TO: HIS WORSHIP MAYOR BRIAN BOWMAN, EPC & CITY COUNCIL
C/O: CITY OF WINNIPEG - OFFICE OF THE CITY CLERK
Email: cityclerks@winnipeg.ca

I would like my email/letter to be included in the Executive Policy Committee Meeting (EPC) dated January 17, 2018 and the City Council Meeting dated January 25, 2018.

RE: SALE OF THE VIMY ARENA & SURROUNDING GREEN SPACE (255 Hamilton Ave., ST. CHARLES WARD, WNNIPEG MB)

Greetings Council members,

Firstly,

I'm confused as to why the Old Shriners Hospital on Wellington has not been offered for the Bruce Oake Recovery Centre, seems like such an obvious choice to everyone I speak with.

I understand that it is vacant and available, as opposed to a complete takedown and build, it is already owned by the province, no re-zoning or land transfer is required and it's even on the river.

Going with this option would reduce the wait time for people who need this recovery center urgently and could potentially be ready one to two years ahead of the Vimy Arena plan, helping to save people sooner in the spirit of the Foundation's goal.

The Shriner's Hospital is a heritage building on an expansive river property. A heritage building is also a fitting dedication to Bruce Oake's memory.

The Vimy Arena needs to be repurposed as it is not very old and has terrific bones with its steel and concrete structure. It is still viable for a multi-purpose facility, contrary to some councillors' claims. The Arena may have problems but none that can't be addressed.

The Vimy Arena could be repurposed to serve the local youth and act as an early prevention vehicle by promoting community engagement. It could re-open with activities like a rock wall, racket ball courts, exercise equipment a lounge area with wi-fi and small library.

This is the feeling of a fast growing number of locals (thousands so far have signed a petition) as more and more media coverage is realized and the details of how this all has come to this disappointing milestone emerge.

Secondly,

Also of deep concern for all voting Winnipeggers, is the process used to get where we are. Attached is a summary review of the report from the IFC (Independent Fairness Commissioner) on the council vote for the sale of the Vimy Arena to the Provincial Government. This has been shrouded in rumours of back room deals and lack of transparency and even bullying by some of our public representatives as we speak out about it. This is shameful and unbefitting of our elected officials.

Please review ***IFC Report - 2018-01-01, Review comments.PDF*** attached to this email

Thirdly,

In support of Friends of Sturgeon Creek...

I Doug Darvill DO NOT support the sale of the Vimy Arena and surrounding green space located at 255

Hamilton Avenue (St. Charles Ward) Winnipeg Manitoba, to the Manitoba Government. I do not want this property and surrounding green space to be sold or turned over to any private entity for any development that falls outside of recreational zoning (PR1 or PR2). I want the Vimy Arena to be revitalized for public recreational use in the current location at 255 Hamilton Avenue, Winnipeg, Manitoba. I also want the green space surrounding the Vimy Arena to remain protected land and kept for only recreational use in the St. Charles Ward and open to use for all the citizens of Winnipeg MB. This area is the hub of our community, and it is in constant use for recreational activities. We are in desperate need of a recreational facility to accommodate members of our community.

I am a concerned citizen of the City of Winnipeg, and I submit this correspondence in support of the St. Charles Ward to oppose the sale of the Vimy Arena and surrounding green space. Thank you for reading my letter.

Date: January
Name: Doug Darvill
Address:
Email Address:

January 13, 2018

To whom it may concern,

Re.: Vimy Arena property transfer to Province from City of Winnipeg - *Review of IFC Report of January 1, 2018*

I am not a lawyer and may not have every fact I need to review this report at a professional level, but I believe the report stands on its own as a direct indicator of how this transaction has been conducted. I've itemized the points that are glaring non-conformances. The transaction regarding the Vimy Arena property has been referred to as "fair, transparent and open", however, after reading this report it seems that the transaction was far from any of these three words. The way in which this land sale has been conducted is a farce from an ethical stand-point, and to make matters worse it seems that this transaction may have even skipped important legal steps in the process. My family and I hope to highlight some key passages from this report with the intention of shedding some light on how unfair and behind closed doors that this deal seems to have been.

** This document is best reviewed in conjunction with the IFC Report of January 1, 2018 for best context.*

Item 1 *"A risk and complexity tool was not completed, and evidence of approval by the Supervisor / Superintendent / Manager of the rationale for not doing so was not included in the file documentation"* – Page 2 of report

- When completing a high complexity transaction such as this it can be assumed that this report would be an important reference tool to be used by our elected council members. When they are called upon to vote on a change that affects an entire community it is important that they are as informed as they can be. *Reports like this one are created with the goal of providing important data for decision makers to make sure that they have all the facts required to make a practical and ethical choice.*

Item 2 *"The determination of how the appraiser was selected; determination of the form of appraisal required; or the consideration regarding the use of materials management in selecting the appraiser were not evidenced in the file"* – Page 2 of report

- It is not evident what the appraiser was told the property's end state was going to be. Whether the building was going to be torn down or repurposed would have likely changed how the appraisal process was conducted. This conflicts with the claims that this process is unbiased in that it may be repurposed and not torn down for new construction. *I'm sure appraisal criteria would differ in these two circumstances.*

Item 3 *"Evidence of how the property was acquired was not included in the file, and therefore no evidence was included in the Transaction documentation regarding whether relevant policies were adhered to"* – Page 2 of report

- This assumes that the handling of this property to this point was done lawfully and ethically and to the RETMF. If assets obtained are not obtained lawfully and ethically, then when transferred they remain unlawfully obtained in the hands of the transferee. *Should this not be cleared up before council decided to perpetuate the possibly unethical behavior of those that precede them?*

Item 4 *"Rationale was not included in the file as to why a competitive procurement process and the engagement of Materials Management was not undertaken in accordance with Appendix E of the RETMF"* – Page 2 of report as well as other similar exception of similar importance...

- Why was this vote not tabled based on this fact alone? Why do we have an RETMF if not to guide our public property transactions and ensure all applicable documentation is reviewed before a council vote is allowed? Is it general practice to proceed through these types of transactions without proper documentation and data records? *Why not just tear up the RETMF if it's not being adhered to?*

Item 5 *"The property was not posted to the City of Winnipeg website within 30 days of being declared surplus."* – Page 2 of report

- If the property was not posted within 30 then the rules/laws/guidelines/frameworks were not followed and the council vote should have been tabled until proper rationale was stated for this – *does anyone know why this was not done?*

Item 6 *"In other instances, the timing of the IFC review did not allow Management to adequately prepare file documentation."* – Page 3 of report

- If there was not enough time for Management to prepare the file documentation for this council vote, why was it not postponed or tabled? – *This seems like the only rational choice for an ethical outcome considering an entire community is going to be affected by a rushed decision.*

Item 7 *"Management accepts the findings of the IFC but takes the position that if full compliance were achieved, the final outcome of the transaction would remain unchanged."* – Page 3 of report

- If Management accepts the findings of the IFC as reported and there is no evidence of their review as noted, then all the exceptions that are listed would be, by default, presumed acceptable without review. Council needs to make a balanced and ethical choice based on factual evidence, when they are saying that due process and ethics are not needed, this sounds like the decision was never a democratic one, but rather, one that has been pushed through no matter the facts or due process – *From a citizen's perspective this transaction seems unethically conducted and presumably based on personal political agendas.*

Item 8 *"3) performing corroborative interviews with City of Winnipeg employees and representatives who were responsible for carrying out the Transaction "* – Page 4 of report

- It would be nice to have the list of interviewees in order to determine their position and political motives in order to better understand more of what actually has transpired here, these same people are likely responsible for missing data and process steps. *Understanding where steps were skipped, and by whom, is important in providing real factual answers to the pressing ethical questions regarding this property sale.*

Item 9 Under Criteria *"Specific requirements that a real estate transaction is expected to comply with in order to be considered fair, transparent and open"* – Page 5 of report

- This is criteria that is clearly not followed.

Item 10 *"Environmental implications of the recommendations, if any, that were considered or discussed were not presented "* – Page 6 of report

- If this property is torn down and a new building is built, construction crews and equipment will be present for an extended duration (as much as two years) and most certainly could have an environmental impact. *A detailed environmental impact report should not be excluded from decision making processes.*

Item 11 *"The file did not contain evidence with respect to who was responsible for selecting the appraiser, or how the appraiser was selected, including whether the appraiser was selected from the pre-approved list of appraisers, as required by Appendix D of the RETMF."* – Page 7 of report

- Why was the appraiser selection not done per RETMF process and why, after this, was the report not entered as documentation to the council members? *How can they make an educated evaluation of the issue they must vote on without this?*

Item 12 *"The RETMF provides for the non-completion of the Risk & Complexity tool based on the professional judgment of the Real Estate department staff, but requires that the rationale for not utilizing the tool is approved by their respective Supervisor/Superintendent/Manager and clearly documented and retained in the file. We did not observe documented evidence of this approval by the appropriate individual."* – Page 9 of report

- If the property was correctly handled after the highly questionable conversion to "Surplus" then we may have had a chance to get more than 1 dollar for it. *Again, no conformance to RETMF.*

Summary

The following issues have created an unethical if not unlawful transaction of property transfer between the City of Winnipeg and the Provincial Government of Manitoba for the Vimy Arena on 255 Hamilton Avenue.

- Property Inspection was not carried out transparently and not presented to the voting members.
- Essential environmental assessment was not carried out.
- No approvals from Management were documented.
- Due time and process was not given to this transaction to obtain all working documents per RETMF requirements.
- Proper ethical behavior was not practiced in lieu of presumed political interests that may follow this transaction.
- The community (local residents) that is most affected has not had a fair and transparent presentation with factual data related to this transaction, presumably because it does not exist yet or may adversely affect the transaction completion.

My family and I spent time learning about your platforms and goals before making an informed decision to vote for you as our representatives. You were selected based on promises in your campaigns of fair, transparent and ethical government and it can only be assumed that processes such as the RETMF exist to ensure some level of protection if these promises are not kept. If you, as elected representatives, push this decision forward it is not only a breach of our community's trust, but also a display of negligence regarding the processes that have been put in place to protect us as citizens from those that are given the responsibility to do so failing to.

This is a plea for fair and honest reconsideration of a seemingly ill-advised decision.

Sincerely,

Doug Darvill