David M. Sanders, M.A., LL.B.

October 6, 2015

Chair and Members
Standing Policy Committee on Infrastructure Renewal and Public Works
The City of Winnipeg
510 Main Street
Winnipeg, MB

Re: SPC Infrastructure Renewal and Public Works Committee
9:00 a.m., Tuesday, October 6, 2015

Reports:

Item No. 15. Southwest Rapid Transitway (Stage 2) and Pembina Highway Underpass – Project Authority

I am appearing as a private citizen to make a brief submission **in opposition** to the Winnipeg Public Service Recommendations, that Council delegate to the Chief Administrative Officer and the City Solicitor **complete authority to negotiate and approve** the terms and conditions of agreements with the University of Manitoba, Triple B Stadium Inc., and the Winnipeg Football Club, for the implementation of proposed works related to the Southwest Rapid Transitway (Stage 2) and Pembina Highway Underpass, other than land acquisition matters.

Once again, the civic administration is asking for a blank cheque, to negotiate and **approve** significant plans and construction activities without any further public consultation, or political oversight, behind closed doors.

There is absolutely no good reason for Council to delegate its authority to approve such agreements, and plenty of evidence in the many recent audit reports, demonstrating why such agreements should be reviewed and approved by Council, in public.

Right now, the civic administration has issued a Request for Proposals for a prime contractor to design, build, finance, operate and maintain the Southwest Transitway (Stage 2) and the Pembina Highway Underpass, which would be the largest capital project ever undertaken by the City of Winnipeg to date.

The City refuses to make the terms of the RFP public, until after the Financial Close of the Project, anticipated in **June of 2016**. So the public will not know what we are buying until after the contract has been awarded, signed, sealed and delivered.

I am attaching a copy of my initial request for a copy of the RFP, and the City's reasons for refusing it. I subsequently made a formal Application for Access to the RFP, and yesterday I received a formal refusal from the City, based on similar "discretionary" reasons. I will now file a formal complaint with the Ombudsman.

During the last two months I have attended most of the hearings of the Expropriation Inquiries for the Southwest Transitway (Stage 2) and Pembina Highway Underpass, and the Parker Retention Pond.

These hearings have been far more informative than the presentations at City Hall and in the so-called public engagement sessions. Witnesses testify under oath, the Inquiry Officer uses his power to compel production of documents, and lawyers are able to cross-examine the witnesses. As a result, some excerpts from the City of Winnipeg Southwest Transitway Stage 2 Functional Design Report, Dillon Consulting, April 2015, were made public at the Inquiry.

I have made an Application for Access to the complete Stage 2 Functional Design Report, but yesterday I received only the same few excerpts from the Report which had been made public at the inquiry. Release of the rest of the Report was refused for "discretionary" reasons. And so I will have to file another formal complaint with the Ombudsman.

Again, there is absolutely no good reason for keeping the Functional Design Study confidential.

Unless the policy of the Winnipeg public service really is to give the Council and the public the mushroom treatment.

The Acting Manager of Water and Waste recently told the Parker Pond Inquiry that no revised report had been published and no public consultation had been held regarding the option of building a single deep retention pond on the Parker Lands, because it would be **"premature to do so before a decision was made."**

This culture, preferring the private conduct of public business, needs to change now. This Committee can start by amending today's recommendation to require that any such agreements be submitted to the SPC, EPC and Council for approval.

I would also strongly recommend that Councillors obtain and read the transcripts of the Expropriation Inquiry hearings, to learn whether these works are "fair and reasonably necessary," before you vote on these matters again.

Thank you.

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