COUNCIL OF THE CITY OF WINNIPEG
Wednesday February 23, 2005

The Council met at 9:38 a.m.

The Clerk advised the Speaker that a quorum was present.

The Speaker called the meeting to order.

The opening prayer was read by Councillor Pagtakhan.

ROLL CALL

Clerk: Mr. Speaker Councillor O'Shaughnessy, His Worship Mayor Katz, Councillors Eadie, Angus, Benham, Clement, De Smedt, Gerbasi, Lubosch, Magnifico, Pagtakhan, Smith, Steeves, Thomas, Wyatt, Lazarenko.

Mr. Speaker: We have one motion of condolence this morning, I would ask the clerk to read.

Motion
Moved by Councillor Steeves
Seconded by Councillor Lazarenko

That Council place on record its profound sorrow at the death of former Councillor Lorne Leech, which occurred on February 13, 2005. Mr. Leech served the citizens of Winnipeg as Councillor for the Dakota ward from 1971 to 1980. This Council extends to his wife Jean, children Karen, Randy, Tannis, Jeffery, and their families its deepest sympathy and condolences in their bereavement.

Mr. Speaker: Council please rise for a moment of silence please.

MINUTES

Councillor Smith moves the Minutes of the meeting held on January 26, 2005 be taken as read and confirmed.

All in favour? Contrary? Carried.

Mr. Speaker: We have no delegations this morning. Councillor Smith moves that the rule under the procedure by-law regarding proper dress and decorum be waived for this meeting. All in favour? Contrary? Carried.

The report of the Executive Policy Committee dated February 9, 2005, Mr. Mayor.

REPORT OF THE EXECUTIVE POLICY COMMITTEE
DATED FEBRUARY 9, 2005

Mayor Katz: Thank you Mr. Speaker. I would like to introduce the Report of EPC for February 9, 2005 and move adoption of consent Agenda Items 1 to 5.

Mr. Speaker: All in favour? Contrary? Carried.

Report of February 16, 2005.

REPORT OF THE EXECUTIVE POLICY COMMITTEE
DATED FEBRUARY 16, 2005

Mayor Katz: I'd like to introduce the Report of EPC for February 16, 2005 and move adoption of consent Agenda Item 1 to 4.

Mr. Speaker: All in favour? Contrary? Carried.

EXECUTIVE POLICY COMMITTEE MOTIONS

Motion No. 1
Moved by Councillor Gerbasi
Seconded by Councillor Benham

WHEREAS it has been made clear by Minister Reg Alcock, President of the Treasury Board, that the Canada Strategic Infrastructure Fund must be used for major projects that qualify and that community club upgrades do not meet the criteria of the program;

AND WHEREAS the Canada Strategic Infrastructure Funds originally earmarked for Rapid Transit in Winnipeg are not yet reallocated;

AND WHEREAS a Rapid Transit Task Force has been put in place to recommend a plan for Rapid Transit in Winnipeg in 2005;

THEREFORE BE IT RESOLVED that the Mayor advise Minister Alcock and Premier Doer that the city requests the remaining dollars in the Canada Strategic Infrastructure Fund be set aside with the intent of using those dollars for Rapid Transit, until the Rapid Transit Task Force report is tabled.

Motion No. 2
Moved by Councillor Gerbasi
Seconded by Councillor Benham

WHEREAS the Procedure By-law No. 5400/90 provides for the decorum and processes of Council and its Committees;

AND WHEREAS Section 14 of the Procedure By-law provides for Question Periods;

AND WHEREAS Section 14.3 of the Procedure By-law allows the Presiding Officer to permit a Councillor who has already posed a question to ask a second set of questions, provided that no other Councillors have indicated they wish to pose questions;

AND WHEREAS it is deemed appropriate to allow Councillors to pose questions in an organized manner, in keeping with democratic transparent principles;

AND WHEREAS questions are necessary to ensure ongoing transparency in municipal government;

THEREFORE BE IT RESOLVED that Section 14.3 of the Procedure By-law be amended as follows:

14.3 The Presiding Officer shall permit a Councillor who has already posed a question or questions referred to in Rule 14.2, to ask subsequent sets of questions, provided that no other Councillors have indicated they wish to pose a first round of questions as provided for in Rule 14.2

Motion No. 3
Moved by Councillor Wyatt
Seconded by Councillor Smith

WHEREAS on November 22, 2000, Council appointed the Winnipeg Housing Steering Committee to direct the implementation of the housing renewal strategies outlined in the "City of Winnipeg Housing Implementation Framework" dated March 10, 2000, and approved by Council on March 22, 2000;

AND WHEREAS Council, on November 3, 2004, appointed Deputy Mayor Pagtakhan and Councillors Smith and Wyatt as the Council representatives on the Committee;

AND WHEREAS Council did not, on November 3, 2004, appoint one of the Council representatives as Chairperson of the Committee;

THEREFORE BE IT RESOLVED that Deputy Mayor Pagtakhan be appointed Chairperson of the Winnipeg Housing Steering Committee

Mr. Speaker: Motions, we have motion No. 3 by Councillor Wyatt, seconded by Councillor Smith regarding an appointment. Did you wish to speak on it Councillor Pagtakhan.

Councillor Pagtakhan: Thank you Mr. Chairman. I think that there is some desire from EPC to see that this get automatic referred to EPC so I'd like to move that we refer this motion No. 3 to EPC.

Mr. Speaker: You want referral to EPC. All in favour? Contrary? Carried.

Are there further motions under EPC. No, Councillor Gerbasi.

Councillor Gerbasi: Motion 2 I'd like to request as under your advice that this be debated today.

Mr. Speaker: What?

Councillor Gerbasi: Item 2 on the procedure by-law.

Mr. Speaker: Under Secretariat committee.

Councillor Gerbasi: Okay, we'll I'd like to.

Mr. Speaker: We can add it to the end of the Agenda, it's not an EPC matter, the Procedure By-law.

Councillor Gerbasi: It is, says here it is an EPC.

Mr. Speaker: Amending the by-law itself, do you want to do it under EPC, fine, as for Motion 1.

Councillor Gerbasi: It's a notice of motion.

Mr. Speaker: Give me a moment, notice of motion, Item 1 is taken as notice of motion. Motion No. 2 I see no need to refer it, it has been to Secretariat, that's where it started out, it would be appropriate, referring it to go through the system would be just a total waste because it has been to Secretariat already and debated there so I find it in order, would you like to introduce your motion.

Councillor Gerbasi: Yes, I would, this motion today is regards to our question period at Council and the Speaker has taken recently, in recent Council meetings has taken a very strict interpretation of Section 14.3 of the Procedural By-law in which it states that to ask a second set of questions, the purpose of this 14.3 I think the intent is to make sure that every Councillor that wishes to speak, speaks in turn. I don't think the purpose of it is to take the one half hour question period and say and limit it so that if there's no question, to limit the one half hour a month that we get to ask questions of the Mayor.

So, I think that the Speaker's taking a rather strict interpretation so what this motion does is amends it as you can see that allows subsequent sets of questions provided that no other Councillors have indicated they wish to pose a first round of questions.

So, it's not interfering with the intent of making sure that everyone gets a turn if they have questions they wish to ask. It's not increasing the time beyond one half hour and it's simply saying could we please ask questions during question period once a month for half an hour.

I guess I wonder what once a month for half an hour is to ask questions of the Mayor, why is that so frightening. The questions that have been asked over the last six months have been legitimate, thoughtful, reasonable questions following the rules that would be asked of any democratic system. And the last time I looked we still were a democracy here. Is some healthy opposition or questioning of our policy and political decisions making people uncomfortable. I would suggest that if it is, Councillors get over it. That's what we are here for.

We keep hearing about a new approach of openness, well this is absolutely contrary to that. In my six and a half years on Council, I don't recall one question period ever being a threat to anybody or a problem. Can you imagine if Gary Doer or Paul Martin decided to tighten the rules and restrict the number of questions allowed at their levels of government. All hell would break loose.

There used to be a striving for a view that the municipal level of government was a mature level of government. Well we could be, but we don't seem to act like it. I was very disappointed at the last meeting when there was an obvious organized effort by some, that some EPC members participated in, to use up the half hour question period to fill it with nice talks about trips overseas. In six and a half years I have never seen a question period used as a travel log, however interesting or valuable the trip was, that isn't the place for it.

It was a concerted effort to avoid political debate and challenging questions. I don't call that openness, I'm sorry, I call that manipulation.

I realize that Donald Benham and myself in particular have asked a lot of tough questions and maybe some consider Jenham to be a pain, respectfully, I would say to you that we are doing our jobs the way we should.

This isn't supposed to be a garden party or love in, its politics. We are politicians. You have all run for elected office. Therefore the assumption is that you can

take the heat and if you can't get out of the kitchen. Honestly, I have been utterly taken aback by this lack of desire to have a political debate about anything.

If you're a Councillor who has been so long that you are tired of political debate, please consider retirement or please consider opening your mind to the fact that this is a democracy and this is the proper forum for sharing our different views and challenging the decisions of the day.

If you are a newer Councillor and you actually believe that we should all agree on everything and make nice and keep all the dissenting views quiet, please wake up. This is Canada, its okay to say what you really think and stand up for your beliefs. This is not a dictatorship; at least it never was before. So don't make it one by your own consent.

All this motion asks for is to have rounds of questions with all who wish to speak having a turn and not limiting it except for limiting it to one half hour a month. One half hour, good grief, that's sounds really offensive.

A whole half hour once a month to ask a few questions. Does anyone really think this is asking too much or this is threatening in some way.

If you're going to say that this is a more open Council then don't make it a less open one. In six and a half years and many of you were here, I never saw Councillor Steek shut down once in question period. I guess Benham and I are that much better.

But seriously folks, there is nothing to be afraid of, do not limit the time Councillors have for open discussion. The chance to clarify a few things and ask a few questions, its part of our democratic process that all levels of government are suppose to enjoy. Please support this amendment so that the Speaker will have clear guidance to allow one half hour of questions per month.

I respectfully thank you for your consideration of this important matter today. Thank you.

Mr. Speaker: Thank you Councillor Gerbasi. Councillor Angus.

Councillor Angus: Thank you Mr. Speaker, when Councillor Gerbasi started to introduce her remarks I felt that I would, could stand up and give a perspective of democracy on a more serious note as she moved into a Mercer type commentary and made light of it and was curatorial I became less encouraged to allow that type of debate in this particular forum.

Having come from the legislature Mr. Speaker, I recognize the importance of question period. I fully believe in the question period process. I think that it gives those people that are not a part of the government or part of cabinet in this particular case, Executive Policy Committee an opportunity to try and garner information.

Yes some questions may be difficult, yes they may be disconcerting to some people but nonetheless they should be allowed to be asked and as I understand it, I think the rule allowed that to happen in the following fashion, that if I want to ask a question and everybody around the table wants to ask a question and all those questions are asked within that half hour period, we can start a second round and if this motion is, if Council is not clear on that procedure, if this motion clarifies that to allow that to happen that's fine.

If there are stacking of the books if you like in terms of asking questions in relation to things that a government back bencher first will stand up and ask a leading question to try and get information out of a Minister for example, those are part of the procedure and part of the process. And eventually those people that monitor this type of an environment will see that those questions are ridiculous and that for some reason those people in authority are ducking the serious issues and the real questions.

But there is also an incumbency Mr. Speaker upon those of us that stand here to ask legitimate serious questions and not repetitive questions. Also, Mr. Speaker we will reduce this type of a question period, which is an information sharing session from those in authority that have information for those lesser Councillors that are not in authority to want to get information, it will be reduced to the type of circus that we see in the legislature of idiotic questions back and forth.

I think Mr. Chairman, Mr. Speaker its incumbent upon us to allow the democratic right to speak but its also incumbent upon those people that are asking those questions to ask serious questions, to do their research and not just ask those questions to embarrass people. Thank you.

Mr. Speaker: Thank you Councillor. Councillor Steeves.

Councillor Steeves: Thank you Mr. Speaker, I don't have so much comment on the motion just in kind of eluding to what Mr. Speaker had stated in introducing or not introducing or in I guess opening up the floor to this motion. I don't know if I'm the only Councillor around the table who's not aware of the discussion that appeared, that happened at Secretariat Committee and what decisions were made. I refer, if I missed it I apologize, but I really was not privy to those conversations. I do not know what the issues were that were discussed at Secretariat Committee which respect to this issue.

I'm a little uncomfortable, that there's people sitting around this Council table right now who have information that many of us just are not privy to with respect to this issue and this item in our by-law. So, I, that's a bit problematic for me to be honest with you. I don't know that it wouldn't be a better discussion if everybody wasn't sort of on the same page in terms of what was discussed because I know only four of us around this table are at Secretariat Committee, this is frankly the first I've ever heard of this and again if I've missed it I apologize but I was given no indication this would be brought forward and I would like to be privy to that, to that discussion in its entirety prior to making a decision on this, I think that's only fair.

Mr. Speaker: Thank you Councillor. Councillor Smith.

Councillor Smith: Yes, Mr. Speaker, I support this clause but I don't think it's as important as the two people who put it forward think it is. You know I don't think the manipulation, the travel log that type of thing can go on very long. You know I think that that was an isolated incident. If you can prove to me that this is a perpetual problem, then I would be very strongly supporting it.

But I'm supporting it anyway because I think you made a point, that travel log was taking up time.

Mr. Speaker: Thank you Councillor Smith. Councillor Benham.

Councillor Benham: Thank you Mr. Speaker and thank you for this opportunity to discuss this, in this forum and I do appreciate that, it's certainly is better to get the will of Council on this issue and that's certainly obviously what we do want to do.

Mr. Speaker I think it is clear, I'd like to associate myself with the comments of Councillor Gerbasi regarding the intent of the rules and the importance of question period, a question period to our democratic process and the very minimal request that is being made here of Council.

I do agree with her that it is the intention of this motion as it was originally passed in 1992, it is not always been part of this Council's procedures. It was introduced in 1992 on motion of Councillor Wade and so it was added and it states just as it does now that they would be an opportunity to question the Mayor as Chair of EPC and also other Standing Committee members basically on any kind of issues and I think that's important Mr. Speaker because I know that the point has been made to me that there's an opportunity for Councillors to address

items on the agenda before Standing Committee's and so on, question period is about that, about getting right to the point of something that's immediate that might not be on the agenda and I use this as an example Mr. Speaker, the question that I asked Councillor De Smedt who had talked publicly about annexation and I asked him to explain his views on the record.

I found that very valuable Mr. Speaker and I would certainly classify it in the realm that Councillor Angus has of sharing information, of getting information and of putting important information on the record and that's the distinction I would make Mr. Speaker because I think Councillor Angus has talked about his experience in the legislature which I value, we have another Councillor, Councillor Smith with his experience in the legislature and these are important forums, they are important models for us, but some people feel that there is too much heckling, or that's its too repetitive and what I hear from Councillors is a consensus that we would like to have a question period that is a genuine question period where independent City Councillors can genuinely hold the executive to account as we are elected to do and as we are mandated to do and where we can hear on this Council record statements that they may have made in public to the media and that is important Mr. Speaker because this Council chamber is covered by the same absolute privilege as the proceedings of the legislature and the House of Commons and we all have the freedom to make statements on the record and its important that we do that. It's important that we be held to account and that the executive be held to account.

I have to say Mr. Speaker that I was surprised by your interpretation of the rules as I've said to you privately, it seems to me clear from the reading that it is talking about a second round and then a subsequent set of questions that it is not intended to have one group dominate, nor is it intended Mr. Speaker nor do I believe that is in the spirit of the rules for one person to answer for seven and a half minutes. There is in fact a proviso in the rules that says answers must be brief and to the point, that language is taken from the legislature and from the House of Commons.

There are parliamentary precedents Mr. Speaker and they are not pleasant ones for large majority groups muzzling oppositions in our parliamentary history. The most infamous example of course is the Pipeline debate of 1956 in which the Speaker of the House of Commons reversed a ruling from the previous day. He faced pandemonium on the floor of the House of Commons and the government of the day subsequently lost in a landslide.

In this legislature on Broadway, Madam Speaker Louise Dacquay only a few years ago refused to hear opposition members speak on a motion, refused to hear them, we were treated to the spectacle of elected members of the legislature holding up signs as though they were picket signs in order to get their message across. Mr. Speaker I think it would be a shame given the intent in 1992 of this motion of having a question period that would be a meaningful exchange on the floor of this Council, it would be a darn shame for this Speaker or for Council as a whole to be known for muzzling opposition.

It would be a shame for this Mayor to be known for running away from questions, people who are elected shouldn't be running away from questions, they should welcome questions; they should welcome the opportunity to further explain their policies on the record to this Council through any means available.

Mr. Speaker my concern is that Mr. Deputy Speaker, my concern is that today is not about truly thinking about the future of City Council and the future of the democratic process that all of us as elected leaders safeguard. It is about simply shutting down a couple of questions some Councillors around the table don't like to hear and in fact Mr. Deputy Speaker I've had some Councillors say that to me, that this is really all about the questions that have been asked about bus rapid transit and corollary issues regarding the 43 million

dollars that was promised to community centres. That in fact some Councillors around this table feel very uncomfortable that those issues continue to be raised.

Mr. Deputy Speaker, I can't think of a more important issue to raise on the floor of this Council than the spending of 43 million dollars and whether it's to be spent on community centres or on bus rapid transit and I think that it is absolutely right when there are new developments in that story as there were just before the last Council meeting when the federal Minister made public statements to the Winnipeg Free Press and to CJOB, I think it was very important to have an opportunity to question the Mayor on this floor of Council the next day.

That's what question periods are all about. That's what question periods are about in the legislature, that's what they're about in the House of Commons and this City Council as a more mature form of government could certainly stand question periods and I have no doubt, let me say in our chief executive, in the Mayor, I believe he can answer questions, I'm not sure why every other Councillor is jumping to protect him from answering those questions because I have every confidence that he can do so and I'm not sure why Council wouldn't join us in making sure that we have a truly open question period.

I think that all of us as elected leaders have that responsibility to safe guard our democratic processes for future generations and for ourselves. Let's think about how easily fortunes can change. Councillor De Smedt only a few months ago was on the other side of the fence asking questions in question period as he had every right to do as an independent City Councillor. There are other Councillors around this table who well know that one can be on Executive Policy Committee one day and off the next.

So those members of Executive Policy Committee who feel that they have to form a phalanx to protect the Mayor should think about their futures on City Council as well and the future of other independent City Councillors.

I urge you to support this motion and to vote for a truly open question period at Winnipeg City Council, thank you.

(Councillor Lazarenko in the chair)

Mr. Deputy Speaker: Thank you. Councillor O'Shaughnessy.

Councillor O'Shaughnessy: Thank you Mr. Speaker.

Mr. Deputy Speaker: Councillor Clement is next. Councillor O'Shaughnessy proceed, go ahead. Councillor Clement will start.

Councillor Clement: I'm not as up on the rules as my good friend Jae Eadie usually is, so I need to get a clarification. In what's written here as I understand it Mr. Speaker, as I understand it Mr. Acting Speaker, what's written here is what the current by-law is. That's what I am trying to find out. This says the presiding officer shall permit a Councillor who has already posed a question or questions referred to in Rule 14.2 to ask subsequent sets of questions it says here and that's what the amendment is, because my understanding is right now that if every Councillor had their question or don't want to ask one, that we can currently go into a second round of questions and that's what the by-law has been since I've been here, since we've ever had a question period.

So, somebody wants to go into a third and fourth round, is that the intent of this. That's the intent, okay. Then I would like to speak to that Mr. Speaker.

I'd like to speak to that Mr. Speaker.

First of all I wish that the mover of the motion would have just simply moved the motion and not spoken to it because I found at least half of what she said today to be totally disrespectful of members, elected members of this chamber and this sartorial type of comments that she made and I don't think that they were very well thought out frankly. Not withstanding that my good friend to my left here clapped for them. It was the only one I heard clapping though.

I don't have any problem with question period and I also happen to know for a fact that what took place here at the last Council meeting was not orchestrated, although it sounded like it was because of who asked some of the questions. The fact of the matter was, is that there were four members that weren't on Executive Policy Committee that asked questions and nobody knew anything about those questions coming. It just happened that they all decided to have questions that day and I'm sorry question period isn't just set aside for two Councillors.

In the past, there hasn't been that many times where Councillors actually wanted to ask questions, sometimes there are issues that they want to get involved in and sometimes they're aren't. In the last Council we had one particular Councillor that wanted to ask questions three or four of them virtually every meeting. But there wasn't ten or twelve Councillors that wanted to do that.

In this particular Council we have one or two who want to continue to ask questions as well. And I've got no quarrel with that if they're real questions about things that they can't get information about or that they like to get the Mayor's opinion about.

What I get frustrated with Mr. Speaker frankly, is when questions are asked that virtually anybody in the administration could have answered two weeks before and given them their answers. Its questions like that are just being used to try and create some kind of embarrassing situation that, and I don't understand that.

I've never understood why anybody would try and do that type of thing. And as far as trying to muzzle, somebody making an answer, we had a former Mayor frankly who couldn't say hello in seven minutes never mind get the answer to the question. So and I liked him, but it has nothing to do with that, the fact of the matter is it didn't matter what anybody asked him, it went on and on adnauseam and nobody, some of these same people didn't have any problem with the Mayor answering those questions like that and I know all kinds of times when people couldn't get questions asked because the answers are so long that it got used up.

This isn't about the by-law, this is about common sense questioning and you know Mr. Speaker when you vote on something in this chamber and you lose, that's it. You get onto the next one, but some people no matter what the topic of the day is regurgitate the same issue over and over and over and continue to ask the same questions with that they already know the answers to just so they can get up and use one or two words in their vocabulary again and get it out.

I'm sick of hearing about some of the things that certain people want to talk about. We voted on them, get over it, I think is what somebody said. You know, if you want to ask legitimate questions I've got no problem with that and I can tell you what, if somebody wanted to orchestrate a question from Executive Policy Committee, it wouldn't have been what went on here a month ago, you'd have legitimate questions about a whole lot of things that we'd love to get questions and answers to.

There's all kinds of legitimate questions that we should probably be asking about other levels of government and what they're doing about things that affect our clientele. When has anybody stood in this chamber and asked about education taxes and what's somebody going to do about that. It doesn't come up. We wouldn't want to embarrass some of those people over there about doing something appropriate, no we're going to sit here, we're going to regurgitate the same things we've been talking about for six months.

There isn't anything wrong with question period, it's not broke Mr. Speaker. One or two people don't like it, that's too bad.

Mr. Deputy Speaker: Thank you Councillor Clement. Councillor O'Shaughnessy.

Councillor O'Shaughnessy: Thank you Mr. Speaker. As for the moment Speaker of this Council I of course started by saying what ever interpretation or our

restructuring Council gives to the rules I will follow and will follow willingly and consider it my duty but also my honour to do that.

We currently have Procedure By-law that reads, the presiding officer may permit a Councillor who has already posed a question or questions referred to above to ask a second set of questions. That's where I have a problem, somebody saying that my interpretation, my narrow strict interpretation doesn't, it could read allow a third, fourth, fifth and sixth rounds if time permits, no it can't. It is absolute, it says the Speaker may permit a second set of questions which means my humble way of thinking, he can't or she can't allow a third or fourth set of questions. It's not a narrow interpretation, its what it is.

You know, it's the bible; it isn't the ten suggestions. These are the commandments I have to live by in this chamber.

I would like to see a couple of changes, I'd like to see may changed to shall, I don't think the Speaker should be able to say no, we're only having one round of questions today, it allows a second round, I think that should be changed to shall except adding within the allotted time period not to go over the half hour.

As for comparing (In Audible) lesser levels of government on Broadway and along the Rideau, when is the last time you watched those fiascos. I like the way they ask questions, I like the way they're answered. To compare it to those people, and by the way we allow six questions here in two rounds for many individual, six questions. No one has interpreted supplementary to mean they have to relate to the first in any way, we've always been very broad on that, so you're allowed six questions on one or six subjects. If you would two of them with acceptable preambles. I think that's enough, but if you say it should go on, so one speaker when they finish there three can go to six, can go to nine, can go to twelve if no one else intervenes, go to fifteen, I will follow that direction but I don't think it's necessary and I don't think the example set by Broadway and Ottawa are really worth taking as a template. I think that is, but that's personal, I'll leave that out of it.

At Secretariat should this motion not pass I will bring forward changing 14.3 the word may to shall, to guarantee that second round of questioning and just adding to within the allotted time period so that it sticks within the half hour that Council has set aside, that change I think is necessary. This change is taking the rights of the individual well beyond the rights of Councillors and by the time you've asked the same question six times, I think that's enough, but what ever Council wishes will of course be followed. Thank you.

Mr. Deputy Speaker: Councillor Magnifico, you're next.

Councillor Magnifico: Much of what I wanted to say was already made by Councillor Clement and Councillor O'Shaughnessy but I do take issue with the accusation of game playing and I wish maybe it would be prudent to look in the mirror, if you want to look at someone who's been playing games over the last many weeks of Council and the only thing that's always astounded us isn't how we get to rapid transit is which way we get there. Whether you're talking about animal services, some how we always ended up back to that same subject and it was obvious to us in this room that there was game playing going on, certainly not by us last week and I would think it would be prudent to look at yourselves and understand that that is actually happening in this room. Otherwise I think the six questions is lots, two preambles, many opportunities to speak to the Standing Committees on issues prior to coming to this room. If you really want to do more, then just grandstand.

And the questions in this room may be relative, may be important but for the most part they're grandstanding cause you can find information prior to this quite easily going to any Standing Committee.

Mr. Deputy Speaker: Thank you. Councillor Thomas.

Councillor Thomas: Thank you. Thank you Mr. Speaker. I'm not going to ascribe motivation to anybody, I don't like that, people have done that in speaking, pointing fingers at each other, I don't think this is the point. I will be supporting this motion and the reason that I will be supporting it is I believe precedent has been set. There have been many occasions where some Councillors have had no question, but other Councillors have asked many many questions and have stood up time and time again and asked questions and while some of us might find that a bit annoying. I think as long as we don't go over that half hour period, if there are some Councillors who just have more questions than others, that they should have the opportunity to ask those questions and not only do I think they should have the opportunity to ask those questions, I believe that this Council and many previous Councils have acknowledged that opportunity and have allowed certain Councillors to ask as many as five or six rounds of questions and if no one has anything else that they want to ask, I say what's the harm in allowing a person to ask as many questions as they feel they need to ask.

I certainly would not like someone to ask the same question over and over again, I would like to point out that there was a Councillor who was famous for doing this and would ask the exact same words over and over again and this Councillor was never stopped. Now, maybe we could say that the questions have to be different. You know, because once a person has answered a question, to ask the same question seems redundant but there has been even a precedent sent for that kind of questioning.

I think that the length of the question period is a half hour and if no one has questions to ask in that half hour we can move on, but I think if most of Council doesn't have questions, but a few Councillors do have questions that that's what the half hour is for.

So, I'll be supporting this because I think that there may be a time when I might have a lot of questions and I would not like to have my questioning cut off because nobody else wants to listen to my questions and I think that is pretty harmful so I'd like to see everybody have that opportunity to ask as many questions as they want and there have been many Council meetings where question period has been two or three minutes. There have been some Council meetings where we haven't had a single question and that's nice, but I also think that half hour is not a heck of a lot of time out of the day to spend on asking questions if you do have one. Thank you.

(Councillor O'Shaughnessy in the chair)

Mr. Speaker: Thank you Councillor Thomas. Councillor Eadie.

Councillor Eadie: Well Mr. Speaker who knew when we got here this morning that we would be spending a lot of time on this and I don't really mind doing it Mr. Speaker because I'm not afraid of any good debate in this chamber, God knows I've participated in a few of them in the nearly twenty five years I've been here, however I simply want to remind Councillor Gerbasi in her opening remarks she referred to question period and debate in all the same sentence quite a lot. And I'm here to remind all members of Council Mr. Speaker that question period is not a debating period.

Under rule 14.4 it says that questions shall only be asked in respective matters of sufficient urgencies and importance as to require an immediate answer. They are questions Mr. Speaker, question period is not used for debate. We have other parts of the agenda where debate occurs on the policy clauses, on by-laws, on motions such as this.

So question period is for questions and answers and the rest of the agenda can be used for debate under the rules.

Mr. Speaker, you said a lot of comments that I was going to say and I don't want to be too repetitive but you were right in rule 14.3, that's not subject to any misinterpretation, its very clear. Whether you add the words may or shall is irrelevant at this point to me, but question

period does allow for two sets of questions.

There's nothing in there that's ambiguous that says that an additional round may be asked, it's quite clear that additional rounds cannot be asked. If in the past its happened, if you refer to rule 5 Mr. Speaker which is the current provision of our Procedure By-law, if nobody raises a point of order on third or fourth or fifth rounds of questions, then the rule is deemed to have been suspended.

A lot of people forget about that wonderful rule 5, but it is there and often it's been invoked without a lot of people knowing about it. However the rule right now is very clear. As you mentioned Mr. Speaker under the current provisions of the Rule 14.3, it's possible for each member to ask up to six questions. Goodness gracious Mr. Speaker, if you can't get your important points across or your questions asked in a potential opportunity in six times, then there's something wrong with you. There's nothing wrong with the rules.

So I think the opportunity for each member to ask up to six questions within the allotted question period, time period is really quite ample. It's a lot more latitude then is allowed elected members in the legislature or in the House of Commons. They have a lot of different procedures for their questions. We have here in this chamber a total of one and one half hours under our rules for questions. Thirty minutes under the Executive Policy Committee heading and fifteen minutes in each of the Standing Committees if those questions periods are chosen to be used and they have been.

So there's an hour and a half in total in each Council sitting of a regular Council meeting for questions to be asked, far longer than almost any other elected assembly in the land that I'm aware of, usually limited to thirty to forty minutes, maybe an hour at the most.

So, there's ample time within the current rules. I don't think we need to change the rules right now Mr. Speaker. I don't think the Mayor or anyone else here is afraid of questions, the important, I submit to you the important business takes place here in the policy debates and in a number of the motions that might happen at each Council meeting.

So I think our rules are adequate. Six questions for each member within an allotted time frame is a lot and its been used from time to time and indeed as Councillor Clement mentioned in the answers part, Councillor Benham complained about a seven and half minute answer at the last Council meeting and I just repeat what Councillor Clement said, I sat next to a Mayor for a number of years who as Councillor Clement says couldn't say hello in less than twenty minutes and answered every question with often a lot longer than that and I don't say that as a personal attack on former Mayor Murray but when he was asked a question he spoke, he gave an answer in volumes and if we want to be strict on the answers there is another rule in the procedure by-law which allows the chair to clamp down on that too Mr. Speaker.

So I think we're adequately protected here, each member has all of the opportunity I think that anyone could ask for in this place to ask legitimate questions and say if you can't, if you find that six, that you're restricted that six questions aren't enough for you, well I say that's really too bad. If you can't get your points across and the important questions asked within six questions then as I said there's something wrong with the questioner, there's nothing wrong with the rule.

Mr. Speaker: Thank you Councillor. Mayor Katz.

Mayor Katz: Thank you Mr. Speaker. First of all I think I'd like to share a thought with Councillor Gerbasi and Councillor Benham that if they are looking for someone to champion democracy, they found their champion. I very much actually look forward to question period. I enjoy it, I thrive on it and I don't believe you'll find anybody much more precise or brief and to the point as I am. That's just the way I am and nothing changes.

On top of that on regular basis when it comes to questions, to make the comment that someone either myself or anybody on the floor of Council would be afraid of questions, I think you flatter yourself too much if you really believe that.

First of all not only am I happy to answer questions as well as anybody else, but when it comes to the media, I quite often will stay there to the bitter end to answer questions regardless of where it comes from. What I'd like to point out is that there's fifteen Councillors here and I'm happy to answer a question or two or up to six from any of them and if you believe in a democracy then I guess each and every Councillor is entitled to that same opportunity.

But I think the real point is this, is that there's only thirty minutes during question period and quite often not all the questions get asked. What I'd like to remind Councillor Gerbasi, Councillor Benham and any other Councillor that if you still have questions, I'm happy to stay here and answer them right here on the floor of Council, in my office, on the phone, you don't have to wait for a TV camera to be present to ask questions, you can ask me any time you so desire, I am available. Thank you.

Mr. Speaker: Thank you Mr. Mayor. Councillor Lazarenko.

Councillor Lazarenko: Thank you Mr. Speaker. It's back to the old game of who can ask the best question providing that the media will listen, how much attention and what will be produced out of that question.

When some comments were made to say five to six times, some individual members of Council were allowed to ask questions, that means thirty questions, five to six times that would never happen and sometimes there was another question that was allowed, the one who took more time than anyone in these chambers that I know of was the former Mayor.

He used to lambaste the Mayor each and every Council meeting, as many questions as he could over and over. I used to ask the Mayor how can you take this.

Well what goes out on my left here goes out faster out of my right ear. But this is what was happening. Now why wasn't this raised with the former Mayor. I don't understand this, all of a sudden those who were on EPC before find out that they're bamboozled, they're muzzled, they can't get any questions. But when they sat on the other side, those of us who were not there were trying to get some information, not one kept our support from the Executive Policy Committee because the Mayor, former Mayor was doing the respond and the reply.

If six questions in a thirty minute period is not enough, then I would suggest maybe take a look at having a special meeting of Council and have question period for four hours. I'd like to know how many members of Council would be sitting in these chambers to listen to questions for four hours. I mention to Councillor Benham yesterday that if you have a concern go before the Executive Policy Committee you can do that three times in each month.

Council meets once a month, EPC meets four times out of the three go ask the question, if you don't get a reply to your satisfaction, bring it onto the floor of Council and I as one will be supporting that concern as why that question was not answered.

The same thing with the Standing Committees, go before the Standing Committees, ask the questions. I as one don't ask too many questions on the floor of Council. If anything I will go talk to the chair, I'll talk to the Mayor, questions, concerns I have and failing then I would take it to the floor of Council.

Back in the fifty member Council, and I have to repeat this again, Councillor O'Shaughnessy, myself are the only two that are left out of the fifty member Council. If you tried to get in to make a speech on this floor of Council, we used to have a row of desks to the back hallway around here, if you tried to ask a

question, it took you a long time because fifty people want to speak and being elected a first time I was still green. I figured oh well I'll just get up just like this and I'll ask the question, what and I'll make some hay out of this.

Baloney, it doesn't work that way. The Mayor wanted to recognize me not, sit down. Your time will come. I was able to speak for the first few months only at question period and I had to think hard what kind of question I'd be asking to get the attention. It wasn't to say that to repeat the questions over and over again, we never discussed a thing about rapid transit over and over again, each Council meeting just bombard the Mayor or members of Executive Policy Committee of questions about rapid transit. And I'm sure question period will be here, that'll be coming forth.

If a member of Council fails to get satisfaction to the body of people that aren't on Executive Policy Committee or any Standing Committee, then that person has the full right to come to Council and raise that question. And I can guarantee you that the majority of the members of Council will side in and they will be asking why is that particular member of Council was not able to get a bonifide reply when that person appeared before, especially before the Executive Policy Committee.

The things that have been happening here for the past many years, I have seen some Councillors get all the publicity they wanted, I liked to say years back I was one because I was not within the inner circle. I did my blasting on the outside of Council over and over again, I have a lot of members of Council who did not side in with me try to muzzle me, the more they tried the more questions I was asking outside of the Council and I was raising this on motions.

Nobody's tried to muzzle anyone, but there is a limit to how much as I as one member of Council don't want to see this repeated over and over again, the same questions and then to have suspension of time to say six is not enough, have nine, twelve, sixteen continue until the thirty minutes have expired.

You'll find that the system does not work that way, sometimes as you can see now, where's the media, you think the media would be here to take absorbing this, hey just a minute this is something great. Even the media, those who are sitting in the gallery as people that come to visit us to see how we are doing have told me a lot of times, you know you guys are so full of hot air, you bombard back and forth, back and forth the questions. Former Mayor when he was a Councillor, he would, just; he was a champion of this. He was a king pin of knowing how to get Council ears to open and to listen.

He was tutored by University of Manitoba with some of the professors where giving him information, what kind of questions to ask and that Mr. Speaker scored him big points. Election time, he was elected as a Mayor, all of a sudden a complete reversal. No one in Council except former Councillor Steek would take the Mayor on with a lot of questions, the rest didn't. I didn't because I do admit; I didn't feel there was any need.

The Mayor or Chairs of the Standing Committee and I'm sure Mayor Katz is going to follow on this, one question could be a ten minute reply and you know one who was the champion was former Mayor Murray. When he would reply he would go and on and on and every time that he'd be speaking he would be looking up at that clock and he would see once it was close, then he would stop and wait for another question.

These games can be played, its democracy. A Mayor can respond, there's no time limit how long the Mayor can respond, well the next will be to say that who is going to be responding to a question has a period of time to respond, not to take five, ten minutes or more. But this is what you call that we have in place now, Procedural By-law has been in place, question periods have been in place here in Council I guess right from day one. There's a lot of questions that are raised, some don't like those kinds of questions, but the one respond that the Mayor can have, they can say that I'll take that as notice. You wasted one question.

Second question I'll take that as notice again.

Former Mayors before used to do that. It was a common practice when they wanted to ignore someone and say look, come to my office and ask me the question. It was time and time again and that person would exhaust themselves of repeating the questions or thinking up of another question to come and ask the Mayor or the Chair because the reply would be I will take that as notice and I will get you the information as soon as I can.

But this is what you don't want, you want to have, years back when I used to ask some questions, some of my colleagues used to say Harry, ask the question before Council so that our Chair, whether the Chair could be able to respond to a question in a way that embarrassment would not be there.

And when I concurred with that, then someone else would ask the question and they would get the credit for that particular question. But this is what politics is all about. I know that Councillor Gerbasi with her motion, she's asking for giving her more time but I'd like to know how many times Councillor Gerbasi gone before Executive Policy Committee not to ask certain questions and Councillor Benham is a seconder of that motion, how many times have either one gone before EPC to ask a question or certain concern that they have and failing to get that, come to Council.

And I would suggest this that I would be the first one to stand and support someone who has exhausted their rights of getting information to any of the Standing Committee whether its Executive Policy Committee or the other Standing Committees to say that they have been ignored or they're not going to be getting the information.

Mr. Speaker: Thank you Councillor. Councillor De Smedt.

Councillor De Smedt: Thank you very much Mr. Speaker and I'll try and keep to the time. Now look very briefly I'm going to try and convince some of my colleagues to support this motion although I had in past in discussion tried to indicate that maybe it would be better to continue to bridle ourselves. You know but that is not the dignity of this chamber. I don't think anybody around here should umbrage by what gets said. We may not like it from time to time; we may not think that the person has been dignified in their comments.

But you I don't think we need rules to limit the amount of questions. We have a thirty minute period and I think that's obviously appropriate. I appreciate that Councillor Eadie bringing up the curative principle that's there but there's also another one within our by-law. And of course that's the suspension of rules that at any time we wish to allow with the encouragement of the Speaker or others around the table, we can suspend the rules and allow the person to ask more questions, to go beyond thirty minutes, whatever is the important matter of the day should be the major consideration.

So, you know frankly I don't think we're being very dignified here in trying to establish a certain set of limitations, it's been there in the past. I'm not sure of the full history of it, but we should always try to reduce the number of I guess prescriptive rules and of course I'm saying that in contradiction to what's being proposed here but the Speaker shall, I hate like hell seeing, pardon me, I hate like heck seeing any particular prescriptive order of that nature. I'm not sure if there's some way of softening this, but certainly I don't think we should be concerned about people having an opportunity to have another round of questions beyond the second round if that is of their interest and its important I mean think again Councillor Eadie said, there's 14.4, if the matter is urgent, if the matter needs some information, I mean if it sticks to the topic, I mean that's a very important consideration we should all try to remember when we are standing up in question period.

I think I'd also like to recall what Councillor Lazarenko has mentioned, you know we all have an obligation if we are very concerned about issues and about

process or something that's important to us and even though it appears to be a political game, please go to your committee, either go to EPC or go to the Standing Committee, that's where I think you have a more informal session of dialogue to get information and to get into the spirit of what you're trying to promote or what you're trying to illicit from the administration and from other elected officials.

So, on balance I would say that I think its important that we try and reduce the amount of interference that we have in a democratic process, if I have to end up supporting a clause or a procedure by-law that gives it very prescriptive that we shall do certain things then I, so be it I will then support it. But its really on the principle of that you know politics is the organization of society, its an art, its not suppose to be a sport forum and in that particular case I think we should recognize the dignity of our office and if some take a bit of umbrage on how the question period goes I think we just have to take it in the spirit that its intended.

Hopefully you can get to the bottom of an issue through these spirited debates that we may have from time to time. Again as I have often recalled the Speaker's admission to all of this that its question period its not answer period. Though respecting that there's got to be a dignified process in trying to give some information without trying to stumble and block other people's opportunity to get information that's important in the public context of what we're trying to do here.

So, let's not try and insist on rules that may be have been setup for a Council of 49 or 50 or a Council or 29, let's just move on and respect what we try to do here on a monthly basis. I think there is an opportunity to share information and I support Mayor Katz's view that hey we welcome the opportunity to discuss issues and to hear what's important and something may have come up, you know over night or within the past weeks or since EPC last met or a Committee of Council has met, that is important to the particular elected representative.

So I would ask that we perhaps support this motion in the spirit that's intended and lets see where it takes us because I think the challenge will be to everybody around this table to respect what we're trying to achieve here and not get into a sportsmanship but allow us to really practice the art of politics and organizing our city the way we'd like to. Thank you.

Mr. Speaker: Thank you Councillor. Councillor Wyatt.

Councillor Wyatt: Thank you Mr. Speaker. This is very interesting debate, and interesting discussion. I think I can see both sides of the issue. There's an argument that members of Council feel that, or some members of Council feel that it's necessary to be able to discuss and ask questions, as many as possible in the time that we have allowed.

At the same time, the experience has been there's usually enough time for, there's barely enough time for one Councillor within the thirty minutes or a group of Councillors to ask questions that has been the experience by in large. It's not quite often the case that there's enough time to give another round.

Where there is a lot of time to give another round actually is not so much questions for EPC has been my experience but actually questions of the Standing Committees, questions of the Standing Committees, I'm usually not that silent if you all know and that fifteen minutes is quite often you know we come through the agenda and are there any questions for the Chair on Property or the Chair of Fiscal Issues and there's no questions.

You know, so there's an opportunity there that maybe is not being utilized to the fullest that you know is an opportunity that sometimes I take advantage of to ask questions to gain information. I quite enjoy actually the question period, I mean I was quite happy when you ruled Mr. Speaker that Commissions or Committees of Council, Chairs of Committees can get questions, I enjoy the questions, I was disappointed when we do run out of time actually cause but I

can't speak selfishly for myself, I have to think in the best interests of the entire Council.

I look forward to your motion, one way or the other Mr. Speaker about what happens today with regards from moving from may to shall, I think that's a good idea.

And I think there's, you know I can see both sides that there's an argument you know you want to have more time for question period but in affect for every Council meeting we give you know an hour and a half, fifteen minutes per Standing Committee and correct me if I'm wrong Mr. Speaker, fifteen minutes per Standing Committee and thirty minutes for EPC so that's, my math tells me that's an hour and a half.

In the House of Commons or the legislature I believe the time is about 45 minutes an hour for question period and then it's shut down. So we actually get more time for question period in this chamber when we have a meeting than the legislature does or provincial leg or the federal parliament, not true. We only meet once a month and they meet as far as that goes we know our schedules and how many meetings we have and all the Standing Committees we have and we know how often the federal parliament will sit or not sit and we know how often the provincial legislature will not sit.

So, you know so I think our process is you know a lot more transparent, more democratic and I think six questions, my experience has been six questions a point. I know when I was here under the former Mayor you know I asked a lot of questions at that time as you might recall Mr. Speaker and I found I was able to you know get my fair share of questions, the only time of course when you weren't was when the former Mayor would speak and answer questions for a long period of time and you couldn't have enough time, the clock would run out.

So, I understand the intent of this, I think there's other methods that we could use if we want to democratize this body a little bit more and open it up a little bit more other than just, this is kind of to me this is kind of tinkering with the mechanisms I think there are some things we could probably do more substantially but we're not, that's another time for another discussion but I think the process right now is very democratic and very open and if anything maybe you know I look at the British Parliamentary system, rather than having question period as an opportunity to, well not to grandstand but to make points for political purposes lets put it that way.

The British Parliamentary system they have the courtesy of giving the question in advance, you have to give your question in advance the day before to the person you are going to ask the question, so they are allowed, they are able to research the question, actually provide an informed response.

But it also is incumbent than upon the person who's asking the question that it be a good question and a reasonable question. And so, maybe that's something that we can introduce that you know would allow for a higher level of discussion when it comes to the issues at hand and people would know what kind of questions are coming forward and then the answers given at that time would be informed.

So, I was very torn on this subject cause I know where the movers and seconders are coming from but I thought hard on it and I just feel that the process is there and its, that we have right now in its existing form is democratic overall, I think there are some things that we can do here at city hall to change how we do business and I've expressed those views in the past, so thank you very much Mr. Speaker.

Mr. Speaker: Thank you Councillor Wyatt. Councillor Lubosch.

Councillor Lubosch: Mr. Speaker for anybody watching here today this debate has been the biggest let down since the descent of the elephant's testicles in the jungle. What we're talking about here Mr. Speaker, what we're talking about here Mr. Speaker is a thirty minute question

period or not a thirty minute question period. Let's get on with it. We've already spent over an hour debating this issue. Thank you.

Mr. Speaker: Thank you Councillor Lubosch. Councillor Pagtakhan did you wish to add any words of wisdom, then I will leave it to Councillor Gerbasi to give the 16th speech on this issue, summing up.

Councillor Gerbasi: Thank you Mr. Speaker. I don't know, that's a hard act to follow. I did want to make a few points of clarification, first of all one of the reasons, many of the reasons I asked many of the questions I've been asking the last six months is that they aren't really on any agenda, I can't go to EPC and ask a question that's not on an agenda, that's against the rules.

I've tried to follow the rules, yes it is, if I want to register in delegation, Mr. Speaker, it does need to be on the agenda and there's many issues that come up and I think its been unfairly portrayed as you know asking the same question over and over, I prepare for every Council meeting and I've had my questions ready and they've been about a variety of issues that aren't on any other agenda, this is the only venue I can really ask them and its not the same as the Mayor suggested that I can go have a private coffee with the Mayor and talk about those things, I'm sure I could.

But the point is that it's not then on the public record and that's part of the democratic process that we're after here today. So, you know I want to ask the Mayor a question and I want the answer on the public record and its part of political office to do that and as he's said, he embraces that so what's the problem.

People have said repeatedly we can ask six questions, well as a matter of fact, that's up to the Speaker unless we change it, it says you can't, he may allow a second set of questions. That's number one, so if the Speaker didn't want to, they could not even allow a second set, it would be one question and there's only one preamble with a question and two follow ups and I'm sorry but the questions that I ask are a little more complicated than a one sentence question. It's not a yes or no question, it requires some context, it requires a preamble to explain the context of the question.

So if I really am only allowed one or two, not six and the second one is only discretionary, so I mean I've been trying to follow the rules and trying to be respectful of this chamber by asking the questions the way we're suppose to ask, which is what I thought I was doing and the Clerk advised me I was doing.

Now the type, you know this accusation that I'm asking some of the same question that were asking over and over is ridiculous. You know the BRT issue was one of the most important issue and we're still facing it, we're still dealing with it and there was reasons to ask those questions.

I've been asking about a lot of other things, PUFS, you know you will see if we have a question period after this, that I have some other questions prepared that are not on anyone's agenda and they're things that I want to ask and they're totally legitimate and I don't understand why people want to shut that down, I really don't.

The by-law, I didn't say that the Speaker misinterpreted the rules, I never said that, that's why I want to change the rules cause I want them clear, because his interpretation could be accurate and that's what concerns me is that his interpretation could be correct. That you can only ask one question with a couple of follow ups because he doesn't have to, he may allow a second set of questions.

So, I want the rules to be clear that there can be as many sets of questions as people wish to ask as long as everybody gets a turn to speak. And the other thing I wanted to clarify was I referred to what happened at the last meeting and I think that's got the thing a little off track in saying that somebody took up the time talking about something else. That's kind of irrelevant to this, I was just trying to make a point about an attitude towards

openness that I thought we had embraced and I thought we really believing in here and I didn't think that really respected that.

Having said that if someone else has questions, it's not that I want the question period for me or Donald, I want the question period for this Council and everyone has a right to ask questions and everyone at different times may have questions and we're here for the future, we're here to set the rules in place for a more democratic system and I think that's what our obligation is to do and that's all I was trying to do.

So, in common sense questions, I try to ask common sense questions, I try to ask questions that are important to my constituents and I'm actually quite astounded that there's any opposition. I thought this would be a no brainier, I thought this would be unanimous. You know we're not changing it from thirty minutes, we're not saying we're going to sit here all day, thirty minutes for, thirty minutes once a month and people don't really want to sit and listen to that and they're grumbling.

I just don't understand it and I really encourage people to just have an open mind, we only want to ask questions, they're fair questions, they're well thought out questions, we're trying to do our jobs, we're trying to have some discussion, we're trying to get some answers from the Mayor on the record about things that matter to the public and we're being shut down, that's what's happening. I know nobody, maybe that's not what the intent is, but that's what's happening and I'd like it to stop and here's our chance to do so. Thank you Mr. Speaker.

Mr. Speaker: Thank you Councillor Gerbasi. Question on the motion. Recorded vote has been called for. All those in favour of motion number two please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

Councillors Angus, Benham, De Smedt, Gerbasi, Lubosch, Smith, Thomas.

Nays

His Worship Mayor Katz, Councillors Eadie, Clement, Magnifico, Pagtakhan, Steeves, Wyatt, Lazarenko, Mr. Speaker Councillor O'Shaughnessy.

City Clerk: The vote Mr. Speaker, Yeas 7, Nays 9.

Mr. Speaker: The motion is defeated. Moving onto the consideration of by-laws, EPC first reading only, Mayor Katz.

EXECUTIVE POLICY COMMITTEE CONSIDERATION OF BY-LAWS

Mayor Katz: Thank you Mr. Speaker, I'll move that By-law No. 27/2005 be read a first time.

Mr. Speaker: All in favour? Contrary? Carried. Calls for third reading Mr. Mayor.

Mayor Katz: I'll will move that By-law No. 135/2004 be read a third time and same be passed and ordered to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried. By-laws.

Mayor Katz: I'll move the By-laws No. 17/2005, 18/2005, 19/2005, 20/2005, 21/2005, 22/2005, 23/2005, 24/2005, 25/2005, 26/2005, 32/2005 be read a first time.

All in favour? Contrary? Carried.

Clerk: By-law No 17/2005, 18/2005, 19/2005, 20/2005, 21/2005, 22/2005, 23/2005, 24/2005, 25/2005, 26/2005, 32/2005.

Mayor Katz: I'll move that By-laws No. 17/2005, 18/2005, 19/2005, 20/2005, 21/2005, 22/2005, 23/2005, 24/2005,

25/2005, 26/2005, 32/2005 be read a second time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-law No. 17/2005, 18/2005, 19/2005, 20/2005, 21/2005, 22/2005, 23/2005, 24/2005, 25/2005, 26/2005, 32/2005.

Mayor Katz: I'll move that the rule be suspended and that By-laws No. 17/2005, 18/2005, 19/2005, 20/2005, 21/2005, 22/2005, 23/2005, 24/2005, 25/2005, 26/2005, 32/2005 be read a third time and that the same be passed and ordered to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried. Move onto question period. We have Councillors Magnifico, Gerbasi, Smith and Benham.

EXECUTIVE POLICY COMMITTEE QUESTION PERIOD

Councillor Magnifico: Mr. Speaker, the new budget is coming out and I've had some emails, some inquiries from some of the business community, Stefano Grande and some of the people from the BIZ's that are getting reports that our graffiti budget may be slashed and it's a huge problem for the city, its getting worse and the last thing that we need at this time is something like that to happen. Mr. Mayor is that budget going to be slashed, in this budget.

Mr. Speaker: Mr. Mayor.

Mayor Katz: Councillor Magnifico as you are aware of we are having a seminar on the budget on Friday. At that point in time I hope everybody will be in attendance and they will be informed and we can discuss it. Since you've asked this specific question on graffiti, there is very little doubt in my mind it's an important issue. I believe that we have to deal with graffiti in an immediate manner; if it's present remove it immediately, if they do it again, we remove it immediately and so on and what'll happen, it will cease and desist because it's no longer there. If we leave graffiti, we have a serious problem. The specific answer to your question is that I'm very disappointed that Mr. Stefano Grande would circulate that kind of information to Councillors. To my knowledge there is no truth whatsoever to that rumor. Where it started I can't tell you but we have no intention whatsoever that I know of of cutting that budget. So I wish someone had asked me that question and I could have answered it as opposed to people sending out emails and just making false statements, its unfortunate.

(Councillor Lazarenko in the chair)

Mr. Deputy Speaker: Your second supplementary question Councillor Magnifico.

Councillor Magnifico: This is regarding the RFP proposals that were put out for the restaurant on the bridge. There's an outcry that the public would like to see the results of that and I think they have an obligation to see it, rather we have an obligation to show it to them to lift this cloud that exists that the administration has some wrong doing in this process. Can we release those RFP's.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: Councillor Magnifico I wish that on every situation such as this we could just share all the information that exists but as you will find out if you don't know by now from administration and our legal department, we are not in a position to do that. If every single person involved with that would give us that permission, then maybe we could, but under the circumstances, we cannot do that. And I will tell you right now, that I have no problem on the floor of council as far as the Director of Property, Planning and Development is concerned and any other personnel of that department, the way they handled this matter was truly professional, truly objective and for anybody to imply anything else I can tell them they are wrong. Thank you very much.

Mr. Deputy Speaker: Your third.

Councillor Magnifico: Well it would seem to me that if we included any RFP

proposal to begin with, a waiver indicating to the proponents that we can make this public knowledge, that would release us of any legal obligation, why can't we do that in our RFP's that we put out there.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: First of all, on the surface I don't object to what you're saying, by the same token, it's up to the proponent and if that would enhance the number of people coming forward terrific. If that would defeat the purpose of having fewer people because they don't want certain confidential, private information shared, then that could be a concern. But I certainly would encourage you to talk to administration on that, I have no problem sharing all the information, it's not up to me to share confidential and private information from citizens and business people in our community. Thank you.

Mr. Deputy Speaker: Thank you. Councillor Gerbasi, your first.

Councillor Gerbasi: I'm having a hard time deciding which question to ask because I had a whole bunch that could have been asked last month, but my question is regards to the IATSE members who have been replaced as the primary workers working for concerts at the MTS and as you are aware a non-union B.C. company has been contracted by the MTS Centre to bring in less expensive labour I guess and less experienced labour probably to handle this complex and dangerous work of setting up for concerts and given the significant investment of the city and the province Mr. Speaker I'm wondering that is there not some disappointment that MTS has chosen not to hire our Winnipeg group and has dumped this experience and qualified people who have served at Winnipeg Enterprises, does the Mayor intend to do anything to resolve this issue. I know he's spoken out about it before and he does care about this issue, is there going to be some pressure put on MTS Centre to find some kind of a resolution to this problem.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: Thank you Councillor Gerbasi. Just for the record its not a matter of less expensive and less qualified because the members of IATSE are definitely more qualified and also they're prepared to match or even do better than the existing circumstances. Mr. Speaker I've already gone on the record sorry, Mr. Deputy Speaker, I've already gone on the record and said that I am very disappointed in what's taken place, I've actually gotten phone calls and letters back from local IATSE 63 thanking me for their support, I think a major blunder has been made here in my humble opinion. What's taken place is very wrong. I've recommended to the people at True North that this matter should be resolved, I do not look forward to the potential of an information picket during the Juno's and I'd like to think that if we have qualified people in our own backyard who are prepared to do the job for even less money, this is really a no brainier. I can't answer for why they're taking this route, I'm not them and they're not me, they are in the decision making process at this stage of the game. I'm hoping that they will react in a positive manner. I am starting to loose hope on this because I don't see anything taking place and I'll be very frank with you, I would very much love to speak to Councillor Gerbasi and any other Councillor to see if there is anything, myself or City Council can do. It appears to me, there's very little but if we do have some ammunition, I would love for someone to share it with me. Thank you.

Mr. Deputy Speaker: Second supplementary question Councillor Gerbasi.

Councillor Gerbasi: Thank you very much for that answer. I appreciate it. I'm going to ask a different question because the rules have changed I guess and we can't ask questions that aren't related to the first question I've been told. So, my question is about the Aboriginal Strategy and we haven't heard, I haven't heard the Mayor state on the record that there will be the dollars in the operating budget coming up regarding what is needed to implement the Municipal Aboriginal Pathway Strategy and I'd like to hear the

Mayor declare his support for the Municipal Aboriginal Pathway Strategy that was adopted by Council.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: Thank you Councillor Gerbasi. I can you that I do definitely endorse MAPS. As a matter of fact just yesterday, I met with one of the elders and a couple supporters who lived in the neighbourhood that is probably most affected and they actually have presented me with a housing initiative, I just received it yesterday, its something we going to have to go through. By the same token as much as we want to do things we also have some fiscal responsibilities, we have to make sure we can certainly have the monies available to do what needs to be done. There is an issue there. We can't hide from it. We have to face it and basically make things better and that's what myself and all Councillors should be hoping to do.

Councillor Gerbasi: My final question is then part of the MAPS process originated by Councillor Vandal and myself before we had the current Mayor was that there was a commitment to continue public consultation as one piece of the process of engagement of the aboriginal community and those meetings that were promises haven't yet happened and I realize that this is probably something that's being worked on, but I'm just wondering when can we expect those consultations to occur or is that same commitment for those consultations there, thank you Mr. Speaker.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: Thank you Councillor Gerbasi, as I said earlier I very much believe in the democratic process, public consultation is obviously part of that. Councillor Thomas has been very much involved with meeting with aboriginal groups. We are assessing a great deal of information and suggestions from that, we hope to have a meeting in the very near future and make some decisions and meet with some department heads on what is realistic, what we can do and once we know which direction we're going in because we are getting an abundant of new suggestions coming forward, how to make the existing situations better and like I say, its for people who may not realize its a lot of work, I thank Councillor Thomas who's giving a 100 percent of herself to make this happen and at that point in time I have no problem with public consultations whatsoever. Thank you very much and thank you for all your questions Councillor Gerbasi. I appreciate it each and every one.

Mr. Deputy Speaker: Councillor Smith. Your first.

Councillor Smith: Yes, Mr. Mayor my question is about the Esplanade Riel. I would like to know the total capital costs for that restaurant project, the costs of building it separate from the actual bridge itself, as well as any other costs related to it for the establishment of the restaurant. Now I know, I don't assume that you can give all that today, but this should be notice for you to be able to supply all of Council with that information.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: I may surprise you and be able to give you as much information as I can today which may answer all your questions. My understanding as you probably heard, the bridge restaurant as it's referred to, the number of a million dollars has been thrown around on many occasions. The information that I have is the actual number is $700,000, there's $300,000 left in that figure that could be used for such things as washrooms, electrical, mechanical, etc. which would give us the total of 1 million dollars. As far as the restaurant is concerned and I only answer this because I have been given permission from the proponent to share this information so that way I do have the opportunity to answer it is that prior to my being here there was an additional $500,000 allocated for that. It's been set aside in the budget, doesn't mean it's all going to be used. Right now what's happening that the proponent will be putting up $270,000 of their money first to be used, then the department, Property, Planning and Development has an additional up to $270,000 that can be

used, it doesn't mean it all has to be used plus in order to bring up the washrooms to date which is our obligation, I believe the number is approximately $180,000, so that's the maximum exposure. So, basically the proponent will be putting in anywhere between $400,000 to $500,000 and the department might be putting in approximately $450,000 and that is the information as I received it to date. And I hope that answers your question Councillor Smith.

Mr. Deputy Speaker: Your second supplementary Councillor Smith.

Councillor Smith: It doesn't answer the part of what the establishment of the thing, the actually physical structure, the shell that is there. That was an added cost to that bridge and that's why I'd like to know the costs of that shell plus all the additional costs that you've outlined just now.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: Councillor Smith I believe when you're referring to the shell you're referring to what they call the restaurant now. Although I haven't been able to find one Councillor who told me they voted for a restaurant, there is a building there that is to become a restaurant although one point in time it was a plaza. I don't know how it went from point A to point B, I'm dealing with what exists today and I think my understanding is that $700,000 has been spent currently on that and there is another $300,000 put aside to do the balance of the items that were supposed to be done such as washrooms and we've all discussed the washrooms as you know, there are no washrooms there as we speak but there shall be in the future, so the answer would be $700,000 with a potential up to an additional $300,000 for washrooms, electrical, mechanical, I hope that does answer.

Mr. Deputy Speaker: That's it Councillor Smith, you get you third and final.

Councillor Smith: Then it should be clear I gather that we will be loosing money on this restaurant for ever and ever, is that, at $24,000 a year, is that correct.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: If you're asking a return, if you're asking regarding a specific return on a $700,000 or a million dollar expenditure, you can do the arithmetic and figure out what the return is and you can take it further and say we've already spent 22 million dollars on the pet bridge and if you want to really make it look worse, you could then add that in. That's reality, that's the situation when I was elected, there's very little that I understand that I can do about it, that's the way it is, so if you're asking me is that a large return on an investment, you do the arithmetic, the answer is very simple.

Mr. Deputy Speaker: Thank you. Councillor Benham. Your first supplementary.

Councillor Benham: Can't be a supplementary if its first, Mr. Deputy Speaker but I'd like to start off, thank you, Mr. Speaker the Mayor recently signed a letter to the Clean Environment Commission supporting the request by rural municipalities, in fact rural municipality leaders had signed there names to this letter, the Mayor joined in and the request was to delay environmental impact hearings on the Red River Floodway which would have had the affect according to floodway officials of delaying construction of the floodway itself. Mr. Speaker a day later, a working day later the Mayor rescinded his support and called for the hearings to proceed. My question Mr. Deputy Speaker, why did the Mayor at first support the delay and why did the Mayor then change his mind.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: First of all I believe Councillor Benham your information is wrong. The letter was signed by myself along with all the Reeves and Mayors of the R.M.'s on a Wednesday right after Council and I think it took about another five or six days prior to that. The reason we did what we did is because we had

concerns and we had genuine concerns. As a result of our letter which had been asked by administration in the past and no response, as result of our letter we received a response from Mr. Gilroy that basically addressed our concerns and as a result of that, we stood down.

Mr. Deputy Speaker: Your second supplementary Councillor Benham.

Councillor Benham: Thank you Mr. Deputy Speaker and so the question when the Mayor said the wrong information was merely referring to timing not to signing the letter and then changing his mind, fair enough it took a while to get to the media I guess. My question to the Mayor now did he consult with City Council or the Executive Policy Committee before he signed the letter calling for the delay in hearings and thus the delay in construction and/or did he consult with City Council or EPC before he rescinded his support.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: I believe and I'll go by memory, but I believe many members of EPC obviously were involved in this discussion, I'm not sure if they were all present but I will tell you that administration was present and when we decided to send the letter that it was definitely endorsed by the administration and as I said earlier, it resulted in our administration getting answers to some very important questions and giving us piece of mind and at that point in time, I do not believe I consulted with EPC because once they addressed our issues and administration felt confident now, I made that decision.

Mr. Deputy Speaker: Your third and final question Councillor Benham.

Councillor Benham: Thank you very much Mr. Deputy Speaker and so I believe the answer then is that there was no formal resolution before EPC nor were they formally consulted on either move, Mr. Speaker given the Mayor's commitment to openness in government and to consulting Councillors why would he not consult City Council and why would he not consult his Executive Policy Committee before making the decision first of all to sign the letter and secondly to make the decision to rescind the letter. Why did he not consult?

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: As I said earlier members of EPC and I can't give you all the names because I don't remember who may or may not have been there, were aware of this, this was also an issue that to my understanding, okay contrary to what people may say, whether one day or two days has an impact is that we had serious concerns that could have a greater impact on us. And those were the concerns we were addressing immediately with the R.M's and the City of Winnipeg and I believe 100 percent we acted in the best interests of the City of Winnipeg and I think that's my responsibility and I will continue to do that.

Mr. Deputy Speaker: Thank you. Councillor Lubosch.

Councillor Lubosch: Thank you Mr. Speaker. My question through you to the Mayor, going back to the question period of a previous Council meeting, the Highway Traffic Act stipulates that the fines collected from the enforcement of the Highway Traffic Act are supposed to be remitted back to the municipality of origin and this year I understand the province is going to earn somewhere in the neighbourhood of 7.5 million to 8 million dollars from the photo radar enforcement program that the city ultimately pays for and administers. Mr. Speaker does the Mayor intend to ask the province for the revenue that they have reaped from the photo enforcement program.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: Thank you Councillor Lubosch. At this particular point in time I have not asked for the revenue and I can ensure you that if I do ask for the revenue I can you what the answer is right now, what I can tell you is that the Premier has already said on the record that if the City's not happy no problem, get rid of it.

This is not a revenue issue; this is also a safety issue. There is absolutely no doubt that when this was commenced we believed we could have a safer Winnipeg and also get some revenue out of it. What we're finding out right now we're not getting revenue but we do have a safer Winnipeg. Thank you.

Mr. Deputy Speaker: Second supplementary.

Councillor Lubosch: Second supplementary question, Mr. Speaker, we understood as a Council and as a public that when we entered into this program that the money was going to be remitted for supplementary public safety initiatives. What priority does the Mayor envision as a public safety initiative for Winnipeg, should this money become available.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: I guess I'm a little confused to which money you're referring to, that's number one.

Councillor Lubosch: I'll clarify the question Mr. Speaker, if the province were to remit 7.5 million dollars as part of the intended agreement, where would the Mayor want to direct that money as part of a public safety initiative.

Mayor Katz: Based on that theoretical question, if the money were available, as opposed to just giving you a list of ideas of what would be done I think I would rather take input from Council who may have suggestions, obviously safety is a major, we have many issues to deal with, I'm not going to list them all, each one of you might have a different priority and I think the important thing is to get input on something like this when we have what could be perceived to be a windfall which I don't believe we have and then discuss it at that point in time and decide we're going to do it.

Mr. Deputy Speaker: Third and final question Councillor Lubosch.

Councillor Lubosch: Thank you Mr. Speaker. For the record I believe this question is very important in light of what we've just heard you explain with respect to the province's response to remitting the funds to the city, has the provincial grant to the city increased by any factor attributable to the photo radar program.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: Thank you for that question, I appreciate that. As you know the provincial budget or the federal budget is coming down today, the provincial budget will be coming down in the very near future and as you know we are working on ours, I can't tell you that that commitment has increased. We expect to have some positive news in the very near future. As I stand here before you today, I cannot give you a definitive answer one way or another but don't think for a moment we're not asking over and over again.

Councillor Lubosch: Thank you.

Mr. Deputy Speaker: Thank you. Councillor Steeves. Your first.

Councillor Steeves: Thank you Mr. Speaker, through you to the Mayor or the chair of Public Works, I'm not sure whom, I had some inquiries recently and I apologize I have missed this recently again, I've been away a little bit, but the Spence Street Mall and the transit project that was scheduled for that and the University of Winnipeg, I'm wondering where that is at or have we had any updated information from the University or what's being proposed.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: Thank you Councillor Steeves, I believe I don't have the exact date, sometime in the middle of January, I believe there was a Council seminar where Dr. Axworthy made a presentation to all Councillors that were there, first of all I certainly commend Dr. Axworthy for his vision, I personally believe it's a wonderful project. During the election, I talked about more pedestrian malls, making this a better city, this fits in with Spence Street being a pedestrian mall where the entire community would benefit. There would be housing for

students, there would be more green space, there would be some sporting facilities, they're talking about skateboard parks, they're talking about (in audible) paths, they're talking retail as a matter of fact this project has been so embraced that my understanding is, when they spoke to the stakeholders and did a survey that 87 percent of them responded positively. So I am very much looking forward in the near future when this is finalized bringing it before Council. Thank you very much.

Mr. Deputy Speaker: Councillor Steeves, that's it. Councillor Clement your first.

Councillor Clement: Thank you Mr. Speaker. Mr. Mayor in reading the newspaper recently, Ernie Gilroy the head of the Provincial Floodway Initiative has been quoted to say the flood way is designed to a 700 year flood system. If that's the case my understanding is we would have to spend 258 million dollars to upgrade our existing systems to that standard. Is it true that they have designed this to a 700 year flood design and if so how much of the 258 million dollars will the province expect us to pay.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: Thank you Councillor Clement. Its unfortunate but it appears the question that should have been asked a long time ago by the media as the approximately 600 million dollars that's going to be expended get us to the 700 year level and the answer is no, it does not and that is in reference to the additional 258 million dollars. This is still an ongoing conversation, they're expectations may be one thing. We do have options available whether we do something in the beginning and be proactive or we basically be reactive. If we are reactive it costs the city a great deal of less money because of the 90/10 contributions. This will be something that will have to be discussed with the province as well as EPC as well as Council but there is no doubt that different messages are being given and they're not a hundred percent correct.

Mr. Deputy Speaker: Second supplementary Councillor Clement.

Councillor Clement: Could the Mayor endeavor to get a specific answer out of Mr. Gilroy as to whether the design is really a 700 year design or whether that the newspaper reporting of that press conference was in error.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: I would be more than happy to see if I could get that clarification from Mr. Gilroy.

Mr. Deputy Speaker: That's it Councillor Clement. No further. There's a second time around. Councillor Gerbasi, your first question.

Councillor Gerbasi: Thank you Mr. Speaker. I'd like to ask a question and if anybody wants to be upset that I'm asking a question that's been asked before, it's because I still haven't got an answer for it and time has passed and so I'm going to ask it again. Well I got an answer but the timeframe in which that answer is come and gone and we still haven't got it, what it has to do is with the PUFS study.

You know I wanted to say that I appreciate very much that the Mayor publicly released the study early, I appreciate the openness there, the study is out there, the problem is that the follow up in terms of public consultation and an opportunity for the public to have dialogue with their Councillors and have input. The people out there running community centres have not yet had that opportunity to dialogue with their Councillors and to let us know what their response is to this massive amount of information we've generously given out there openly to them.

So, as a result as you are aware City Centre Community has decided to have a meeting just to hear delegations so that our people can let us know what their concerns are. It's just to have a read on our representation so I'm sure nobody would have a problem with that. But, since it is intended to be, my question is, since PUFS is intended to be an

integrated city wide plan as opposed to everybody parochially dealing with their areas, when is the strategy that's been promised for all of Councillors to have more council seminars and to have the public involved, a strategy for public input, where is it, every time I've asked I've been told 4-6 weeks more, and now its another 4-6 weeks, so I appreciate that it isn't done yet, I just want to know when will it be done. Thank you.

Mr. Deputy Speaker: Mr. Mayor.

Mayor Katz: Thank you Councillor Gerbasi and I must tell you that I'm absolutely ecstatic, I'm sure you've heard the phrase better late than never, I can't tell you how happy I am to see that finally you and Councillor Benham believe that recreation facilities are a high priority for this city, so thank you for coming on board, I appreciate that very much. In reference to the question as you probably know, PUFS is not a policy, it's a strategy and there were probably many things in that strategy that were positive and some that were negative.

When I was made aware of the fact that you had proposed a public forum, I was disappointed and the only reason I was disappointed is that administration is working very hard to come up with a made in Winnipeg solution that's best for our citizens, that's best for our communities and you're right I have said to you they're working on it and they are working on it and I believe they are very close to completion. And when they're completion, that's when we will have public input. In the meantime just so you're aware, don't think for a moment that dialogue is not going on with members of the community centres, whether its GCWCC, etc., there is constant dialogue going on but I think before you want to have public input you want them to know what our plan is and as soon as we have that I too am looking forward to sharing it with them. Thank you very much.

Mr. Deputy Speaker: Thank you Mr. Mayor, right on the button. The time for question period has expired. The next report is the Standing Policy Committee on Protection and Community Services, no report, are there any motions Mr. Clerk, no motions, considerations of by-laws none, question period, no questions, Standing Policy Committee on Public Works, report of February 8, 2005, Councillor Eadie.

REPORT OF THE STANDING POLICY COMMITTEE ON PUBLIC WORKS DATED FEBRUARY 8, 2005

Councillor Eadie: Thank you Mr. Speaker, I'm pleased to move the Public Works Committee meeting dated February 8, 2005, Item 1 be adopted as consent.

Mr. Deputy Speaker: All in favour? Contrary? Carried. Report of February 15, 2005.

REPORT OF THE STANDING POLICY COMMITTEE ON PUBLIC WORKS DATED FEBRUARY 15, 2005

Councillor Eadie: Thank you Mr. Speaker, I'm pleased to move the Public Works Committee meeting dated February 15, 2005, Item 1 be adopted as consent.

Mr. Deputy Speaker: All in favour? Contrary? Carried. Motions, Mr. Clerk, any, none, consideration of by-laws second and third reading.

STANDING POLICY COMMITTEE ON PUBLIC WORKS CONSIDERATION OF BY-LAWS

Councillor Eadie: I'll move that By-law No. 189/2004 be read a second time.

Mr. Deputy Speaker: All in favour? Contrary? Carried.

Clerk: By-law No. 189/2004.

Councillor Eadie: I'll move that the rule be suspended and that By-law No. 189/2004 be read a third time, and that the same be passed and ordered to be signed and sealed.

Mr. Deputy Speaker: All in favour? Contrary? Carried.

Questions, Councillor Benham followed by Councillor Wyatt, Councillor Benham.

STANDING POLICY COMMITTEE ON PUBLIC WORKS QUESTION PERIOD

Councillor Benham: Thank you Mr. Speaker and just very briefly the chair of Public Works heard my question to the Mayor and I would like to ask the chair of Public Works given that the Red River Floodway is a huge public work that the city is involved in and that it will involve many more public works as Councillor Clement has just pointed out, to the tune of several hundreds of millions of dollars, is it the view of the chair of Public Works that the Mayor should be representing the city's view on these issues, first one way one day and then another way some days later without ever consulting Executive Policy Committee or City Council either in the first instance or the second.

Mr. Deputy Speaker: Councillor Eadie.

Councillor Eadie: Mr. Speaker the Mayor at that first meeting, I was in the Mayor's office along with Councillor De Smedt and with the Mayors and Reeves of some of those capital region municipalities who had some concerns. I fully supported the Mayor putting his signature on that letter that went to the Floodway Authority. The Mayor is quite right that there was some questions that are, professional staff have been trying to get answers from the Floodway Authority on and it seemed that when that letter went forward asking for a delay in the hearings so that some other questions could be answered, we got some answers we've been looking for and we had no problem with the Mayor doing that Mr. Speaker, its sometimes not possible in half an hour to consult sixteen members let along half a dozen at times but I was in that meeting, I think the Mayor acted appropriately and the response that came back from the Floodway Authority did answer some of the concerns that the City of Winnipeg government had, there's still other issues that are being dealt with by the professionals in the Water and Waste Department and those discussions are ongoing.

Mr. Deputy Speaker: Your second supplementary question Councillor Benham.

Councillor Benham: Thank you Mr. Deputy Speaker, does the chair of Public Works believe that it sets an unfortunate precedent for policy decisions of such major impact particularly when they are then accompanied by policy reversal some days later. Does the chair of Public Works believe it sets an unfortunate precedent when Executive Policy Committee as a whole as he made clear in his answer he knew but not all of Executive Policy Committee, when Executive Policy Committee as a whole does not make a decision and the decision does not go forward on behalf of Executive Policy Committee, is it an unfortunate precedent.

Mr. Deputy Speaker: Councillor Eadie.

Councillor Eadie: Mr. Speaker I think the discussion that was held was between the Mayor and the other capital region government leaders had nothing to do with the policy discussion. It was an issue that some of our partners in the capital region had with some aspects of the hearing and they wanted some more time to be able to get some responses from the professionals, it wasn't a policy discussion Mr. Speaker, we didn't advance as a city government any policy. We simply asked and joined our colleagues asking the Floodway Authority or the Clean Environment Commission I guess for a delay in order that some answers could be obtained by municipal governments in order to be better prepared for the public hearings. So there wasn't a policy issue here Mr. Speaker, the hearings whether or not the Clean Environment Commission holds a hearing is not within our scope. We simply asked and joined our colleagues to get a postponement so that further information could be gathered so that every participant at the hearing could feel that they were better prepared.

Mr. Deputy Speaker: Your final supplementary Councillor Benham.

Councillor Benham: Thank you Mr. Speaker sometimes of course decisions to delay are a policy decision, the decision to delay bus rapid transit in order to study it had the affect of stopping bus rapid transit and similarly stopping to study the floodway, we were told very clearly and very publicly would stop the continuation of it. Why would the chair of Public Works not qualify a request from the City of Winnipeg for a delay of perhaps up to a year in the construction of a floodway as a policy decision.

Mr. Deputy Speaker: Councillor Eadie.

Councillor Eadie: Mr. Speaker, Councillor Benham is confusing things, there's no question that the floodway is going to proceed and indeed our own administration wants it to proceed and they've been working very closely with the Floodway Authority so there's no breach of protocol here Mr. Speaker. I know the difference between a policy and a hearing and I also know that nobody has suggested that the floodway not proceed or that the Clean Environment Commission not hold public hearings. They weren't asked to discontinue any public hearings Mr. Speaker by any order of government that I am part of, that I'm aware of I mean.

Mr. Deputy Speaker: Thank you. Councillor Wyatt, your first.

Councillor Wyatt: Thank you Mr. Speaker, my question is to the chair of Public Works, you might not, being relatively new to the position, you might not be familiar with this file but in February of 2003 as a fairly new member of the Standing Committee on Protection and Community Services I raised the issue of graffiti and graffiti control and the need for having a comprehensive policy for the removal of graffiti in the city and the lack of funding therefore. That matter was referred to the CAO, the CAO then referred it back to Public Works and much work was done on the file actually and as of last June meetings were held with various Councillors who wanted to meet with administration and presentations of the work done so far was done by Bob Okabe and Bill Larkin and some very interesting ideas were being considered such as reversal of by-laws, combination of maybe better enforcement and prosecution and even a graffiti police was talked about and better clean up of our own facilities. But it seems to have grind ed to a halt or we haven't seen anything, I'm just wondering since all that work went into it by our administration, is there anything being brought forward or being considered right now.

Mr. Deputy Speaker: Councillor Eadie.

Councillor Eadie: Mr. Speaker I thank Councillor Wyatt for that question because it did remind me of the meeting that I participated in last whenever it was spring or summer with some of our staff on, as they were proceeding to develop graffiti policy. I don't have an answer for Councillor Wyatt specifically at the moment but I will certainly check with administration to find out where that policy development is or what stage it's in and I'll provide a response to all Members of Council when I get that answer but I haven't got it at this moment.

Mr. Deputy Speaker: Your second supplemental Councillor Wyatt.

Councillor Wyatt: I don't expect you to have that. Thank you Mr. Speaker. Just a final supplemental, it's a question, I suppose I'll stress the time, the last two years because of the fact that there's really nothing with regard to graffiti removal or very bare minimum, I've done my own graffiti removal program in combination with businesses and the business improvement zone in getting private sponsorships in the community. How soon, just because the season is coming up now, the summer is really the problem, can we see something happen as quickly as possible in light of a lot of work having being done, I realize you're new to the position of Public Works, but I guess I'm stressing urgency to the chair.

Mr. Deputy Speaker: Councillor Eadie.

Councillor Eadie: Well I think Mr. Speaker as soon as I have an answer to the first question I think Councillor Wyatt's second question may be answered, so,

I've taken it as notice and I will find out what I can and provide a response electronically to all Members of Council as soon as I can.

Mr. Deputy Speaker: That's it Councillor Wyatt. Councillor Gerbasi.

Councillor Gerbasi: Thank you Mr. Speaker, my question to the chair of Public Works, there was some comments made earlier regarding the decision that I assume it refers to the decision that was made, that we all made as members of EPC when I was on EPC about the decision of when to release the PUFS study. There was sort of an insinuation that I, I didn't realize I had the power myself alone to delay something, I seem to recall Councillor Steeves, Pagtakhan, Clement and Eadie were all members of EPC at the time that the decision was made, it was right before an election and I remember the discussions and I'm just wondering if you remember the discussions in which it was so close to an election that it was felt the time needed to have a full public consultation that there wasn't time to begin that process. So I'm just wondering if you share the Mayor's view that you know I have the power as the Councillor when I was on EPC or was it not a decision and perhaps you could share your version of what happened when that decision was made and why the PUFS study wasn't released earlier because I don't think its fair to attribute that decision to me since it certainly wasn't my decision, it was made as a decision of many members here that are currently on EPC, in fact almost all of EPC was there and made that same decision, perhaps you could clarify the thinking was behind that decision just to clarify the record. Thank you.

Mr. Deputy Speaker: Councillor Eadie.

Councillor Eadie: Well Mr. Speaker I'm not going to get involved in a game of who said what when, but I will say this with regards to the PUFS report which was commissioned by the Mayor and Executive Policy Committee of the day and it was a report to that committee and not a report to Council just to be clear on the protocol of that. I was the Acting Mayor of the City when the report was in its final drafting stages; we didn't have a full time Mayor because the former Mayor resigned. I made the decision as Acting Mayor that the PUFS report was not going to be tabled at an Executive Policy Committee until the new Mayor and the two new Councillors were elected in St. Boniface and River Heights-Fort Garry so that there would be a full Council here, and I think that most if not all members of Executive Committee at the time concurred that we ought not to be releasing a document until the whole Council, until the membership of Council was full and nobody saw the document Mr. Speaker including me. The CAO was the only individual who saw the document and so we made that decision, well I made it and I had the right to do that as Acting Mayor and the chairman of Executive Committee at the time to not bring it forward to a public meeting until we had a full membership of Council here.

Mr. Deputy Speaker: Your second supplemental question Councillor Gerbasi. That's it, no further questions. Okay we continue on, Standing Policy Committee on Fiscal Issues, the report of February 8, 2005, Councillor Clement.

REPORT OF THE STANDING COMMITTEE ON FISCAL ISSUES DATED FEBRUARY 8, 2005

Councillor Clement: Thank you Mr. Speaker, I am pleased to move the Fiscal Issues Committee meeting dated February 8, 2005, Items 1 to 3 as consent.

Mr. Deputy Speaker: All in favour? Contrary? Carried. Motions, none, consideration of by-laws Councillor Clement.

STANDING COMMITTEE ON FISCAL ISSUES CONSIDERATION OF BY-LAWS

Councillor Clement: I'll move that By-law No. 33/2005 be read a first time.

Mr. Deputy Speaker: All in favour? Contrary? Carried.

Clerk: By-law No. 33/2005.

Councillor Clement: I'll move that By-law No. 33/2005 be read a second time.

Mr. Deputy Speaker: All in favour? Contrary? Carried.

Clerk: By-law No. 33/2005.

Councillor Clement: I'll move that the rule be suspended and that By-law No. 33/2005 be read a third time, and that the same be passed and ordered to be signed and sealed.

Mr. Deputy Speaker: All in favour? Contrary? Carried. Question Period, Councillor Benham.

STANDING COMMITTEE ON FISCAL ISSUES
QUESTION PERIOD

Mr. Deputy Speaker: Councillor Benham.

Councillor Benham: Thank you Mr. Speaker I was interested with Councillor Cements question to the Mayor during that question period a few moments ago, he referred to I believe it was 258 million dollars in additional costs to the city associated with the floodway construction that's anticipated, through you Mr. Deputy Speaker I would ask the chair of Fiscal Issues to table any documents that would back up that figure that you referred to on Council floor.

Mr. Deputy Speaker: Councillor Clement

Councillor Clement: I thought I asked the question. I don't have documentations to table Mr. Speaker but the fact remains that while we have certainly had administrative people involved with the Floodway Commission whatever you want to call it that the province is put in place but the province has been engineering this project and I was surprised to hear when I heard Mr. Gilroy being quoted that he was suggesting that it was a 700 year flood design because as I understand from brief discussions that I've had with administrative people on a per chance basis which we all have when we talk to administrative people, my understanding of a 700 year flood design would require that we would have to spend approximately 258 million dollars to upgrade our systems to work with that type of a design because if that type of design in fact is in place, what would happen as I understand it as the water would move around to the northeast it would then backflow into the city unless we upgrade our systems. If in fact the floodway is not being built to a 700 year design which is my understanding in talking to a couple of people involved at the province but that's not what was in the newspaper then we wouldn't have quite as big a problem to worry about and we could do things on a more reactive basis which is far cheaper for us, keeping in mind Mr. Speaker that when a flood occurs that 90 percent of the cost is born by the province and the federal government, 45 percent each and only 10 percent by us. If in fact they are designing something to a 700 year structure and we have to outlay 250 million dollars, none of which is identified anywhere in long term capital or otherwise, then how much of it is fair for us to pay, is it fair for us to pay 10 percent of that amount and the other two levels of government to pay 90 percent and I can't answer that because I don't know what the exact design is and we've had no control over that design and as I recall we never made any motions on the floor of Council to ask Gary Doer to build a floodway either notwithstanding that its not a terrible idea, it wasn't something that was on our capital list anywhere, its something that he wanted to do and it's something that he's been selling to the federal government. But the bottom line is we have costs and we don't have any control over it and that's why I asked the question Mr. Speaker.

Mr. Deputy Speaker: Councillor Benham your second supplemental.

Councillor Benham: Thank you Mr. Deputy Speaker as I understand the answer of the chair of Fiscal Issues as it pertains to my question. The answer is that he brought to Council floor the figure

of 258 million dollars based on a casual conversation with a city civil servant and that he has no paper whatsoever to back that up and so I just note that for the record Mr. Speaker. I'm wondering the floodway construction has major fiscal implications and any delay in that floodway construction would have major fiscal implications including for work that would be done by the city, does the chair of Fiscal Issues support the decision of the Mayor to call for a delay in those hearings which would cause a delay in the construction and then his policy reversal, does the chair of Fiscal Issues support the Mayor having done that without formal consideration by Executive Policy Committee.

Mr. Deputy Speaker: Councillor Clement.

Councillor Clement: Yeah, I have no problem whatsoever with the decision of the Mayor in that regard Mr. Speaker because I think it's already been explained slowly a couple of times already the answer to that issue. This wasn't a policy issue, this was an issue where our staff have been trying to get answers on some of the aspects of the construction and not getting answers and amazingly when that letter went over that had the Mayor's signature attached to it, all of a sudden within 72 hours, Mr. Gilroy was doing handstands to get that information into our hands so that we wouldn't have any issues. So, those are the types of things that you have to do in government from time to time to be able to satisfy your own concerns Mr. Speaker and the Mayor is elected by all of Winnipeg, not on a constituency basis, he's elected by everybody and he has to make those judgment calls from time to time and there was some urgency to this matter because the Clean Environment Commission was getting down to the short strokes on that issue Mr. Speaker.

Mr. Deputy Speaker: That's it Councillor Benham. No further questions. Standing Policy Committee on Downtown Development, the report of February 7, 2005 Councillor De Smedt.

REPORT OF THE STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT DATED FEBRUARY 7, 2005

Councillor De Smedt: Thank you very much Mr. Deputy Speaker, a preliminary remark for the benefit of all members of Council.

Councillor Steeves had asked a question respecting the Spence Street Project and on behalf of the Downtown Development Committee I'd like to advise that we've been, had a request to have a presentation made to us next Monday on the 28th regarding Spence Street Project from Jennifer Ratray and their lead and on behalf of former Minister Axworthy, so, take that as it may, we meet next Monday.

I'd like to move the Report of February 7, 2005 and move adoption of consent Agenda Items 1 to 5.

Mr. Deputy Speaker: All in favour? Contrary? Carried.

Motions none, consideration of by-laws none. Questions period if any, no question period, Standing Policy Committee on Property and Development, dated February 1, 2005 Councillor De Smedt.

REPORT OF THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT DATED FEBRUARY 1, 2005

Councillor De Smedt: Thank you very much Mr. Deputy Speaker, I'd like to just advise members of Council that the clerk has received information respecting clause 4 to the client is withdrawing from an application of subdivision and rezoning and acquisition of property, so I would like to have clause 4 filed and I would to introduce the Report of January 10, 2005 and move adoption of consent Agenda Items 1 to 3 and 5 to 18 as consent

Mr. Deputy Speaker: All in favour? Contrary? Carried.

Motions, none, Consideration of by-laws Councillor De Smedt.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT CONSIDERATION OF BY-LAWS

Councillor De Smedt: I'll move that By-laws numbered 28/2005, 29/2005, 30/2005 and 31/2005 be read a first time.

Mr. Deputy Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 28/2005, 29/2005, 30/2005 and 31/2005.

Councillor De Smedt: I'll move that by-laws numbered 28/2005, 29/2005, 30/2005 and 31/2005 be read a second time.

Mr. Deputy Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 28/2005, 29/2005, 30/2005 and 31/2005.

Councillor De Smedt: I'll move that the rule be suspended, and that By-laws numbered 28/2005, 29/2005, 30/2005 and 31/2005 be read a third time, and that the same be passed and ordered to be signed and sealed.

Mr. Deputy Speaker: All in favour? Contrary? Carried.

Question period, none, Secretariat Committee Councillor O'Shaughnessy; introduce the Report of January 25, 2005.

REPORT OF THE SECRETARIAT COMMITTEE DATED JANUARY 25, 2005

Councillor O'Shaughnessy: It's done Mr. Speaker; I move its adoption by consent.

Mr. Deputy Speaker: All in favour? Contrary? Carried. Councillor Eadie moves adjournment. All in favour? Contrary? Carried.

ROLL CALL

Clerk: Mr. Deputy Speaker Councillor Lazarenko, His Worship Mayor Katz, Councillors Eadie, Angus, Benham, Clement, De Smedt, Gerbasi, Lubosch, Magnifico, Pagtakhan, Smith, Steeves, Thomas, Wyatt, Mr. Speaker Councillor O'Shaughnessy.

COUNCIL ADJOURNED AT 11:44 a.m.