Agenda – Executive Policy Committee – May 18, 2021

Report – Standing Policy Committee on Innovation and Economic Development – April 26, 2021

Item No. 1 Delegation of Authority to the Chief Administrative Officer for Confidentiality Agreements and Non-Disclosure Agreements Related to Telecommunication Providers

STANDING COMMITTEE RECOMMENDATION:

On April 26, 2021, the Standing Policy Committee on Innovation and Economic Development concurred in the recommendation of the Winnipeg Public Service, as amended, and submitted the following to Council:

1. That authority be delegated to the Chief Administrative Officer to negotiate and approve confidentiality agreements and non-disclosure agreements and any terms and conditions thereof between the City and telecommunication providers operating within Manitoba, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City and the Public.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Standing Policy Committee on Innovation and Economic Development – April 26, 2021

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On April 26, 2021, the Standing Policy Committee on Innovation and Economic Development concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Add “and the Public” at the end of Recommendation 1,

and submitted the matter to the Executive Policy Committee and Council.

COUNCIL DECISION:

On March 25, 2021, Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the matter be referred back to the Standing Policy Committee on Innovation and Economic Development.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

EXECUTIVE POLICY COMMITTEEE RECOMMENDATION:

On March 17, 2021, the Executive Policy Committee did not concur in the recommendation of the Standing Policy Committee on Innovation and Economic Development and recommended to Council:

1. That the matter be referred back to the Standing Policy Committee on Innovation and Economic Development.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Standing Policy Committee on Innovation and Economic Development – April 26, 2021

DECISION MAKING HISTORY (continued):

STANDING COMMITTEEE RECOMMENDATION:

On February 22, 2021, the Standing Policy Committee on Innovation and Economic Development concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Add "and the Public" at the end of Recommendation 1;

- Add the following new Recommendation 2:

    "2. That all providers be made aware that the deployment of 5G technology on City of Winnipeg property must exclude equipment from Huawei.";

- Renumber the remaining Recommendation accordingly,

and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: DELEGATION OF AUTHORITY TO THE CHIEF ADMINISTRATIVE OFFICER FOR CONFIDENTIALITY AGREEMENTS AND NON-DISCLOSURE AGREEMENTS RELATED TO TELECOMMUNICATION PROVIDERS

Critical Path: Standing Policy Committee on Innovation and Economic Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Hamm	G. Cottick	N/A	M. Ruta, Interim CAO

EXECUTIVE SUMMARY

Starting in 2021, the City of Winnipeg plans to engage with telecommunication providers operating in Manitoba on various current and future technology initiatives. To ensure confidentiality of both the City's and providers' proprietary information, agreements including confidentiality agreements (e.g., non-disclosure agreements ["NDAs"]) and other agreements of likeness, will be required. There is currently no delegated authority in place for the approval of such agreements by the Public Service, necessitating Council approval.

Delegation of authority to the Chief Administrative Officer for approval of confidentiality agreements will contribute to timeliness, efficiency and effectiveness of activities related to innovative telecommunication technology planning and collaboration in Winnipeg.

RECOMMENDATIONS

3. That authority be delegated to the Chief Administrative Officer to negotiate and approve confidentiality agreements and non-disclosure agreements and any terms and conditions thereof between the City and telecommunication providers operating within Manitoba, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

4. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Subject to subsection 53(1) of The City of Winnipeg Charter ("City Charter"), pursuant to subsections 88(2) and (3) of the City Charter, Council may delegate any of its administrative powers, duties or functions to an employee, who may further delegate to another employee unless the City Charter or a by-law prohibits the delegation. Council has not delegated approval to enter into confidentiality agreements with external organizations. Council approval is required to delegate authority to the Chief Administrative Officer to enter into such agreements.

IMPLICATIONS OF THE RECOMMENDATIONS

The recommendations will improve operational efficiencies related to matters between the City and telecommunication providers necessitating confidentiality agreements.

There are no additional financial, regulatory, environmental, operational, human resources, or other implications of the approval of this report.

HISTORY/DISCUSSION

The City has traditionally interacted with telecommunication providers operating in Manitoba over matters related to contracts for goods or services (e.g., landline and cellular telephones). Proprietary information within such contracted partnerships is protected by the City's Materials Management Policy.

In 2021 and beyond, increased collaboration with telecommunication providers on matters that extend beyond existing contracts is anticipated (e.g., Smart City planning, including regarding public Wi-Fi, residential fibre-based internet, and cellular service). Such engagements may necessarily expose the providers' strategic, financial and marketing information, research and development details, trade secrets, manufacturing data, and other confidential information. Likewise, the City may deem it necessary to share confidential information, such as details of City-owned infrastructure and buildings, with providers.

Delegation of approval for confidentiality agreements and non-disclosure agreements (e.g., data confidentiality agreements, etc.) to the Public Service will facilitate timely, efficient, and effective access to such information.

FINANCIAL IMPACT

Financial Impact Statement Date: January 8, 2021

Project Name:
DELEGATION OF AUTHORITY TO THE CHIEF ADMINISTRATIVE OFFICER FOR CONFIDENTIALITY AGREEMENTS AND NON-DISCLOSURE AGREEMENTS RELATED TO TELECOMMUNICATION PROVIDERS

COMMENTS:

No Financial Impact relating to the approval of the recommendations.

Electronically Signed by
Tanis Yanchishyn
Manager of Finance & Administration
Campus Finance

CONSULTATION

This Report has been prepared in consultation with:

Legal Services Department (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

This initiative aligns with OurWinnipeg, Section 01-3: Prosperity

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

SUBMITTED BY

Department: Innovation, Transformation & Technology
Division: Business Technology Services
Prepared by: D. Hamm
Date: January 12, 2021
File No: n/a