**Agenda – Council – September 28, 2011**

**Report – Council Secretariat Committee – February 14, 2011**

**Item No. 2 Council Members' Immunity from the Process of Liability**

*On September 21, 2011, the Executive Policy Committee referred back the February 14, 2011 recommendation of the Council Secretariat Committee for future review and report back within 180 days.*

**Report – Council Secretariat Committee – February 14, 2011**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2011, the Executive Policy Committee referred back the February 14, 2011 recommendation of the Council Secretariat Committee for future review within 180 days.

On May 18, 2011, the Executive Policy Committee further laid over the matter for up to 90 days.

On February 16, 2011, the Executive Policy Committee laid over the matter for up to 90 days in order for the Director of Legal Services and City Solicitor to report back with legal advice on the matter.

COMMITTEE RECOMMENDATION:

On February 14, 2011, the Council Secretariat Committee passed the following motion, namely:

WHEREAS members of Parliament and members of the Manitoba Legislature have immunity from the process of liability as a result of any debate or discussion which occurs while they are in session;

AND WHEREAS municipally elected members do not have this same level of immunity and as such are on occasion subject to the legal process for resolution;

AND WHEREAS this process of litigious defense against trivial claims can be lengthy involving a great deal of time for staff and members of council, as well as extensive cost for municipalities;

AND WHEREAS the Association of Manitoba Municipalities has endorsed this principle by resolution;

THEREFORE BE IT RESOLVED that the City of Winnipeg, alongside the Association of Manitoba Municipalities, lobby the Provincial Government to amend *The Municipal Act* to grant the same immunity as currently accorded to members of Parliament and the Manitoba Legislature.