Agenda – Executive Policy Committee – October 11, 2017

REPORTS

Item No. 6 Legal Review – Insurance for City Lawyers and Recovery Options for the Deacon Water Treatment Plant

STANDING COMMITTEE RECOMMENDATION:

On October 2, 2017, the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment recommended to the Executive Policy Committee that the Chief Administrative Officer be directed to:

1. Retain 3rd party legal counsel to examine the construction deficiencies at the Deacon Water treatment plant and review the possibility of recovering a portion of the funds through the Law Society of Manitoba insurance fund or any other means;

2. Review the City's current policy of self-insuring its lawyers versus other professional liability insurance mechanisms to ensure maximum protection of taxpayers from errors committed by City lawyers.

3. Report back to the appropriate committees within 120 days.

Agenda – Executive Policy Committee – October 11, 2017

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On October 2, 2017, the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment passed the following motion:

WHEREAS the Winnipeg public service has missed the deadline to recover costs through the courts related to construction deficiencies at the Deacon Water Treatment plant;

AND WHEREAS this matter has now been adjourned by the courts;

AND WHEREAS these deficiencies are estimated to cost anywhere from $6M to $20M to fix;

AND WHEREAS these construction deficiencies will have to be paid for by the citizens of Winnipeg and every effort must be made to minimize and mitigate this cost;

AND WHEREAS this incident has raised serious and significant concerns from the citizens of Winnipeg and members of Council regarding the City's internal processes and accountability measures;

THEREFORE BE IT RESOLVED that the Executive Policy Committee be requested to direct the Chief Administrative Officer to:

1. Retain 3rd party legal counsel to examine the construction deficiencies at the Deacon Water treatment plant and review the possibility of recovering a portion of the funds through the Law Society of Manitoba insurance fund or any other means;

2. Review the City's current policy of self-insuring its lawyers versus other professional liability insurance mechanisms to ensure maximum protection of taxpayers from errors committed by City lawyers.

3. Report back to the appropriate committees within 120 days.