Minute No. 196
Executive Policy Committee

Item 1. Protest at Manitoba Legislature

COUNCIL DECISION:

Council adopted the following:

1. That the Chief Administrative Officer (CAO) review existing noise regulation provisions in City By-laws, including but not limited to the Neighbourhood Liveability By-law, and report back to Council with recommendations for significant fine increases for offences that involve the creation of noise nuisances where the duration exceeds 24 hours;

2. That the CAO review existing provisions in City By-laws, including but not limited to the Streets By-law, and report back to Council with recommendations for significant fine increases for offences that involve the obstruction or impediment of emergency vehicles;

3. That the CAO review existing legislation from other levels of government, including but not limited to The Highway Traffic Act, and report back to Council with recommendations for a formal request to amend any such legislation that prohibits prolonged noise nuisances from motor vehicles and motorized equipment to provide for significant fine increases, where the duration exceeds 24 hours;

4. That the CAO review existing legislation from other levels of government, including but not limited to The Highway Traffic Act, and report back to Council with recommendations for a formal request to amend any such legislation that prohibits the obstruction or impediment of emergency vehicles on any roadway or other public place to provide for significant fine increases;

5. That Council formally request that in accordance with the Police Services Act the Winnipeg Police Board review any existing policies relating to WPS protests and policies related to public communication during times of protest and/or other large events (including 911 communication, WPS non-emergency line, email communication, and social media platforms) and make recommendations aimed at ensuring that all such communication is consistent with community needs, values and expectations;

6. That the CAO review any existing policies, practices or procedures relating to non-WPS public communication during times of protest and/or other large events (including 311 communication, email communication, and social media platforms) and take reasonable steps to ensure that all such communication is consistent with community needs, values and expectations, with a report back to Council on the steps to be taken;

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7. That the Mayor utilizing the powers of said office reach out to the Premier to undertake collaboration to find a prompt resolution to the protest currently occurring in the proximity of the Legislative Grounds.

8. That the CAO be directed to investigate the possibility of undertaking court proceedings for an injunction relative to restoring common order to the community as a result of the excessive noise and vehicle disruptions being experienced.

Executive Policy Committee

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the following be adopted:

WHEREAS there are elements of the protest near the Manitoba Legislative Building that continue to be unlawful while disrupting the lives of the general public including restricting access to public streets, noise and harassment;

AND WHEREAS the lead agency for protests is the Winnipeg Police Service; as such, the Winnipeg Police Service has the authority to enforce all laws including the City of Winnipeg's traffic and livability bylaws;

AND WHEREAS Council has heard loud and clear from Winnipeggers that they expect laws to apply to all, including those taking part in the protest;

AND WHEREAS elected officials are prohibited under provincial legislation from directing the operations of the police;

THEREFORE BE IT RESOLVED that the City of Winnipeg Council expects immediate compliance with all applicable laws; including those related to traffic and noise by-laws;

BE IT FURTHER RESOLVED that the City of Winnipeg Council calls on the provincial government and the Winnipeg Police Service to consider doing all things reasonably necessary to implement the intent of the foregoing.

Moved by His Worship Mayor Bowman,

That rule 11 of the Procedure By-law be suspended to allow for a Question Period of Chief Administrative Officer.

The Speaker, Councillor Sharma called for the yeas and nays, which were as follows:

Yea: His Worship Mayor Bowman, Councillors Allard, Browaty, Chambers, Gillingham, Gilroy, Klein, Lukes, Mayes, Orlikow, Rollins, Santos, and Sharma 13

Nay: Councillor Eadie, Nason and Schreyer 3

and the motion was declared carried.

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DECISION MAKING HISTORY (continued):

In amendment,

Moved by Councillor Nason,
Seconded by Councillor Klein,

BE IT RESOLVED that Item 1 under Executive Policy Committee be amended by deleting Recommendations 1 and 2 and replacing with the following:

1. That this matter be received as information.

With the concurrence of the seconder, Councillor Klein, and with the permission of Council, Councillor Nason withdrew the motion.

In amendment,

Moved by Councillor Klein,
Seconded by Councillor Nason,

BE IT RESOLVED that Item 1 under Executive Policy Committee be amended by deleting Recommendations 1 and 2 and replacing them with the following:

1. That the Mayor utilizing the powers of said office reach out to the Premier to undertake collaboration to find a prompt resolution to the protest currently occurring in the proximity of the Legislative Grounds.

2. That the CAO be directed to investigate the possibility of undertaking court proceedings for an injunction relative to restoring common order to the community as a result of the excessive noise and vehicle disruptions being experienced.

With the concurrence of the seconder, Councillor Nason, and with the permission of Council, Councillor Klein withdrew the motion.

Moved by Councillor His Worship Mayor Bowman,

That Rule 27 of the Procedure By-law be suspended to allow Council to consider more than two amendments to the item, so that the following third amendment may be considered.

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DECISION MAKING HISTORY (continued):

Councillor Eadie called for the yeas and nays, which were as follows:

Yea: His Worship Mayor Bowman, Councillors Allard, Browaty, Chambers, Gillingham, Gilroy, Klein, Lukes, Mayes, Nason, Orlikow, Rollins, Santos, Schreyer and Sharma 15

Nay: Councillor Eadie 1

and the motion to suspend the rule was declared carried.

In amendment,
Moved by Councillor Rollins,
Seconded by Councillor Chambers,

WHEREAS that the prolonged use of horns and other sound emitting devices and the extended blocking of streets that is currently occurring in downtown Winnipeg is an unacceptable nuisance that is causing significant disruption to those living, working and visiting downtown and beyond.

AND WHEREAS there are elements of the protest near the Manitoba Legislative Building that continue to be unlawful while disrupting the lives of the general public including restricting access to public streets, noise and harassment;

AND WHEREAS Section 28(4) of the Police Services Act specifically states, the police board and elected officials must not give orders or directions on specific operational decisions, individual investigations or the day-to-day operation of the police service.

AND WHEREAS The general duties of police board must establish policies for the effective management of the police services; and that the specific duties of the police board ensure that police services are delivered in a manner consistent with community needs, values and expectations; and act as a liaison between the community and the police service; provincial legislation from directing the operations of the police;

AND WHEREAS the lead agency for protests is the Winnipeg Police Service; as such, the Winnipeg Police Service has the authority to enforce all laws including the City of Winnipeg's traffic and livability bylaws

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DECISION MAKING HISTORY (continued):

AND WHEREAS Council has heard loud and clear from Winnipeggers that they expect laws to apply to all, including those taking part in the protest;

AND WHEREAS Winnipeggers have expressed they expect immediate compliance with all applicable laws; including those related to traffic and noise bylaws;

THEREFORE BE IT RESOLVED that Item 1 under Executive Policy Committee be amended by deleting recommendation 1 and 2 and replace them with the following:

1. That the Chief Administrative Officer (CAO) review existing noise regulation provisions in City By-laws, including but not limited to the Neighbourhood Liveability By-law, and report back to Council with recommendations for significant fine increases for offences that involve the creation of noise nuisances where the duration exceeds 24 hours;

2. That the CAO review existing provisions in City By-laws, including but not limited to the Streets By-law, and report back to Council with recommendations for significant fine increases for offences that involve the obstruction or impediment of emergency vehicles;

3. That the CAO review existing legislation from other levels of government, including but not limited to The Highway Traffic Act, and report back to Council with recommendations for a formal request to amend any such legislation that prohibits prolonged noise nuisances from motor vehicles and motorized equipment to provide for significant fine increases, where the duration exceeds 24 hours;

4. That the CAO review existing legislation from other levels of government, including but not limited to The Highway Traffic Act, and report back to Council with recommendations for a formal request to amend any such legislation that prohibits the obstruction or impediment of emergency vehicles on any roadway or other public place to provide for significant fine increases;

5. That Council formally request that in accordance with the Police Services Act the Winnipeg Police Board review any existing policies relating to WPS protests and policies related to public communication during times of protest and/or other large events (including 911 communication, WPS non-emergency line, email communication, and social media platforms) and make recommendations aimed at ensuring that all such communication is consistent with community needs, values and expectations;

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DECISION MAKING HISTORY (continued):

6. That the CAO review any existing policies, practices or procedures relating to non-WPS public communication during times of protest and/or other large events (including 311 communication, email communication, and social media platforms) and take reasonable steps to ensure that all such communication is consistent with community needs, values and expectations, with a report back to Council on the steps to be taken;

With the concurrence of the seconder, Councillor Chambers, and with the permission of Council, Councillor Rollins withdrew the motion.

Moved by Councillor Nason,

That Rule 27 of the Procedure By-law be suspended to allow Council to consider more than two amendments to the item, so that the following fourth amendment may be considered.

Carried

In amendment,

Moved by His Worship Mayor Bowman,
Seconded by Councillor Rollins,

WHEREAS that the prolonged use of horns and other sound emitting devices and the extended blocking of streets that is currently occurring in downtown Winnipeg is an unacceptable nuisance that is causing significant disruption to those living, working and visiting downtown and beyond.

AND WHEREAS there are elements of the protest near the Manitoba Legislative Building that continue to be unlawful while disrupting the lives of the general public including restricting access to public streets, noise and harassment;

AND WHEREAS Section 28(4) of the Police Services Act specifically states, the police board and elected officials must not give orders or directions on specific operational decisions, individual investigations or the day-to-day operation of the police service.

Executive Policy Committee

DECISION MAKING HISTORY (continued):

AND WHEREAS The general duties of police board must establish policies for the effective management of the police services; and that the specific duties of the police board ensure that police services are delivered in a manner consistent with community needs, values and expectations; and act as a liaison between the community and the police service; provincial legislation from directing the operations of the police;

AND WHEREAS the lead agency for protests is the Winnipeg Police Service; as such, the Winnipeg Police Service has the authority to enforce all laws including the City of Winnipeg's traffic and livability bylaws

AND WHEREAS Council has heard loud and clear from Winnipeggers that they expect laws to apply to all, including those taking part in the protest;

AND WHEREAS Winnipeggers have expressed they expect immediate compliance with all applicable laws; including those related to traffic and noise bylaws;

THEREFORE BE IT RESOLVED that Item 1 under Executive Policy Committee be amended by deleting both resolves and replace with the following recommendations:

1. That the Chief Administrative Officer (CAO) review existing noise regulation provisions in City By-laws, including but not limited to the Neighbourhood Liveability By-law, and report back to Council with recommendations for significant fine increases for offences that involve the creation of noise nuisances where the duration exceeds 24 hours;

2. That the CAO review existing provisions in City By-laws, including but not limited to the Streets By-law, and report back to Council with recommendations for significant fine increases for offences that involve the obstruction or impediment of emergency vehicles;

3. That the CAO review existing legislation from other levels of government, including but not limited to The Highway Traffic Act, and report back to Council with recommendations for a formal request to amend any such legislation that prohibits prolonged noise nuisances from motor vehicles and motorized equipment to provide for significant fine increases, where the duration exceeds 24 hours;

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DECISION MAKING HISTORY (continued):

4. That the CAO review existing legislation from other levels of government, including but not limited to The Highway Traffic Act, and report back to Council with recommendations for a formal request to amend any such legislation that prohibits the obstruction or impediment of emergency vehicles on any roadway or other public place to provide for significant fine increases;

5. That Council formally request that in accordance with the Police Services Act the Winnipeg Police Board review any existing policies relating to WPS protests and policies related to public communication during times of protest and/or other large events (including 911 communication, WPS non-emergency line, email communication, and social media platforms) and make recommendations aimed at ensuring that all such communication is consistent with community needs, values and expectations;

6. That the CAO review any existing policies, practices or procedures relating to non-WPS public communication during times of protest and/or other large events (including 311 communication, email communication, and social media platforms) and take reasonable steps to ensure that all such communication is consistent with community needs, values and expectations, with a report back to Council on the steps to be taken;

7. That the Mayor utilizing the powers of said office reach out to the Premier to undertake collaboration to find a prompt resolution to the protest currently occurring in the proximity of the Legislative Grounds.

8. That the CAO be directed to investigate the possibility of undertaking court proceedings for an injunction relative to restoring common order to the community as a result of the excessive noise and vehicle disruptions being experienced.

The motion for the adoption of the amending motion moved by His Worship Mayor Bowman and seconded by Councillor Rollins was put.

Councillor Rollins called for the yeas and nays, which were as follows:

Yea: His Worship Mayor Bowman, Councillors Allard, Browaty, Chambers, Eadie, Gillingham, Gilroy, Klein, Lukes, Mayes, Nason, Orlikow, Rollins, Santos, Schreyer and Sharma 16

Nay: 0

and the amendment was declared carried.

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DECISION MAKING HISTORY (continued):

The motion for the adoption of the item, as amended, was put.

The Speaker, Councillor Sharma called for the yeas and nays, which were as follows:

Yea: His Worship Mayor Bowman, Councillors Allard, Browaty, Chambers, Eadie, Gillingham, Gilroy, Klein, Lukes, Mayes, Nason, Orlikow, Rollins, Santos, Schreyer and Sharma 16

Nay: 0

and the item, as amended, was declared carried.

David Grant submitted a communication dated February 9, 2022, in opposition to the matter.