EXECUTIVE POLICY COMMITTEE

MOTIONS

Minute No. 312
Moved by His Worship Mayor Bowman,
Seconded by Councillor Pagtakhan,

WHEREAS on July 9, 2014 Council approved a motion:

"That Item 1 of the Report of the Executive Policy Committee dated July 2, 2014 be amended by adding the following recommendations to the Ernst and Young "Real Estate Management Review" recommendations:

18. A. That Council forward the full Ernst and Young "Real Estate Management Review" to Manitoba Justice for review;
B. That Council request that Manitoba Justice respond to the request through the City of Winnipeg Auditor to Council.";

AND WHEREAS on July 16, 2014 Council approved a motion:

"That Item 4 of the Report of the Executive Policy Committee dated July 15, 2014 be amended by adding the following recommendations:

- That Council forward the full to the KPMG "Winnipeg Police Service Headquarters Construction Project Audit" dated July 14, 2014 to Manitoba Justice for review, and:
- That Manitoba Justice responds to the request through the City of Winnipeg Auditor to Council.";

AND WHEREAS on August 15, 2014 the Province of Manitoba issued a Media Bulletin that

"Manitoba Justice has referred the City of Winnipeg's Real Estate Management Review, the Winnipeg Police Service Headquarters Construction Project Audit and the Confidential Report to Winnipeg City Council re: New Fire Paramedic Stations Construction Project and other related materials to the Royal Canadian Mounted Police (RCMP) for review and to conduct any investigations it considers appropriate.";

AND WHEREAS the RCMP has requested interviews with lawyers employed in the Legal Services Department;

AND WHEREAS under the Law Society of Manitoba's Professional Code of Conduct, Section 3.3-1 A lawyer at all times must hold in strict confidence all information concerning the business and affairs of the client acquired in the course of the professional relationship and must not divulge any such information unless:

(a) expressly or impliedly authorized by the client;
(b) required by law or a court to do so;
(c) required to deliver the information to the Law Society, or
(d) otherwise permitted by this rule.

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AND WHEREAS lawyers are subject to the evidentiary rule of lawyer and client privilege, which is also a constitutionally protected right, concerning oral and documentary communications passing between the client and the lawyer (Solicitor-Client Privilege);

AND WHEREAS if Council wishes/wants lawyers employed by The City of Winnipeg Legal Services Department to provide Manitoba Justice and the RCMP upon request, with information related to The City of Winnipeg's Real Estate Management Review, the Winnipeg Police Service Headquarters Construction Project Audit and the Confidential Report to Winnipeg City Council re: New Fire Paramedic Stations Construction Project that would otherwise be considered to be confidential and/or subject to solicitor-client privilege, Council must authorize the disclosure of the confidential information and waive solicitor-client privilege on behalf of The City of Winnipeg;

THEREFORE BE IT RESOLVED THAT Council hereby authorizes lawyers employed by The City of Winnipeg Legal Services Department to provide Manitoba Justice and the RCMP upon request, with information related to The City of Winnipeg's Real Estate Management Review, the Winnipeg Police Service Headquarters Construction Project Audit and the Confidential Report to Winnipeg City Council re: New Fire Paramedic Stations Construction Project that would otherwise be considered to be confidential and also waives solicitor-client privilege for that information.

The Speaker ruled automatic referral to the Executive Policy Committee in accordance with Rule 16.1 of the Procedure By-law.

Moved by His Worship Mayor Bowman,

That the rule be suspended to allow consideration of the motion.

Carried

The motion for adoption of the item was put and declared carried