. Thanks for the question.

(pause in the recording)

REPORT OF THE SECRETARIAT COMMITTEE DATED DECEMBER 15, 2008

Item 1 - Accountability Commissioner eFile GL-5.4

Mr. Speaker: Thank you Mr. Mr. Deputy Speaker. The Secretariat Committee dealing with the…on the report. We have met a number of times to deal with the two motions that came to the Secretariat Committee from Council. We heard representation from the movers and the seconders when dealing with this issue. We also had the City Solicitor and the City Clerk noted that there were numerous accountability, transparency and integrity safeguards in place, including each member of Council on being elected is required to take an oath of office administrated and filed by the Clerk, and that Oath of Office each and every one of us have taken and Councillors to follow will be doing that Declaration of Office.

And also, each member of Council in being elected is required by the Municipal Conflict of Interest legislation to file with the Clerk an Assets and Interest Disclosure that we deal with each and every time. The Municipal Council of Interest legislation prescribes a process for members and identify possible conflicts and excuse themselves from participating in deliberation and decision making.

The Municipal Conflict of Interest legislation also prescribes a process for the Clerk to provide limited disclosure to any person who questions whether a violation have or may have occurred. The Municipal Councillor Conflict of Interest legislation provides for a judicial process to examine any violation of legislation, and it allows any elector to initiate the judicial process with the Court of Queen's Bench. That's the process that's in place now and always has been and I'm sure it will be. Any member of Council who violates any provisions of the legislation is disqualified from office and we know for a fact in the past this was the case. The elected official's expenses are audited by the City Auditor, reported on annual post it on the internet and expense details are continuously being provided on a request by the City Clerks through the Freedom of Information and Protection of Privacy legislation. Now, this has been in place for a long time and that is posted. I don't think there's any other body of legislative, legislative bodies that do this that they post all of this on the internet for perusal by the public.

Councillors have the C.R.A. Policy which governs all of their ward expenditures and we know in the past also, those were violated. We dealt with it in a proper fashion.

Council adopted a Code of Conduct in September of 1994 as recommended by the Secretariat Committee which established principle guidelines for members of Council to follow.

Talk about the…I know we've got two items to deal with here, and the first item is the Secretariat Committee, the first motion was recommending that it be filed.

When the Province passed the Whistle Blower legislation, the City was not included. We had a number of motions that were presented back in 2006. Councillor Smith and myself had moved a motion asking that the Provincial Government would include the City, the City of Winnipeg corporation to be included in the legislation on the Whistle Blower legislation.

And also, Mr. Deputy Speaker, we had dealt with all of the issues that have been raised and not one item was raised to the City Clerk's or to follow the process as something that might be in conflict or whatever the case may be, that each member of Council has that right to go and seek, go through the process, which includes, which includes measures for City employees including the City Code of Conduct, the City's Fraud and Theft directive, the Ombudsman Act, the Criminal Code itself, the Labour Relations Act and the City Collective Agreements that we have in place with each and every collective agreement, each body of departments that we have with the City of Winnipeg.

Council also, we have a Secretariat Committee to resolve issues pertaining to Councillors and matters referred to by Council committee or by members of Council. We have a City Auditor who Council can direct to examine and audit anything done by the City. We have Provincial legislation by the Provincial Ombudsman who has the authority to investigate any decision made or any act relating to our City. Current legislation and protection in place are working.

Council expenses reviewed by the City Auditor as of December 31, 2007, returned a clean result for all members of City Council.

The Mayor and several members of Council declared Conflict of Interest in 2008 regarding specific items and did not participate in decisions made regarding those items is what we had here at delegation early this morning was challenging the Mayor, the Mayor should leave the Chair.

City Councillors have been removed from office as a result of existing legislation. You know who that was.

The City Auditor has successfully investigated actions of members of City Council and in the past when allegations have been made, we also dealt with that and each one of you know who that was. There are currently no complaints or investigations being requested to be undertaken by the City Auditor, the City Clerk, Council Secretary or the Provincial Ombudsman in regards to actions of members of City Council.

There are no actions before the Court of Queen's Bench in regards to actions of members of City Council.

An Accountability Commission would add another level of bureaucracy not yet necessarily improved or any of the existing process and procedures. Mr. Deputy Speaker, I think that this body that we have in place now and the legislation, the City of Winnipeg Act in the past and presently now, the Winnipeg Charter, we are the only ones elected officials, that are being monitored, not only by the media but by people from the private sector, people from the public sector. They can and they can seek information under the Access to Information is provided, that falls under the legislation.

And when we talk about Declaration of Office that we take, we have the Municipal Conflict of Interest Act, it's very specific and we have been dealing with it, we have been getting a lot of information from other parts of the system that deals with politics such as our municipal corporation of Winnipeg, such as cities of Calgary, Edmonton and the rest.

The assets and interest which must be disclosed, all of this has to be disclosed to the City Clerk's office that goes on file. Any changes, any conflict of interest a person may have, has to so declare and they have to abstain from dealing with that particular issue.

Limited disclosure for any person provide details of possible violation of this act by a Councillor and identifies specific assets or

interest in respect of which the possible violation may have occurred, the Clerk of the municipality shall examine a statement filed by the Councillor under Section 9 and what…and shall in writing inform the person whether or not the statement disclosed to the specific assets or interest. This is in place.

Disqualification for violation. A Councillor violates any provision of this act is disqualified from office and the Councillor seat on Council becomes vacant as of the time of the declaration referred to in clause 21.

Application by a Clerk to the Court of Queen's Bench. Application by electoral to the Court of Queen's Bench. All of these processes are in place.

And the Secretariat, we felt that this in itself has been dealt with and we will continue to deal with that such as the Code of Conduct that was a motion passed October 20th, 1993. There was also a motion I alluded to earlier to Council, that I had moved a motion seconded by Councillor Smith on the Whistle Blower legislation.

Now, I know that some members of Council, Mr. Speaker, feel that they are not being treated right or some are getting away with things that they would qualify for disqualification of their seat. And I… we have in the past, we have dealt with, you cannot just go ahead and say that we are going to be targeting or some person wants to be targeted because politics is politics. Sometimes innuendos are being made which is not called for. We have had cases where an employee is disgruntled because of a position that the employee felt he was to get or she was to get, were not able to get so immediately they start using the Whistle Blower policy that's in place, and that's not that easy because the person that's being targeted is suspended for a period of time, the Administration have a task to go and investigate and talk to others and most of the time the employees will not snitch on another employee to say, yes that's true. They'll say we don't know, didn't hear anything about that.

So accountability, on the accountability commissioner we had said that that motion be filed, and this is the report that is coming in from the Secretariat Committee and the second clause or item that will be before us will be dealing it under separate, on a separate discussion.

Mr. Deputy Speaker: Thank you, Councillor. Councillor Smith?

Councillor Smith: You know, when we look at this, you know, I look at Item C., "Enact whistle blower protection that could include a dedicated hotline that would include protection to city staff who report unethical or illegal activity." You know, what does this mean? Like what protection for the employees will there be? You know, it's not clear in my mind from reading this that there's going to be any protection for the employee who would, who becomes a whistle blower. Can you please answer that?

Mr. Deputy Speaker: No further Speakers? There are? Councillor Swandel, did you wish to speak? Councillor Steeves was not in the chamber at the time. You don't wish to speak? You do wish to speak?

Councillor Swandel: …dealing with both issues at the same time?

Mr. Deputy Speaker: No, we're not. No we're not.

Councillor Steeves: Point of order Mr. Speaker if I may?

Mr. Deputy Speaker: No. Sit down you haven't been recognized: You're done? Councillor Fielding is next but before that, if you'd like, Councillor Steeves you have a point of order.

Councillor Steeves: I would like to make a motion to refer this matter…table it for 60 days so we can get together as a Council.

Mr. Deputy Speaker: Did you wish to refer the matter or table the matter?

Councillor Steeves: Table the matter for 60 days.

Mr. Deputy Speaker: That's out of order.

Councillor Steeves: Refer the matter then.

Mr. Deputy Speaker: When your turn…If you want to refer it that is in order.

Councillor Steeves: Refer the matter then, 60 days.

Mr. Deputy Speaker: Back to the Secretariat Committee?

Councillor Steeves: Refer back to Secretariat so we can get together on this.

Mr. Deputy Speaker: Brief explanation. For further consideration.

Councillor Steeves: The reasons are Mr. Speaker is I heard Councillor Lazarenko speak and gave a lot of background, a lot of the items that he spoke to are not before this Council in the report, so I wouldn't…I would like to have that document as we look and see it.

Mr. Deputy Speaker: Motion by Councillor Steeves to refer the matter back to Secretariat for further consideration. A recorded vote has been requested. All those in favour of the motion to refer back to Secretariat, please rise.

Eins, zwei, drei, done. Councillors.

Motion has been withdrawn. Thank you very much. Council has accepted the withdrawal of said motion. Any further Speakers? Councillor Fielding.

Councillor Fielding: Thank you, Mr. Speaker. I stand to rise today and I'm opposed I guess to the nature of filing this in itself. I do rise to second the motion that was put forth by Councillor Steeves on ethics and accountability. I believe that all members of Council really didn't do anything in an unethical manner. I truly do believe that. We are clearly debating the motion because of really what the public wants is guarantees and specifics and Councillor Lazarenko, you know, very articulately spoke of, there is some ways to measure and to be accountable. But, I would recommend, I would suggest that because there's two motions here on the floor of Council, that Councillors, as well as the public, don't feel the love I guess in terms of what is there in terms of accountability. So I think making this body more effective, more accountable, more transparent, is not a bad thing. I'd rather go above and beyond than, you know, using the existing system where people think there's gaps that's there. So I'm very much supportive of the motion that we put forward.

Really, we're talking about ethics and accountability. We really should look at a variety of measures that make us elected official more accountable. Councillor Gerbasi put forth a motion which I don't necessarily disagree. You know, I think it makes sense. But I'd like to go a little bit further than that. I think there's a variety of things that we can do in terms of making us more accountable, making us more transparent.

The motion before us incorporates four important elements. Number one, all employees under ethical commission. It's not just elected officials that could pose problems. There could be some ethical concerns, there could be people in the Administration, so why not spread that out, not just to elected officials but to all people that are working within the City Administration. I think that just makes sense. There's senior officials that have as much information as us, as elected officials, in fact we're dependant upon them a lot of times. In fact they have more information than us a lot of times on these matters, so I think if you include all civic employees in this it makes a lot more sense.

Number 2, Creating an enhanced expense account monitoring reporting system for elected officials. The (inaudible), which I think would be more accountable is civic government officials in terms of their expenses. I don't think this is something that's going to transform government but it also makes our citizens more aware of how their money is spent. I personally think that we should go further than what's actually in this motion before us. I know the Taxpayers'

Federation have suggested that we could scan all bills which sounds like a good idea to me. It gives that accountability, it gives that transparency to all our citizens. They can take a look at exactly what we are spending our money on.

Another part might be to post expenses on line. We've done parts of that, but similar to the Federal Government in terms of what they do. And I think this is the right direction to go.

Whistle Blower Protection, number 3. Another element that will give taxpayers confidence that we are governing ourselves and spending our money in a more wisely way, a wise manner. If there's people that have information, that are concerned about bringing it forward, a Whistle Blower protection, I'd like to, you know, see what the C.A.O. has to come up with this in terms of how we can prolong this, or how we can make this a little bit better, but it gives protections for people that work in Administration. If they see anything that's unethical that would be there, once again that's another way in which our citizens can see the transparency, can see the accountability, and our employees would not be afraid to come forward with any unethical, and it would make the system a lot more clean in my respect.

I'd also think we could go further to get an input from our citizens. Councillor Smith talked about a fraud hot line. I think that's a good thing. I think it's a good thing. You always hear examples. People probably call your office. Councillor Smith and other people saying you know, there's a civic employee that maybe isn't doing their work. Maybe they are. Maybe there's a reason why they're doing it in a slow manner and anything else, but a lot of times people have a lot of great ideas of how the system can be more efficient. It doesn't have to be a system where people are tattling and ratting on each other, but I think if you have a hotline system, it brings it more to the people, more of a transparent process where people have a say, they're going to feel that transparency that's there. So I'm very much supportive of that. The Provincial Government did this in the 90's and I think it was a step in the right direction. I know it was disbanded in the late 90's when the Doer Government took office.

Strengthening consequences and accountability measures. Well the final element of this motion could be, could help in terms of consequences and accountability. What we really need is to make sure that any unethical behavior has some consequences, that we act to determine abuses in the future.

So the Secretariat Committee should have some flexibility in terms of this approach. I very much support that. But I think these are four elements that could make this body more effective, and I very much support this. I encourage all Councillors here today to support the motion before us. I don't think Councillor Gerbasi's motion is a bad one but I think the motion that we have brought forward extends that out and will gain some trust from our citizens, some transparencies and more accountability. So with that I am very much supportive of the motion before us.

Mr. Deputy Speaker: Thank you Councillor. Are there any further Speakers? Councillor Thomas.

Councillor Thomas: Thank you. I listened very carefully to Scott Fielding's comments and it made me quite concerned about what we are voting on here today, because the motion that's here recommends that this very detailed motion be filed and that the only thing that we actually act on is the, is exploring the creation of a whistle blower hot line. That's what the motion is here. It recommends that this four part motion be filed and that all we put together is a whistle blower hot line for employees to report issues. And unlike in C. where it says that whistle blower protection be included, that will include protection of City staff who report on ethical or illegal activity, the recommendation that comes from the Secretariat Committee doesn't include that. And that concerns me that it doesn't include that. So perhaps in closing they might be able to say how it does include it, but right now it doesn't seem to. So, those are my concerns.

That it doesn't have an accountability commissioner, which I think that Councillor Fielding spoke quite elegantly to having that, and to having the enhanced expense account reporting. We had previous Councillors who have had problems with that and we've had problems getting the necessary documentation that we need. It's been a big media dust-up and I don't want to go there again. I want to have the information in the front rather than behind where we're picking up at the end rather than controlling how the expenses happen from the beginning which is why I don't have a City Hall credit card like a lot of people do. I use my own credit card and then if I make an expense that I would like reimbursed, I write out the reasons and hand in the specific reimbursement. That's how I do it. I don't see the need for a credit card that doesn't have those accountability measures put in until after the expenses. I prefer to do it the other way.

And I'm very concerned that it doesn't say anything in the motion about strengthening the consequences in the accountability measures. As the Speaker suggested on several occasions there are the Courts of Queen's Bench. He also pointed out further in his speech that if we have something before the courts as Councillor, we would have to resign our seat. So if we bring something to the Court of Queen's Bench that we feel is inappropriate that's going on here, we do it at our peril because we compromise our own role to be able to represent our citizens if we mount a challenge. That's not a good plan. It's actually a way to shut Councillors up rather than open them up, so I think we need to strengthen accountability measures, and I'm not sure that this clause that is put forward today actually does that. I like the motion but I'm concerned about the recommendation to file, and I want to listen very carefully to the closing comments to decide actually how I'm going to vote on this because I'm not clear that this motion, as amended by the Secretariat Committee, has my support. I'm concerned about many of the things that haven't been acted on by the Secretariat Committee. Thank you.

Mr. Deputy Speaker: Thank you Councillor. Councillor Steeves moved referral but had not spoken to the clause. Councillor Steeves, your point?

Councillor Swandel: I asked for clarification. Are you counting that as me having spoken Mr. Chair?

Mr. Deputy Speaker: I haven't gotten to you yet.

Councillor Swandel: Thank you.

Mr. Deputy Speaker: Councillor Steeves you have the floor.

Councillor Steeves: …I mean I…

Councillor Swandel: Somebody woke the Speaker up. Come on.

Councillor Steeves: This is an example maybe of the system maybe not working all that great to achieve the needs I think that exist here on Council. No one's fault, just one of those things, I think, Mr. Speaker. I think what's going to happen potentially is, and I really don't know how people feel about this, but when there is a vote, the motion to file may or may not succeed. I'm not sure if it will or not. If it doesn't and the motion is not filed, I'm not certain what then happens, and I guess I'm not asking a question in the middle of my speech, but I don't know what the answer to that question is. If the motion as it's written to file does not pass, what then happens? I don't know if it's appropriate Mr. Speaker to get that information before I continue or not. I would appreciate it if I could.

Well, but my question, Mr. Speaker, maybe I'll phrase it in the middle of my speech, point of order. This is a motion....

Mr. Deputy Speaker: …not have a point of order in the middle of your speech. You can ask the question, it will be a question that may or may not be answered by the mover of the clause before us.

Councillor Steeves: Right. Because what concerns me is the assumptions made by Councillor Fielding. I'm not sure

if they're correct or not. He spoke to…I think what he's saying is he likes the original motion. He likes the original body of the motion as it appears. Now, my question is going to be, to the person who sums up the debate, Mr. Speaker…

Mr. Deputy Speaker: If the clause were to lose and if someone on the floor jumped to their feet to move that the original motion be voted on, that would be the next logical course of action.

Councillor Steeves: And then would people have a chance to speak entirely to the motion again?

Mr. Deputy Speaker: No. Because the speech is on precisely the same matter. It is just recalling…calling for a positive motion rather than a negative one.

Councillor Steeves: Okay.

Mr. Deputy Speaker: And if that failed the whole matter would disappear.

Councillor Steeves: Good. Well thank you for that clarification. I'm sure that assists Council.

In that case I will simply say that I will not be voting for the motion to file and I will be voting subsequently, I suppose, for the entire body of the motion. My preference of course, as originally stated, would be that we take this back and try to achieve something that Council can attempt to agree to because I'm sensing this is an issue where there's a certain amount of agreement around the table on the direction that we might take here, but having said that, I'll follow through as stated.

Mr. Deputy Speaker: Councillor Swandel?

Councillor Swandel: Thank you Mr. Speaker. I'm still not sure that we can actually accomplish anything through this process. The original motion was requested that Secretariat Committee make a recommendation to look at further investigating opportunities to strengthen accountability at City Hall. So if we don't have that recommendation here, and I think it was Councillor Smith who raised the issue of what does that mean, you know, Whistle Blower Legislation. How does that…how are our employees protected in that process. Without having that information how can we even make any kind of a decision as to what to do with this? I think if we were in agreement that we generally support the tone of this motion, that we ask the Secretariat Committee to look at it once again and bring forward some very…a report with some very specific recommendations, and outlining how you protect the people that are involved in some of these processes. On either side of it, good bad or on the third side, ugly. But, you know, I think that's basically where we are. I'm not…filing it today I don't think really accomplishes anything and just a "loosey-goosey" motion that suggests that we establish a Whistle Blower legislation without any, without any boundaries or protections in it for those that would be the "whistle blowers". I think this really does need to go back and, you know, I know that that motion has been made before. Perhaps the person bringing it forward, I'm trying to speak to it because I'm not sure what the Chair will do here, but you know, the person that's bringing this forward perhaps could ask at the time that he closes that the matter be referred back so there is a little more due diligence and a greater amount of information being brought forward in the body here that would enable us to make an informed decision rather than just sort of, you know, silly reactions to what were set out to be well intended motions here. So, I'm hoping with those words that some common sense will prevail here and we'll go back and get some further information so that we can make an informed decision here that we're moving in the direction that we want to move in.

Mr. Deputy Speaker: Thank you, Councillor Swandel. Councillor Gerbasi.

Councillor Gerbasi: Thank you Mr. Speaker.

Mr. Deputy Speaker: Can I take one moment of your time. Councillor Pagtakhan would you come and take the

Chair for a moment because I want to speak after this.

Councillor Gerbasi: Thank you Mr. Speaker. I think we need to get back to the context of…this motion came forward at the same time that another motion came forward which we're not discussing right now. So we're kind of talking about it in two different silo's here. But the thing is, is that this motion is talking about establishing an Accountability Commissioner focusing on employees, not just elected officials, and I think the reason we were really having this discussion was about accountability of elected officials. And the focus shifting there is not something that the Secretariat Committee, and I was at a couple of the meetings where they discussed it, and I think they recognized that we have a number of mechanisms for our City employees for discipline, for overseeing, and that creating a new position of Accountability Commissioner within the City to oversee City employees wouldn't really…would be another layer that isn't really necessary, and in terms of having it oversee elected officials, in my opinion, the other motion we're going to discuss later addresses that better because it's somebody who'd be appointed outside the Mayor and Council. That would be the Ethics Commissioner. So that's why I'm okay with tossing out A. of the motion.

As for B. which talks about enhanced expense account monitoring, I think most…I certainly don't have any concerns about that. That's something that could be done but it could also be done outside of this particular omnibus motion. You know, we're sort of being asked to do the whole thing at once. I certainly wouldn't have a problem if Councillor Fielding or others wanted to move a motion later, you know, bringing forward enhanced expense accounting, and I believe the Clerk explained at Secretariat that we are bringing in more enhancements to that already. But, you know, I'm certainly open to that. I don't have any problem with that part.

As for number C., the Whistle Blower Protection, this motion, it files the rest of the motion but asks the C.A.O. to explore creating a Whistle Blower hotline, so I take that as a yes. You know, I'll take yes for an answer on that one, they're looking at it. That's what…there's action on that one.

So there's really only action on that one, and in terms of looking at the legislation, I believe Councillor Lazarenko went over all the existing legislation that's within the City of Winnipeg to look at.

The second motion really addresses those concerns a little more thoroughly in terms of A. and D., but I'll get into debating the second motion later, so I just wanted to say I'm comfortable filing this. C. is addressed. B. in terms of expense account can be looked at quite easily at another time. I think most Councillors support that, so I guess I support filing it. I think that the issues can be addressed better with a second motion. Thank you Mr. Speaker.

Mr. Acting Deputy Speaker: Thank you Councillor Gerbasi. Councillor O'Shaughnessy?

Councillor O'Shaughnessy: Thank you, Mr. Speaker. I didn't want to get into this. There have been surveys taken that show that approximately 16% of the populace feel that politicians are honest. I think this chamber is probably at least temporarily dropped that to about 8% at least in the City of Winnipeg. Why we keep beating ourselves over the head I have no idea. There has been no accusation in recent memory of any Councillor being dishonest. I was speaker for a number of years. There were a number of Councillors, some of whom have spoken, some of whom are still in this chamber, who went over their expense account for the year. They immediately, when the final accounting was done, wrote a cheque for the City which was good and it happened and it was quiet and it was very minor amounts but bills not coming in until late, but somebody could be crucified with this kind of thing. Councillor, as one of the most honest Councillors I've ever met and honest politicians I've ever met in my life, does that credit card happen to have airline points or any other rewards? That's the kind of crap that is going to

come out of this. Witch hunts over nothing! Media love it. They have something to sell. What we have to sell is integrity, honesty, intelligence, and this debate is doing nothing to help. I feel I can speak rather openly being someone who plans to never run for any elected office for the rest of my life. And I intend to support the Secretariat's idea of filing it. But I'm going to ask that the two parts be voted on separately because I do not intend to support the Whistle Blower part either. I don't know if our unions have been contacted with this and I don't know how they feel about it. But the whole damn thing…I think about political leaders of the past. Would this general type of legislation be supported by a Hitler or a Stalin for whatever reasons? Probably. Would it ever be put forward by a Kennedy or a Trudeau? I doubt it very much. I just think the best thing we can do is make sure that when something does come up, it's treated with openly, fairly and thoroughly and when nothing is cut up, quit beating ourselves over the head for no good reason whatsoever.

So I will ask that the two parts be separate and I plan to vote for the Secretariat recommendation and for many, many reasons against the Whistle Blower hotline.

Acting Deputy Speaker: Thank you Councillor O'Shaughnessy. Are there any other speakers? Councillor Lazarenko do you wish to close?

Councillor Lazarenko: Thank you, Mr. Chair. I'm glad to hear the comments made here in the chambers. It's kind of flourishing, expanding more than what it should.

I'd like to remind members of Council that what you're asking for you may be sorry. When you talk about the use of your own private card to purchase for your office and then you get a reimbursement, where is the actual paper trail? That's questionable. When you talk about releasing a report of the expense account monitoring for elected officials, are you asking for detailed? The detailed, the spending that you spend that would be reported. I don't think you'd want that because there'd be too many questions being asked. For every pencil and anything you buy, would have to be (inaudible) detail. It's (inaudible) Accountability Commissioner. We have a Chief Administrator for the City of Winnipeg that overlooks all City employees, not just elected officials. We have the Whistle Blower protection. That's a Provincial Legislation but we have each and every collective agreement when all the employees that work for the City of Winnipeg in various departments, there is the current whistle blower protection measure for City employees and I've stated that before. The City of Winnipeg Employees Code of Conduct. The Code permits anyone who believes that Code of Conduct being violated to file a complaint with the department head. If the complaint is against the department the complaint may be filed with the C.A.O. and if the complaint against the (inaudible) officer, the complaint may be filed with the Clerk of E.P.C. The Code of Conduct provides complaints…complain in good faith and have code of conduct for reprisals, threat or reprisal or discipline as a result of filing a complaint. Now the Whistle Blower protection clause that's in there, we don't… we have our own each and every collective agreement of the City of Winnipeg.

Councillor we're dealing with Item 1 first. We said that it be filed. That's the Accountability Commissioner. We haven't dealt with Item 2. We're dealing with Item 1 now. And what I've been trying to say, what the Secretariat Committee, we had delegations came. People that came as a delegation.

When you say that the…each in that Whistle Blower protection…that would include a dedicated hotline that would include protection to City staff, who report on ethical or illegal activities. That's in place now with the collective agreements. This is protection that each and every City employee has. When you talk about strength and consequence and accountability measures for not meeting any of the criteria in terms of establishing in all of the existing legislation. The

Charter, the City of Winnipeg tells us what we can do and what we cannot do.

I can tell you where this started from Mr. Mr. Deputy Speaker. It started right from Riverside Park. The parkade. That's where all this blossomed all of a sudden. Somebody's out to get someone else. And that is wrong. In the close to 30 years that I've been here Mr. Speaker I've never, never seen anything that was not in a proper conduct. It was not properly dealt with by a member of this Council. I have seen those Council members disappear. They are not here. But for us to go on a witch hunt each and every one saying I want transparency, I want this. Well I'll tell you one thing. Then release your detailed expense account from your Ward Communication Allowance. Release it, and I can tell you right now. Nobody would, because it'd be too big a list. We have an Auditor, the City Auditor, that monitors each and every year, they give us a report and they'd be giving us a good report. Some members of Council, like Council O'Shaughnessy alluded to, some Councillors have been over expenditures but this happens, Mr. Deputy Speaker. You can't control item by item for the whole year. You will be over. Some have been under. We have some members of Council that are 25 to $30,000. They haven't spent their money, but they don't have an assistant. I have an assistant. Each and every one of us...I'm sure that we all have that, so there's an account with that. But to have something that's in place now, I just can't see, you know, what would we accomplish? Are we trying to say that our Clerk's office is not doing their job? Are we saying the Chief Administrator is not doing his job. Are we trying to say our accountability people that we've got such as the auditors are not doing their job? We're the only ones that are being monitored right up to the penny, and I just don't know what else you want because this really in itself is not going to make no difference in the way we conduct ourselves, how we present ourselves to people who elected us in here, how we will be able to, how we release the information of our expending. We are not in control of that. What we have spent, that is recorded in the books and that is for the public to view, and I haven't seen anyone challenging a member of Council from the public side. Anyone to challenge a member of Council to say that you've been in violation therefore I want this to go further. We' have had members of Council who lost their seats. One had to, forced to resign. We had others that were, when the auditor had looked at and given a report, they did not concur with our recommendation, what we had asked are not here so I don't know what else. We have said Item 1, that it be filed Mr. Deputy Speaker.

Mr. Deputy Speaker: Thank you. It had been requested by me that the two operative parts be voted on separately. The first will be that the motion itself, which had been referred to Secretariat, be filed. All those in favour? Opposed? Motion is carried. Motion is filed.

On the second part that the C.A.O. be requested to explore creating a Whistle Blower hotline for employees to report issues to the City Auditor's office. All in favour? Opposed? Defeated.

The clause is filed and the additional recommendation has not been concurred in.

Report of the Secretariat Committee of January 19th, Conflict of Interest Commissioner Clause 1. Councillor Lazarenko.

REPORT OF THE SECRETARIAT COMMITTEE DATED JANUARY 19, 2009

Item 1 - Conflict of Interest Commissioner eFile GL-5.4

Councillor Lazarenko: Thank you Mr. Deputy Speaker. We had dealt with this at length. We had some members of Council did appear as a delegation especially those who were the authors of this. And once again the Committee, Secretariat, recommends that this be filed even though there was not, no recommendation. Because what we're dealing with, we had looked at with the request also Mr. Deputy Speaker from our

City Clerks. We talked to the City legal Counsel and we had dealt with this, you know, that we have all the legislation put into place, is once you say that you are going to…Conflict of Interest Commissioner, how…what method, what mandate will that individual person have? And at what cost? And we have everything in place of a conflict, dealing with a conflict. I read out prior to the introduction of the first item we were dealing with, that in itself that we have everything in place dealing with a conflict of interest. We sign when we get elected, we sign that, we have to declare any conflict that we may possibly have with holdings or any investments, possibly with some companies or companies that we may be associated with, and all that is in place. So I…again, Mr. Chairman, Mr. Deputy Speaker I should say, is that the Conflict of Interest and Conflict of Interest Commissioner only applies to the Province of Manitoba and members of the Legislative Assembly. Now they may have theirs but with the City Solicitor had also indicated that this…there was just no need. But if Council wishes to, Council can decide and say yes, this is what we want. We want to have a Conflict of Interest. I don't see and I can't see what benefit we would…anything what we'd be gaining on this because we have through the Charter of the City of Winnipeg and also to the Procedural By-law and all the…what's in place for us, that we are monitored. We have to disclose all assets, each and every time, any kind of a change that comes about. If there is anything dealing…I know personally myself. I belong to a private organization. We're dealing with a zoning matter that I had abstained because I thought it could be perceived to be a Conflict of Interest which I was told by Legal Service there wasn't.

Councillor Swandel: Mr. Speaker. (inaudible) point of order. The matter before us has no recommendation here. So I'm wondering if there…

(inaudible speaking in the background)

Okay.

Councillor Lazarenko: All right, Mr. Deputy Speaker, as I had said, my interpretation is myself, I feel personally that I would like to see this filed, but we did not make a recommendation from the Secretariat because there were a lot of questions being asked, and I just felt and also feel now that it's up to Council. If Council members feel that this is what you want, then do it, but I just don't know how you can administrate this because we don't have anything. We've got all the mechanisms put into place right now dealing with a conflict of interest. And I'll tell you, and it's…we have one that is being monitored so closely. As you can see, sometimes questions are being asked individual members of Council such as the...also with the Mayor that a possible conflict of interest, but you know, there's nothing, you know anything, there's mechanisms put into place. We have gone through that. We have gone through that before and we will continue to do so, the monitoring process so that's my recommendation.

Mr. Deputy Speaker: Councillor Gerbasi before you start, I think it would be only fair if there is to be a summing up, that you would do it on this item. To have someone sum up on no position would be something we might just do around here. The floor is yours

Councillor Gerbasi: Okay. Thank you I won't be too long.

(inaudible speaking in the background.)

Mr. Deputy Speaker: It was her motion. She moved it months ago, but everyone can speak, but she will have a right to speak, but I would ask her to be the closer on it. It just seems to make a little more sense.

Councillor Gerbasi: Thank you, Mr. Speaker.

The motion before you today, the "therefore be it resolved", reads "THAT City Council call on the Province of Manitoba to review and amend existing legislation to create stronger Conflict of Interest rules and guidelines for the City of Winnipeg and Council through such

measures as the establishment of a separate municipal office for the Conflict of Interest Commissioner or by expanding the role and responsibilities of the existing Commissioner."

As you know, the Province currently has a Conflict of Interest Commissioner who happens to be Bill Norrie. He works part-time but he's only within the Province of Manitoba Conflict of Interest Act. It has nothing to do with municipalities. He only works on behalf of MLA's and he doesn't have the type of role that's really being suggested here. He has a…this is suggesting that the Province consider expanding that role to look at municipalities, particularly the City of Winnipeg.

This really is a matter for Council to decide, which is why Secretariat didn't rule on it. It really simply is a political decision as to whether or not we want to ask another level of government to bring this forward, so that's why it's back here in its original form.

I'd like to point out that concerns about a need for ethical oversight of municipal governments are not unique to Winnipeg. The Province of Ontario brought in changes that provided strong ethical accountability mechanisms and officers for municipal governments. Across the country, and throughout our province, municipal governments face these issues. I don't know if everyone is aware that there's…I believe there's been two reeves in Manitoba that have been removed from office because of Conflict of Interest. So these issues actually are of concern to municipal governments in other provinces and in our province. That's why taking it to the Provincial level as they did in Ontario makes a lot of sense, and part of the problem is that municipal level of government, unlike the school board which was mentioned earlier, although, you know, they really don't deal with the kinds of issues we deal with, and neither do other levels of government quite to the same extent because municipal level of governments deal directly with property sales, real estate business transactions in a very direct way that can lead to public concern about these kind of issues and lead to actual problems as they have in other jurisdictions.

I'd also like to point out that while we have Conflict of Interest legislation and a Code of Conduct, this motion suggests…and I'd recognize that those have value and are certainly extremely important, but this just simply suggests a further measure that could be useful not just for the City of Winnipeg, the Province could look at this for all municipalities if they wished. And the driving force for this motion comes from an emerging sense that there should be ethical oversight that comes outside the particular Mayor and Council itself. That's the advantage to it being at the Provincial level, is it won't be somebody that EPC appoints or something else. It's completely outside the City of Winnipeg, and I think that provides a level of oversight there that we currently don't have. This is what has happened in other places.

I'd also just like to clarify one misconception that was brought forward about the Premier's response to this issue. In September, when this motion first came out there was also a letter that was sent to the Premier, and that letter signed by six members of Council was asking for an inquiry into a specific thing. That, the Premier said no to. I understand that. The Premier was not prepared to do that. But that has nothing to do with this particular motion. I have a letter from Minister Ashton explaining that they were not willing to do what was asked in the letter, but it also said I understand you have another motion coming forward and it did not dismiss discussing that motion and if Council has a resolution like this I'm certain the Province would at least consider it and there is nothing wrong with asking if it's something we believe is the right thing to do. I also think that if Council were to move forward with this motion, the Province would feel some pressure to act.

In the process of discussing this at the Secretariat Committee, I also raised the idea of discussing this with the A.M.M., because other municipalities have these issues as well, and they advised me that they would certainly be willing to discuss

it with their members if the City of Winnipeg took a stand on it. So I guess it's up to us to be leaders in this one being the biggest municipality.

I would like to point out that the Province is currently re-working the Police Act to provide better oversight for the Winnipeg Police Service in response to public perceptions and concerns about police policing themselves, and I guess the time perhaps has come for the Province to provide a better oversight mechanism for elected municipal officials in the same manner. Sometimes public concerns cannot be allayed by people policing themselves or regulating or monitoring themselves, so I think this is a very reasonable motion. It simply requests to the Province, it puts it in their court to act on it and the real difference is it's not something that we ourselves appoint to police ourselves. It's outside of ourselves and that might restore some of the public confidence, that whether people want to admit it or not, has declined, not so much from the fact that we're talking about it. I don't think there's anything wrong with talking about it. That's what we are is legislators and elected officials. We should be talking about these kinds of policies. I don't think that's what's brought this public perception down. It's actual things that are concerning people and I think that's why. And I would urge every member of Council to support this and send a message that you're not afraid to look at this and have someone outside of us look at this, and I think that's a very positive motion and I urge you all to support it unanimously. Thank you.

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

Councillor Swandel: Thank you Mr. Speaker. I don't have a problem supporting the, sort of, general intent here. I do have a problem however with asking the Province to be the body. I think that there are other ways that we can get outside independent advice on matters of Conflict of Interest. I think that the Conflict of Interest guidelines and the rules that we have are pretty clear. I believe that in some circumstances, people use retired judges to look at the rules and the guidelines. We are a creature of the Province and I don't know if that in itself isn't a bit of a conflict when the other entity is there created by the Province, so I, again, I think this is something that needs to go back to the Secretariat Committee for further consideration and perhaps a better recommendation that looks at all of the aspects of what this actually entails. Obviously nobody opposes strengthening Conflict of Interest guidelines and regulations, and I think the intent here is a genuine one, you know, it has been battered around out there, that was just done to inflame another situation and I don't think that's what we're here discussing.

But I do disagree that the public perception is lessening. I think that there is a greater trust of political people out there and I think the processes that we put in place have helped to do that. And I think a further process of an outside, some outside advice, when needed on an as-needed basis would be fine, but I don't know that this is the solution. So I won't be supporting the original motion. I think there's a lot more work that needs to be done here.

Mr. Deputy Speaker: Thank you Councillor Swandel. Be no other Speakers. Councillor Gerbasi maybe if you could…mainly addressing if you find any points Councillor Swandel made you'd like to counter.

Councillor Gerbasi: I'll just be very brief. I mean, one point I did want to mention is in the City of Toronto, their Conflict of Interest Commissioner is a part-time position. They release a report once a year and one of things it does is provide a place for people to go other than taking it to court or, you know, that are very difficult to do if there's any kinds of concerns for elected officials or members of the public, there is sort of another mechanism outside of City Council and so I don't think it's hugely costly. They already have a Conflict of Interest Commissioner probably who isn't all that busy. It's only a part-time position now and if everyone is as ethical and wonderful as we all espouse to be, then there shouldn't be a lot of work for this

person, but I mean, I think we already have a role that could be expanded, and then that would provide just another approach if issues do arise, so with that, I'll sit down. Thank you Mr. Speaker.

Mr. Deputy Speaker: Thank you. I'm going to ask for a recorded vote on the matter. We are voting on the resolution that Council call on the Province to review and amend existing legislation, etc., etc., as in the original motion.

All those in favour please rise....

A RECORDED VOTE was taken the result being as follows:

Yeas

Councillors Browaty, Fielding, Gerbasi, Pagtakhan, Smith, Thomas, and Vandal.

Nays

Councillor Lazarenko, His Worship Mayor Katz, Councillors Nordman, Steeves, Swandel, Mr. Deputy Speaker Councillor O'Shaughnessy.

City Clerk: The vote Mr. Speaker, Yeas 7, Nays 6.

Mr. Deputy Speaker: Motion is carried.

Councillor Browaty moves adjournment. Roll call.

ROLL CALL

Clerk: Mr. Deputy Speaker, Councillor O'Shaughnessy, Councillor Lazarenko, His Worship Mayor Katz, Councillors Browaty, Fielding, Gerbasi, Nordman, Pagtakhan, Smith, Steeves, Swandel, Thomas, Vandal.

Council adjourned at 12:25 p.m.