Minute No. 194
Report – Executive Policy Committee – February 15, 2017

Item No. 4 Public Inquiry – Conflict of Interest and Disclosure

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

WHEREAS the City of Winnipeg has exercised the powers granted to it under the authority of *The City of Winnipeg Charter*, *The Municipal Council Conflict of Interest Act*, the *Code of Conduct for the Members of the Council of the City of Winnipeg*, and the *City of Winnipeg Employee Code of Conduct*, to investigate and review matters pertaining to specific instances of potential violations of the above acts including conflict of interest and public disclosure of activities and decision-making on matters of public interest and importance;

AND WHEREAS the City of Winnipeg is restricted to powers exercisable by the authority granted through the Acts and Codes noted above;

AND WHEREAS per Section 106 of *The City of Winnipeg Charter*, the City does not have the power to conduct a broad comprehensive systemic review;

AND WHEREAS in July 2014, Winnipeg City Council approved motions to forward the "Real Estate Management Review" and the "Winnipeg Police Service Headquarters Construction Project Audit" to Manitoba Justice for review;

AND WHEREAS an RCMP investigation pertaining to matters concerning the activities conducted regarding the Winnipeg Police Headquarters is currently ongoing;

AND WHEREAS the RCMP investigation does not broadly examine decision-making and other actions leading to and impacting a number of significant civic projects of public interest and importance or the disclosure of results of such decision-making and activities;

AND WHEREAS an inquiry is an investigation into an issue, event or series of events by which the findings of fact and statements frequently go well beyond and are completely separate from matters that may be subject to police investigations;

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COUNCIL DECISION (continued):

AND WHEREAS federal, provincial and municipal commissions of inquiry regularly investigate matters that may also be the subject of criminal investigations or proceedings;

AND WHEREAS it is critical to the public interest that factual matters for discovery that are not attainable using existing powers available to the City, be identified and disclosed through a public inquiry;

THEREFORE BE IT RESOLVED:

1. That the Province of Manitoba be called upon to commit to conduct a formal commission of inquiry under the authority of *The Manitoba Evidence Act* to consider any and all matters, including those noted above, for the purposes of reviewing all mechanisms regulating conflict of interest requirements and disclosure as it is relates to City of Winnipeg elected members of Council and its senior public service members, and to conduct a broad systemic examination of all processes and procedures affecting the conduct of business between elected officials and senior public service members employed by the City and/or parties with whom the City may conduct business, given the concerns noted above;

2. That the Province of Manitoba consider the following to be included in the requirements of a Commission:

    A. That the Commission be directed to perform its duties without expressing any conclusion or recommendation about the civil or criminal liability of any person or organization and without interfering in any ongoing police investigation or criminal proceedings related to the matter and without duplicating work undertaken in any police investigation or criminal proceedings;

    B. That the Commission consider the previous undertakings of the City of Winnipeg to review such matters through the City Auditor and external audits, along with any additional prior studies to avoid duplication of process and ensure economies of scale are built into the process so the inquiry does not have to duplicate any costs or for efforts already undertaken.

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DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted.

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Carried

Councillor Lukes asked to be recorded as having voted against the item in accordance with Rule 47(7) of the Procedure By-law.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 15, 2017, the Executive Policy Committee passed the following resolution:

WHEREAS the City of Winnipeg has exercised the powers granted to it under the authority of *The City of Winnipeg Charter*, *The Municipal Council Conflict of Interest Act*, the *Code of Conduct for the Members of the Council of the City of Winnipeg*, and the *City of Winnipeg Employee Code of Conduct*, to investigate and review matters pertaining to specific instances of potential violations of the above acts including conflict of interest and public disclosure of activities and decision-making on matters of public interest and importance;

AND WHEREAS the City of Winnipeg is restricted to powers exercisable by the authority granted through the Acts and Codes noted above;

AND WHEREAS per Section 106 of *The City of Winnipeg Charter*, the City does not have the power to conduct a broad comprehensive systemic review;

AND WHEREAS in July 2014, Winnipeg City Council approved motions to forward the "Real Estate Management Review" and the "Winnipeg Police Service Headquarters Construction Project Audit" to Manitoba Justice for review;

AND WHEREAS an RCMP investigation pertaining to matters concerning the activities conducted regarding the Winnipeg Police Headquarters is currently ongoing;

AND WHEREAS the RCMP investigation does not broadly examine decision-making and other actions leading to and impacting a number of significant civic projects of public interest and importance or the disclosure of results of such decision-making and activities;

AND WHEREAS an inquiry is an investigation into an issue, event or series of events by which the findings of fact and statements frequently go well beyond and are completely separate from matters that may be subject to police investigations;

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

AND WHEREAS federal, provincial and municipal commissions of inquiry regularly investigate matters that may also be the subject of criminal investigations or proceedings;

AND WHEREAS it is critical to the public interest that factual matters for discovery that are not attainable using existing powers available to the City, be identified and disclosed through a public inquiry;

THEREFORE BE IT RESOLVED that Winnipeg City Council call upon the Province of Manitoba to commit to conduct a formal commission of inquiry under the authority of *The Manitoba Evidence Act* to consider any and all matters, including those noted above, for the purposes of reviewing all mechanisms regulating conflict of interest requirements and disclosure as it is relates to City of Winnipeg elected members of Council and its senior public service members, and to conduct a broad systemic examination of all processes and procedures affecting the conduct of business between elected officials and senior public service members employed by the City and/or parties with whom the City may conduct business, given the concerns noted above;

AND THEREFORE BE IT FURTHER RESOLVED that the Province of Manitoba consider the following to be included in the requirements of a Commission:

- That the Commission be directed to perform its duties without expressing any conclusion or recommendation about the civil or criminal liability of any person or organization and without interfering in any ongoing police investigation or criminal proceedings related to the matter and without duplicating work undertaken in any police investigation or criminal proceedings;

- That the Commission consider the previous undertakings of the City of Winnipeg to review such matters through the City Auditor and external audits, along with any additional prior studies to avoid duplication of process and ensure economies of scale are built into the process so the inquiry does not have to duplicate any costs or for efforts already undertaken.

and submitted the matter to Council.