David M. Sanders, M.A., LL.B.
907-885 Wilkes Avenue
Winnipeg MB R3P 1J3

May 14, 2014

Chair and Members
Executive Policy Committee
The City of Winnipeg
510 Main Street
Winnipeg MB

**Re: Executive Policy Committee – 9:00 a.m. Wednesday, May 14, 2014**

**Audit Committee:**
**1. Review of 2013 Consolidated Financial Statements**

**SPC - Downtown Development, Heritage and Riverbank Management - May 5/14**
**3. Public Safety Building & Civic Car Park - Evaluation of Strategic Alternatives**

**SPC on Infrastructure Renewal and Public Works - May 6/14**
**2. Amendment to Parade Provisions in the City of Winnipeg Traffic By-Law No. 1573/77.**

I am appearing this morning as a private citizen, to speak to three matters on the EPC agenda:

**Audit Committee:**
**1. Review of 2013 Consolidated Financial Statements**

Executive Policy Committee, acting in its capacity as the City's Audit Committee, is being asked this morning to approve the Consolidated Financial Statements of The City of Winnipeg for 2013, and to have them submitted to City Council.

The Administrative Report to the Audit Committee states that these financial statements have been audited by KPMG LLP, but there is no Independent Auditor's Report attached. Last year, on May 22, a representative of KPMG made a verbal presentation to this Committee before the Audit Committee approved the statements. The Auditor's Report was apparently signed and dated on May 22, 2013 as well.

Will this Audit Committee receive assurance from KPMG LLP before it approves the statements prepared by City staff?

Last Friday the City issued a news release with the publication of these 2013 statements, and stated that "The City's credit ratings affirm solid fiscal performance (Standard and Poor's as AA; Moody's Investors Services as Aa1)."

It is true that Standard and Poor's gave us a AA rating in November, 2013, and Moody's gave us a credit opinion of Aa1 on February 14, 2014, but neither rating could have been based on these statements, just released on Friday.

Before just "approving" these statements, members of the Audit Committee might wish to review and reflect on the figures, and especially the all-important explanatory notes.

Here are a few quick observations:

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Taxation (Note 16)
Net property taxes and payments in lieu of taxes increased by 6.6% over 2012. Business taxes still totalled $56 million in 2013.
Government Transfers (Note 18)
Operating and capital grants totalled $292 million in 2013, $220 million from the Province of Manitoba and $72 million from the Government of Canada.
Land sales and other revenue (Note 6)
Apparently the total revenue of $74 million in this category includes $30 million for the former Winnipeg Stadium site in 2013. Previously the Winnipeg Square Parkade was sold for $24 million. Are we expecting to sell off one or more major City assets every year?
Land held for resale (p. 6) is reported as $14,689,000 in 2013. Presumably this includes the former Canada Post Office Tower, plus the John Blumberg land which is offered for sale, all valued at cost, not necessarily market value (Note 2d).
Total Municipal Expenses increased by 7.5% in 2013.

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The City's net debt rose to $800 million, and is summarized in Note 9. The detailed explanation of the City's "service concession arrangement obligations," for the construction and maintenance of the Chief Peguis Trail Extension and the new Disraeli Bridges, puts the obligations at a total of $157.3 million in Note 9(d), plus $37 million annually in performance-based maintenance improvements.

Pages 22-26
Notes 11 and 12 provide detailed summaries of the City's liabilities for accrued employee benefits ($176 million) and the status of each of the various pension funds.

There is much in these statements which needs to be understood, as the City works towards a new budget for 2015.

**SPC - Downtown Development, Heritage and Riverbank Management - May 5/14**
**3. Public Safety Building & Civic Car Park - Evaluation of Strategic Alternatives**

On November 25, 2009, City Council approved the purchase of the former Canada Post Office building at 266 Graham, for redevelopment as a new Police Headquarters Building. Council's resolution that day included a decision:

> "4. That the Public Safety Building and 280 William Avenue be declared surplus upon consolidation."

**So, four and a half years later, the Public Service now wants to commission a $275,000 feasibility analysis for civic development and/or disposition of the existing Public Safety Building and mothballed Civic Parkade.**

What kind of planning is this?

The recommended commencement of planning and analysis for future development and/or disposition now hardly represents "prudent asset management." It appears to represent gross mismanagement, which requires some specific explanation.

**And without waiting for a Council decision on the future use of the site, the Planning, Property and Development Department wants the authority to apply for subdivision of the site for the purpose of sale.**

(a) Since the Ernst & Young Real Estate Management Audit and other forensic audits requested by Council are to be released imminently, perhaps even at the ***"In Camera"*** session of EPC later this morning, I strongly recommend that the Committee postpone making a decision on any of these recommendations until after the audits are published and dealt with.

(b) The Committee should certainly reject Recommendation #4, and refuse to authorize an application for subdivision before any decision has been made on the future use of the site.

**SPC on Infrastructure Renewal and Public Works - May 6/14**
**2. Amendment to Parade Provisions in the City of Winnipeg Traffic By-Law No. 1573/77.**

I am the citizen who objected to the wording of the previous attempt to amend the parade provisions of the Traffic By-law. The wording proposed previously would have made a parade permit mandatory for all groups of 10 or more cyclists. Representatives of the City's cycling community also objected, and so the matter was referred back to the Winnipeg Public Service for further review.

Today's new proposal involves the deletion of the definition of a "parade" and a complete re-write of sections 9-13 of the Traffic By-law 1573/77.

The old By-law read as follows:

**"parade"** means any procession or body of pedestrians excepting members of Her Majesty's Armed Forces, numbering more than thirty (30) standing, marching, or walking anywhere on a street, or any group of vehicles except a funeral procession or vehicles of Her Majesty's Armed Forces, numbering ten (10) or more stopped or moving anywhere on a street.

PARADES
9. No person shall hold, take part in, or be a member of a parade unless
(a) the parade is under the direction or control of a marshal or organizer, and
(b) the parade has been duly permitted by the Chief of Police.

10. A person desiring to hold a parade shall apply in writing to the Chief of Police for a permit therefore not less than forty-eight hours before the time set for the commencement of the parade, and shall when making his request, specify the nature of the parade, the day and hour at which it is to be held, the places of formation and dispersal, the exact route to be followed, the estimated length of time for the parade to pass a given point and pay such sums of money as the Chief of Police shall require for the purpose of publishing due notice of the parade and such diversion of traffic as he shall deem necessary as a result thereof.

11. (1) The Chief of Police must issue a parade permit where
(a) the applicant has complied with section 10;
(b) the proposed parade would not violate a law, regulation or by-law;
(c) adequate security and traffic control can reasonably be provided by the Winnipeg Police Service or the applicant is able to offer a reasonable alternative; or
(d) the time, date or route of the proposed parade
(i) is unlikely to unduly disrupt traffic along the parade route;
(ii) is unlikely to result in conflicts with other events or parades taking place; or
(iii) does not poses undue security or public safety concerns.
(2) Where the Chief of Police refuses to issue a parade permit, he or she must propose a reasonable alternative date, time or route for the parade.
(3) The Chief of Police may issue a parade permit subject to conditions that will ensure that the parade meets the criteria set out in subsection (1), and a failure to comply with any conditions imposed invalidates the permit.
(4) The Chief of Police may withdraw the permit prior to or during the parade where information unknown to the Chief when issuing the permit indicates that the parade will fail to meet the criteria set out in subsection (1), and no person may take part in or continue to take part in a parade where the parade permit has been withdrawn.

MOVEMENT PROHIBITED THROUGH PARADES
12. Unless so directed by a peace officer, no person other than the driver of an ambulance travelling in an emergency or a police department vehicle or a fire department vehicle shall drive through a parade.
13. While a parade is in motion, pedestrians shall not walk through a parade.

My initial observations and concerns with the **new** proposal are as follows:

a) There is no definition of what constitutes a '"parade."
b) Per section 10(1) of the proposed By-law, an "event" would be eligible for a parade permit if it involves the cohesive movement of a group of people – whether on foot or being conveyed – from one point to another on one or more streets, and it will not occupy any particular area of the street for an extended period of time. But it will not be a "parade" unless the Chief of Police decides to issue a parade permit for the event.
c) This new wording will allow parades of cyclists who want the privileges, protections, restrictions and expenses of an official parade permit.
d) Supposedly, the new by-law will not be used to restrict the movement of groups who do not want to be official parades, but whose members do comply with The Highway Traffic Act and other applicable laws.
e) **However**, on page 3 of the Administrative Report, there are a number of statements which make reference to "a parade on the street without a Parade Permit," which is no longer a defined event, and the second last paragraph could be interpreted incorrectly to mean that a parade permit will be required if "compliance with traffic rules would be difficult." That is **not** what the proposed by-law amendments say, and there should be no doubt on that point.

This all means, of course, that groups of cyclists without a parade permit will **continue** to be liable to be charged with violations of the *Highway Traffic Act*, if they fail to travel in single file, as closely as practicable to the curb, and obey traffic signals, etc.

I note that in redrafting this by-law amendment, there was consultation between the Police Service and Public Works and Legal Services, However, given the previous interest in this matter on the part of the growing cyclist community in Winnipeg, I suggest that the City should make a greater effort to publicize this proposal before it is adopted by Council.

I also think there is a real need to review and upgrade proper signage for the new bicycle routes, for safety reasons, and to reconsider the provisions of the Highway Traffic Act and the City's Traffic By-law regarding safe and respectful movement of vehicles and bicycles on and beside our roadways.

Thank you.

David M. Sanders MA LLB

River Heights-Fort Garry

DMS/bm