COUNCIL OF THE CITY OF WINNIPEG
Wednesday, November 28, 2012

The Council met at 1:36 p.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 Havixbeck.

ROLL CALL

Clerk: Mr. Speaker Councillor Nordman, His Worship Mayor Katz, Councillors Browaty, Eadie, Fielding, Gerbasi, Havixbeck, Mayes, Orlikow, Pagtakhan, Sharma, Smith, Steen, Swandel, Vandal, and Wyatt.

INTRODUCTION AND WELCOME OF GUESTS AND ANNOUNCEMENTS

Mr. Speaker: Thank you. I hope everyone who was out at the corner of Sterling Lyon and Kenaston this morning has thawed out so. There were six or seven of us there and although it was a fun morning, it was cold. We have some guests in the audience with us and they are Councillor Wyatt's fan club from Swan River. We have Jason Delaurier who's the Deputy Mayor of Swan River and we have Duane Whyte who is a Councillor and Lance Jacobson, a Councillor and Don Bobik, a Councillor. Welcome, gentlemen to.. (Applause) Thank you, Councillor Wyatt for sharing that with us. In any event, we'll ask the Clerk to read the notice of meeting.

Pursuant to section 79(1) of the City of Winnipeg Charter, I am directed by His Worship Mayor Katz to arrange a special meeting of Council on ***Wednesday, November 28, at 1:30 p.m.*** *to consider the City of Winnipeg Police Board.*

Mr. Speaker: We have no delegations but I would ask if there's any comments on Item 1? If you'd like to speak to it, then we will take names, Councillor…

REPORT OF THE EXECUTIVE POLICY COMMITTEE DATED NOVEMBER 28, 2012

Item 1 – City of Winnipeg Police Board

Mr. Speaker: Thank you Carlos. Mayor Katz.

Mayor Katz: Thank you, Mr. Speaker. Mr. Speaker, I'm going to do a very brief introduction and with your blessings and pass it to the Chair of the Protection and Community Services. First thing I want to do is to thank all the Councillors who were able to attend the Council seminar as well as the administration. I think as many of you now know, as a result of the Tamin inquiry, the provincial government decided to basically have all municipalities with police, have their own Police Board. Whether you love the idea or not, it is becoming a reality and their deadline is December 1. In order for us to meet that deadline we have to pass our by-laws and that's why this is here and you can certainly see what's in the bylaws. It's very clear. I'm not going to go through that. But, the…the realities are, this is something that first came about almost 3 years ago when I had the opportunity to meet with Minister Chomiak. They told me what they were planning to do and I just want to make sure that there's one thing on the record: in those discussions, it was made very clear that there would be…could be significant costs to a Police Board for every municipality, including the City of Winnipeg. And after addressing that, the Minister did get back and assured us that the City of Winnipeg would only be expected to pay nominal costs. For example, the per diems of the board members, et cetera, which would include Council members. And with that, I'm going to let Councillor Fielding talk about any specific details as the Chair so I will pass it to the Councillor.

Mr. Speaker: Councillor Fielding.

Councillor Fielding: Thank you, Mr. Mayor and thank you once again for your involvement in this and obviously there's a time crunch that's a part of this. We are here as the Mayor indicated because of the provincial legislation that is coming, well it's in action but we need to take an action before December 1. I think this is a very interesting. It will be a

dramatic change in terms of what we're used to here at City Council. We know, as the Mayor indicated a lot of jurisdictions have Police Boards or Commissions whether it be through Canada or the United States, and there has been a lot of thought and review and I want to thank our administration, Krista Boryskavich, it's all for all your hard work and dedication in looking at best practices out there and there's a lot of different models that are there. But I truly think that the business model and the by-laws we're putting into place can be effective and transparent especially for elected officials and most importantly for our citizens in terms of the openness and transparency. So essentially I think that it can be a very effective tool, transparent tool, and if done right, I think this is a very much a step in the right direction for our citizens. I'll go through some of the main points here briefly. Duties of the Police Board, a lot of this is set forth in the provincial legislation that's there of course, but in terms of some of the legislation quickly, it ensures the Police Chief, ensures that the Police Chief establish the program strategies to implement policies and objectives established by the Police Board. It also ensures that the communities' needs and ideas are reflected in the police priorities, the objectives, programs and strategies and ensures that the Police Services are delivered in what the community would expect. So there's a sense that the community can be quite involved in the process. More importantly, you know in terms of what our role and what the police can be, it can act as a liaison between the community and the police force. So the duties are very important and I believe that they do provide a lot of accountability for our citizens in terms of oversight, in terms of actions, in terms of priorities for policing. Composition of the board, a lot of discussion, there's a lot of models that are out there. Most of them generally, you see between 7 and 9 members of the board, we've obviously landed on 7 for it. Part of that process, you know, you want to make sure, and I've been on a lot of boards since being here at City Hall and other times. You want to make sure a board is nimble enough or you can have an effective rule but you also want to have a diverse amount of people with skills and assets that are part of the board to help out the police. And, we know that there'll of course be two provincial appointees that are part of this. There will be two city Councillors that will be on this board and there will be three members of the public that are appointed through the board. So I think the characteristics of those public appointees is something that's very important and I think just from our perspective, having someone of aboriginal decent, I think is very important or someone that's been involved in the aboriginal component, makes a lot of sense. There is obviously a great, a lot of great people in the community. I've been dealing with that community that I think I could very much add to anything that can happen on the Police Board so I feel strongly that that's a big part of the board going forward. I think you need some people that can effectively help in the framework of the policing. You need that financial background, obviously that's something, the cost of policing across the country, across the really North America is going up. We see that from our police force and so I think having a good financial sense makes a lot of sense. I think someone with a legal justice system makes a lot of sense, too, to bring all the aspects that would be important to policing, to bear. You know, in terms of the board appointment, the process, very similar to the process that we have right now for a lot of the boards, because of the tight time line of course, we've opened up the applications, can be submitted from now I believe it is actually December 10th that will be closing and that's you know, largely because of the time crunch and the same marketing type of aspects of getting the right qualified people, we're trying to go in the newspapers and everything else to get the information that's out. We really encourage the public, we want the board to be as effective as possible so we encourage a lot of people in the public to come forward and the more diversity that you have in terms of all aspects, characteristics, it's going to make the board more effective, so very happy that process is going forward. We anticipate that these appointees will be appointed by Council through the normal process, through Executive Policy Committee and on through Council by the January 30th Council date. So those process is under way. Financial reporting and process. Well, we know that all of the budget and the financial aspects can come back right here through Council. Whether it be things like the operating or capital budget estimates will come back through Council for approval to provide the required materials, equipment necessary to operate the police effectively. We know things like financial information can be brought forward to Council by the elected officials in terms of any aspects of the capital operating. Obviously the dollars and the cents that we have dedicated more for operating and to a certain extent with capital with the past year with new police stations is very important so elected officials would have the final say in this. If directed by Council, strategic plans, various reports, capital and operating variance analysis will be provided. There are also the board shall be prepared to, shall prepare an annual strategic plan that will come back through Council for information through the Standing Committee of Protection and Community Services. The boards will provide an annual report to Council; they also will provide annual audited financial statements of the board budget, estimates before Council. The board shall also provide quarterly updates through our department of, or our Standing Committee of Finance in terms of the financial aspects similar to what happens today if there is over expenditures but this would be done on a quarterly basis. We think that there's still big financial piece that reviewed. We also, it will also be required to provide the necessary records, to ensure accountability and to ensure that the police are effective and efficient in terms of operating their process forward. What authority the board doesn't have? Well, there's a number of things in particular, just reviewing them quickly, first of all providing any orders to police officers other than the Chief of Police is something that obviously the board members will not be a part of. Specific operational decisions and investigations, the day to day, they will not be a part of. Anything in respect to discipline or contract offers for officers is not something the board will function on a day to day basis. A large amount of questions and I think even when we found out this process was happening, one of the questions I had is you know, how can Councillors still have a big say in terms of the process and there's four main reasons or areas why I think each of you as a Councillor can have a big say. Number one, you can specifically still talk to the Chief of Police if there's an issue, if

there's a stabbing issues that are affecting your wards or if there's other issues, Mynarski or wherever you are, you can effectively still talk to the Police Chief in terms of what's going on in your community so that avenue is still there. Membership of Council will also appear. You can appear as a delegate, in delegation if you will to the board that will be there so you are able to address any issues or concerns you have. Council committee can pass recommendations similar through your community committee or through some of the standing committees to be referred to the Police Board for consideration for their review. And finally, there's two Council members that will be part of that. They'll work almost as liaisons so if there's concerns that you may have, stabbings or any issues that you can talk to the council members that are part of this board. They're of course reported on an annual basis. So quite clearly, the governance model has changed but I think there still is an opportunity and a great ability for Councillors to have a say in terms of what's going in the area. Public meetings, what very much like about this is the openness and accountability that's a part of it. We know that the board meetings will be open and transparent so members of the public can come out to these. Members of Council can come out to these meetings and might be some times where there might be in camera items that have to be talked about, if there's some sensitive materials, I think everyone would understand that and appreciate that but they will be open to the public.

Mr. Speaker: Councillor Steen moves extension. All those in favour? Opposed? Carried.

Councillor Fielding: There is also an ability to have some public meetings. You know we'll kind of fan out and see how that, how that process will work. But I see it possibly working where you'd have quarterly. You know, you go out to each quarter of the city and you have a presentation in terms of the policing just to get feedback from the public so people have a sense there is that openness and accountability from the police which I think is very much important. Roles of the Provincial Police Commission? Well, part of that initially part of that training will be a training process regarding the policies and procedures for all municipalities, board members will be carried out by the Provincial Government and that's how the interaction through the Police Commission will work with the Board. And financial implications for this, the Mayor had indicated just in terms of that there is obviously a back and forth in terms of what was originally committed for in terms of the dollars and cents to make this happen. We know what it cost in other jurisdictions to do it. We want to make sure they have enough resources to be an effective tool, but also we do still need to have those discussions with the Province to see where the dollars and cents are, where that initial commitment was in terms of, in terms of the cents, but we will be working that out and we will be moving into this process. So in conclusion, Mr. Speaker, I'm very excited about this. I think that the new model done effectively with the by-laws that are in place can be an effective transparent tool that can provide accountability to most importantly our citizens in terms of policing and in terms of all aspects that. So I'm excited to move this and be a part of the process going forward. Thank you.

Mr. Speaker: Councillor Eadie, you were the first one with your hand up.

Councillor Eadie: Thank you, Speaker Nordman. Thanks to the Chairperson for his report. And like him, I look forward to the new interaction in the governance model of this new Police Board and working with our Winnipeg Police Service. I also wanted to start off by thanking I know that it's been a crunch time for administration and they put together what I think is a really good by-law but, and I will of course be supporting the establishment of the by-law and the Police Board. But I did want to bring one concern that I brought to the, to Council several times, and that is, in terms of the size of the Police Board and a higher level of Councillor participation actually on the Police Board which is going to be holding the Winnipeg Police Chief accountable, establishing overall program goals, objectives, as well as setting policy. So, there is a governance component here and I'm a little bit concerned that there is only two Councillors. I know there is a little bit of incremental costs and I was looking at some of the financial stuff in this report. It looks to me as we were offering the community people who will be on here, I believe it's for a half day, it's $109 for four hours and $190 for x number of hours. I understand also that you need to have an odd number so you don't have tie votes and get into a whole different model of the Chairperson having to make a decision. So, but you know, the reality is under the existing provincial legislation, we could've had up to five City Councillors on here with six of community reps, two coming from the Province and four from being chosen to our Committee selection and four would actually have allowed for us to find people with certain levels of expertise and I agree, I think that the chairperson has made it very…of Protection and Community Service, very clear that it's important to actually have somebody who, understanding some of our communities within the city that are struggling in terms of crime and where they're at in this city. But four would offer more in the incremental cost even if you went to 190 dollars for a full day meeting, the community consultations, I don't think they're going to be full day events maybe. They could be up to four hours. I know it's hard to keep people's attention for more than four hours at a conference, that's for sure; but you know, incrementally, you know, what is the cost of that? It's a couple of thousand dollars for that one extra person that could've been selected to be on there and is it, indicates in the by-law, the Councillors who will be sitting on this Winnipeg Police Service governing Police Board are, is, are actually not being compensated for day to day meetings because it is part of the work that they are elected to do. And speaking about elections, it would offer more Councillors to be on the public Police Board because in many and I know across the whole city in our last election, crime was a big problem for everybody, not just the inner city but crime was an issue that was indicated by people all across the city that is a concern that we needed to deal with as a Council. And so I just wanted to

say I was somewhat disappointed that we only are putting two City Councillors on the Police Board but overall I thank the administration again. They put together a nice package and we'll be working through the new governance model and whoever the Councillors are as the Chairperson has pointed out, we will be able to come to the Police Board, Protection and Community Services will be able to make requests of the Police Board but I just point out that in terms of governance and actually deciding on policy, overall program and making sure that the Chief of Police is accountable, goes to those people on the Police Board, not any other Councillors. Thank you.

Mr. Speaker: Councillor Mayes.

Councillor Mayes: Thank you, Mr. Speaker. Just very briefly, I would try not to repeat what others have said. I want to commend the Province and commend the Mayor for finally bringing this by-law to fruition. I also wanted to say it's sort of tempting to think that this whole idea of a board or a commission, well, the board here is kind of foreign to Manitoba and I'm reflecting when I was, back when I was still lawyering, I acted for the Manitoba First Nations Police Association; did their bargaining represented them and we dealt with the Dakota Ojibwa Police Service which was run by the Dakota Ojibwa Police Commission through the Dakota Ojibwa Tribal Council and things got done. The Police Service still was maintained across five or six reserves. So it's a slightly different governance model but it's certainly one that can work. A lot of the detail has to get worked out. I probably spent more of my life negotiating over Kevlar gloves and how much, how many, how often they do replace them than I would have cared to have. But we got issues done and I think it did a good job of policing on those reserves. So it's a different model than what we've been used to around here but I do think it's the kind of model that's worked in Manitoba, worked on some of these reserves, so I look forward to working with the rest of the Council and the Councillors who are appointed and making sure this works for the betterment of the people of Winnipeg. Thank you.

Mr. Speaker: Any other comments? Seeing none, Mayor Katz to close.

Mayor Katz: Mr. Speaker, first of all, I thank everyone for their comments. I think we all know that there's an opportunity to do something good and hopefully I think we all wanted to go on that direction. I believe that the input of all of Council is valuable. I know that we all have certain thoughts and want to make sure our voices will be heard and I think this certainly will give everybody the opportunity, and I certainly am hoping that this council will unanimously approve this by-law and we can move forward as, you know, I don't think it mentioned earlier. We are in the process of actually taking applications that will be happening over the next two weeks and our goal is to have that in place by January the 30th. So I thank everybody for their input and I certainly hope everybody will be supportive of the motion.

Mr. Speaker: That completes the discussion. I will call the question. All those in favour? Opposed? Motion carried. We have a by-law to consider. Mayor Katz.

EXECUTIVE POLICY COMMITTEE
CONSIDERATION OF BY-LAWS

Mayor Katz: Thank you, Mr. Speaker. I move that By-law No. 148//2012, a by-law of the City of Winnipeg to establish the Winnipeg Police Board and provide for the appointment of its members be read a first time.

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

Clerk: By-law No. 148/2012.

Mayor Katz: And Mr. Speaker, I move that By-law No. 148/2012 be read a second time.

Mr. Speaker: All those in favour? Opposed? Carried.

Clerk: By-law No. 148/2012.

Mayor Katz: And I'll move that the rule be suspended and By-law No. 148/2012 be read a third time and that same be passed and ordered to be signed and sealed.

Mr. Speaker: All those in favour? Opposed? Carried. I'll accept a motion to adjourn, Councillor Gerbasi. Roll call.

ROLL CALL

Clerk: Mr. Speaker Councillor Nordman, His Worship Mayor Katz, Councillors Browaty, Eadie, Fielding, Gerbasi, Havixbeck, Mayes, Orlikow, Pagtakhan, Sharma, Smith, Steen, Swandel, Vandal and Wyatt.

Council adjourned at 2:00 p.m.