Agenda - Council – July 20, 2011

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – June 28, 2011

Item No. 2 Ombudsman's Report - Designation, Alteration and Deletion of Truck Routes

STANDING COMMITTEE RECOMMENDATION:

On July 6, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works submits the following to Council:

1. That the Ombudsman's Report of November 2, 2010, with respect to the designation, alteration and deletion of truck routes, be received as information.

2. That the Public Works Department be directed to prepare appropriate recommendations for Council's consideration in response to the Ombudsman's May 6, 2011 recommendation.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda - Council – July 20, 2011

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – June 28, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 6, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 28, 2011, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Ombudsman's Report on the Designation, Alteration, and Deletion of Truck Routes

Issue: The Manitoba Ombudsman has recommended that the City of Winnipeg develop a policy on designating, altering, or deleting truck routes, to improve fairness in its decision-making process.

Critical Path: SPC Infrastructure Renewal and Public Works – EPC – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Rogers Research Analysis/Corporate Writer	B.W. Sacher, P. Eng. Director of Public Works	n/a	Alex Robinson Deputy CAO

RECOMMENDATIONS

1. That Council receive the Ombudsman's Report of November 2, 2010, with respect to the designation, alteration, and deletion of truck routes, as information.
2. That the Council direct the Public Works Department to prepare appropriate recommendations for Council's consideration in response to the Ombudsman's May 6, 2011 recommendation.
3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

The Manitoba Ombudsman recommended on May 6, 2011, that "the City of Winnipeg develop and implement a policy on designating, altering or deleting truck routes, to improve fairness in its decision-making process. This policy should:

- specify notice requirements and provide a process by which affected residents will be given notice when a procedure is being considered;
- outline the process for how and by whom decisions will be made; and
- provide that reasons for the decision will be given to all parties and will be made available to the public in a clear and timely manner."

The Ombudsman noted that subsection 36(3) of *The Ombudsman Act* requires that the report be discussed at the next meeting of Council.

The Ombudsman requested that Council review this matter and respond no later than June 30, 2011, advising of the steps taken or proposed to give effect to this recommendation.

IMPLICATIONS OF THE RECOMMENDATIONS

This report has no financial, regulatory, environmental, or human resource implications.

HISTORY

- On November 2, 2010, the Manitoba Ombudsman wrote to the Acting Chief Administrative Officer, to advise of the results of her office's review of a submission regarding City By-Law 54/2009, a By-Law to delete Grassie Boulevard and part of Plessis Road as a truck route.
- The specific concern raised with the Ombudsman was that "the Plessis Road truck route issue was not reflected in the City of Winnipeg website agendas, thereby depriving. . . impacted area residents of: advance notice; appropriate information related to the issue being discussed; the opportunity to be heard; and the opportunity to challenge or dispute any information."
- The Ombudsman further noted that, "as a result of the absence of the matter being reflected on the agenda at the initial stage of discussion (the East Kildonan-Transcona Community Committee), Day Street residents and other area residents potentially impacted by this decision may not have been aware of this situation."
- The report added, "Most members of the general public would not know the process by which this type of issue would be elevated and be able to find the corresponding agenda and minute information."
- The report concluded, "it would appear that there are procedural fairness issues relating to truck route by-laws and deletions or alterations to these by-laws."
- Following receipt of the Ombudsman's report, the Public Service reviewed this matter, with reference to the transparency of the process for designating, altering, and deleting truck routes.
- The Office of the City Clerk had written to the Ombudsman's office on November 2, 2009 regarding this matter, explaining that the process for changing the status of a truck route is within the jurisdiction of the Standing Policy Committee on Infrastructure Renewal and Public Works.
- In the particular matter which gave rise to the concern, because an amendment to the City of Winnipeg Traffic By-Law was involved, the critical path for the decision-making process was the Community Committee, followed by the Standing Committee, and the Executive Policy Committee, with a decision by City Council.
- In this instance, there would have been an opportunity for citizens to appear in delegation at any or all of the committees (including Council) throughout the decision-making process, under the established legislative process for designating, altering, or deleting truck routes.
- Should this administrative report meet with Council's approval, the Public Service will conclude its review, and finalize appropriate recommendations for Council's consideration, in response to the Ombudsman's May 6 recommendation that the City "develop and implement a policy on designating, altering, or deleting truck routes, to improve fairness in its decision-making process."

FINANCIAL IMPACT

Financial Impact Statement **Date:** June 16, 2011

Project Name: Ombudsman's Report on the Designation, Alteration, and Deletion of Truck Routes

COMMENTS: There is no financial impact related to the recommendation within this report

"Origingal Signed by D. Stewart, CA"
Darcy Stewart, CA
Manager of Finance & Administration

CONSULTATION

In preparing this report there was consultation with:
Corporate Support Services, The Office of the City Clerk, and Legal Services.

SUBMITTED BY

Department: Public Works
Division: Office of the Director
Prepared by: Dennis Rogers
Date: June 20, 2011
File No.

Attachment:
* Ombudsman's Report of November 2, 2010



Ombudsman Report
Nov 2010