EXECUTIVE POLICY COMMITTEE

MOTIONS

Minute No. 215
Moved by Councillor Wyatt,
Seconded by Councillor Eadie,

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 potential violations of the above acts including conflict of interest and public disclosure 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 above-noted Acts and Codes;

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 Construction Project ended in 2019 without any charges being laid;

AND WHEREAS the RCMP investigation did 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 Manitoba Court of Queen's Bench Justice Glenn Joyal has found that a former Chief Administrative Officer of the City of Winnipeg accepted a bribe in the amount of $327,200 from the general contractor of the Winnipeg Police Service Headquarters Construction Project;

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

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

Executive Policy Committee – Motions (continued):

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 public inquiry, and that a fulsome public accounting and disclosure with respect to the above-noted projects is essential to ensure transparent municipal government;

AND WHEREAS the Province of Manitoba, under the leadership of Brian Pallister, has previously declined to call a formal commission of inquiry despite repeated requests of Winnipeg City Council and its officials, including former Mayor Brian Bowman, who referred to the Winnipeg Police Headquarters Construction Project as "one of the biggest scandals in Winnipeg's history"; and

THEREFORE BE IT RESOLVED:

1. That the Province of Manitoba be called upon 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 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 formal commission of inquiry investigate all City of Winnipeg construction projects which were the subject of the Real Estate Management Review and the Winnipeg Police Service Headquarters Construction Project Audit, and that the commission furthermore investigate other construction projects of city-wide or regional importance occurring in the years preceding or succeeding the same, including but not limited to the Winnipeg Convention Centre Expansion Project;

3. 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 police investigations or civil or criminal proceedings relating to the matter and without duplicating work previously undertaken in police investigations or civil or criminal proceedings;

Executive Policy Committee – Motions (continued):

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.

4. That the relevant by-laws or policies of the City of Winnipeg and Council be amended accordingly; and

5. The Proper Officers of the City of Winnipeg do all things necessary to implement the intent of the foregoing.

Reqirement to stand as Notice of Motion in accordance with Rule 17.1 of the Procedure By-law.