COUNCIL OF THE CITY OF WINNIPEG
Wednesday April 27, 2005

The Council met at 9:30 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 Thomas.

ROLL CALL

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

Mr. Speaker: Mr. Mayor I believe you have a hopefully pleasant duty to perform here.

City Clerk: Please repeat after me.

I Justin Swandel do solemnly promise and declare that I will truly, faithfully and impartially to the best of my knowledge and ability execute the office into which I have been elected.

And that I have not received and will not receive any payment or award or the promise of payment or award for the exercise of partiality, corruption or other improper execution of the office.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath by virtue of the Canada Evidence Act.

Councillor Swandel: I Justin Swandel do solemnly promise and declare that I will truly, faithfully and impartially to the best of my knowledge and ability execute the office in to which I have been elected.

And that I have not received and will not receive any payment or award or the promise of payment or award for the exercise of partiality, corruption or other improper execution of the office.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath by virtue of the Canada Evidence Act.

Mayor Katz: Justin it's indeed my pleasure to present you with a Certificate of Election. You are now officially Councillor Swandel. I very much welcome you. (Applause)

It's so nice to see your family and your friends are here today and I must confess that for some of you who may be familiar with some children's cartoons such as Teen Age Mutant Ninja Turtles I am very happy to see that Splinter, John Angus your mentor is here in the audience. You could not have done better and I know that you are very much familiar with the process at City Hall. You've actually been here longer than yours truly and many City Councillors here and I'm looking forward to having a wonderful working relationship with you and the rest of Council. Congratulations.

Councillor Swandel: Thank you.

(Applause)

Mr. Speaker: Councillor Swandel sit down and get to work.

INTRODUCTION AND WELCOME OF GUESTS AND ANNOUNCEMENTS

Mr. Speaker: We do have a page with us this morning. Would you help me welcome back Chris Robak who attends Sisler High School and resides in the Old Kildonan Ward, welcome back Chris.

The welcome of guests another pleasant duty for a Mayor, Mayor Katz.

Mayor Katz: We certainly have a wonderful opportunity today to congratulate some very special groups and some people who have worked very hard on behalf of the United Way and we are very fortunate enough to have Hartley Richardson the Chair of United Way. Hartley correct me if I'm wrong, one of the most successful campaigns ever mounted by the United Way. We all know the great work the United Way is. It's so nice to see that everybody in this Chamber along

with so many of the employees of City Hall do everything within their powers to make this campaign a success. I'd like to call upon Hartley to say a few words and then we are going to have some awards.

Mr. Richardson: Thank you very much Mayor Katz and good morning Councillors, ladies and gentlemen. I'd like to start by thanking you Mr. Mayor for agreeing to be honorary chairman of our campaign cabinet to attend and to participate in so many of the activities that we did last year whether it was the plane pull or many of the fun activities we did, you were always there, enthusiastically. And when you kindly agreed to step forward in the leadership capacity as a major donor it meant a great deal to the campaign and to the cabinet as well as everyone involved. So thank you very much.

I am pleased to be here today to publicly thank the people who had a key role in the tremendous success of the City of Winnipeg's Employees' Retirees' Charitable Fund in 2004. The City of Winnipeg was one of the biggest success stories of the United Way campaign last year, which was the most successful campaign ever, and that success was a result of a terrific team of volunteers. The spirit of we was evident throughout Winnipeg as City workers pulled together to make an investment and a significant investment in our community.

The City of Winnipeg ran a tremendous campaign last year and exceeded their goal of $400,000 raising a record $433,612 to be invested in improving lives and conditions for all of us. This achievement represents an increase of 23% over 2003 and in fact the City's campaign has grown by 115% over the past three years alone. The effort behind this increase was tremendous and was a result of a terrific team of employee campaign chairs, canvassers, leaders and the employees of the City of Winnipeg. The keys to success were teamwork, participation and leadership.

Teamwork; lead by Terry Lynn Welling-Skorodenski, President of the Employees' Retirees' Charitable Fund, a team of employee campaign chairs, canvassers and volunteers who worked to ensure that the City of Winnipeg's Employees' Retirees' Charitable Fund campaign was a terrific success this year.

Participation; donors took the time to make the decision to continue participating in the Employees' Retirees' Charitable Fund and to consider an increase in their gift. This consideration paid off with the average gift per donor increasing from $107.74 in 2003 to $123.42 in 2004; a meaningful increase.

And finally leadership; the leadership program in the City of Winnipeg was one of the strongest throughout our entire campaign. Last year the number of leaders in the City increased from 18 to 42. An unbelievable increase showing the pride and passion public servants have for their community. These leaders not only make a significant investment in our community but they also show tremendous support for their department's campaigns and lead the way for increased participation.

Their hard work paid off. Ten departments are being recognized today for their outstanding results; Audit, the CAO's office, City Clerk's, Community Services, Corporate Information Technology, Council, thank-you you Councillors, Employee Benefits, the Mayor's Office, Police and Public Works. Congratulations to each of you and thank-you for the time you've invested into making Winnipeg a better place for all of us to work and to live.

Before I conclude I want to extend a few special thank-yous. First to Annitta Stenning. As chair of the government division last year, Annitta you provided outstanding guidance and leadership to the campaign cabinet, to the government division and the City of Winnipeg's campaign. Your dedication and spirit are truly admirable and I appreciate all that you've done to make this campaign a success. Given Annitta's very challenging schedule it was wonderful that she made almost every campaign cabinet meeting which was held at 7:30 in the morning and did so with a great deal of

enthusiasm and was always bright and chipper, a little more so than the rest of us at that time of the morning.

Also a very special thank you to Harry Finnigan, leadership chair and Patti Regan and Terry Lynn the section co-chairs of the City of Winnipeg in 2004. The time that you all invested has made a tremendous impact on our community and it did on the campaign and I thank you very much.

And an extra special thank-you to Terry Lynn. Terry Lynn has been on the front lines of this campaign acting as the driving force to its success and leading the team that resulted in these fantastic results. In recognition of your efforts Terry Lynn, I would like to present you with this the Employee Campaign Chair certificate, a United Way T-shirt and a very swanky hat. Thank you for all you did and all you continue to do for our community. I know that you are staying actively involved in 2005, and as now I'm in some kind of honorary capacity as last year's chair but this year's honorary chairman, I look forward to working with you and this dedicated and outstanding team. I know 2005 is going to be another successful year and thanks for all that you did.

Mayor Katz: We will commence with the awards.

First of all I would like to call upon Jason Egert from the Audit department who won the Quantum Leap and the Leadership Award.

Cathy Chartier from the CAO Office winner of the Quantum Leap.

We then have Lynne Foster representing City Clerk's, Mayor's Office and Council all winners of the Quantum Leap and the Mayor's Office winner of the Leadership as well.

Fernando Requeima representing the Community Services department winners of the Quantum Leap.

Brenda Auch from the Corporate Information Technology winner of the Quantum Leap.

Susan Doerksen from Employee Benefits winner of the Quantum Leap and Platinum.

Darlene Paulshyn and Steve West representing the Police department winner of the Quantum Leap.

And we have Cathy Chemerika from Public Works winner of the Quantum Leap.

Once again to all of you and everybody in your departments, thank you so much for the hard work you put and hopefully we can even do a better job next year. Thanks to everybody.

Mr. Speaker: We have a motion of condolence this morning. Madam Clerk.

MOTIONS

Moved by Councillor Thomas,
Seconded by Councillor Gerbasi,

THAT Council place on record its profound sorrow at the death of former Councillor James Arthur Coulter, which occurred on April 11, 2005.

Mr. Coulter served the citizens of Winnipeg as Councillor for Ward II from 1958 – 1960.

This Council extends to his children Larry, Valerie and Randy, and their families, its deepest sympathy and condolences in their bereavement.

Mr. Speaker: Members of Council and those in the gallery please rise for a moment of silence.

MINUTES

Mr. Speaker: Councillor Pagtakhan moves the minutes of the meetings held March 22 and 23, 2005 be taken as read and confirmed.

All in favour? Contrary? Carried.

Mr. Speaker: We have one delegation this morning Nick Ternette in support of item 1 of the report of Public Works dated April 12th. Welcome Nick.

DELEGATIONS

Mr. Ternette: Welcome Mr. Speaker, Mayor Sam Katz and City Councillors. In the post 911 period civil libertarians have become increasingly concerned about the diminishing of rights that we as citizens enjoy. All of us take for granted the freedom of speech, thought, belief, opinion and the right to assemble and demonstrate. But if you look closer at these rights both here in Canada and the United States they are being threatened more and more.

The whole notion that U.S. President Bush has asserted that dissent equals terrorism has created a culture of fear whereby citizens are afraid to speak out against government or any issue of importance to them for fear of being labelled a terrorist. The culture of fear that I have just described is now slowly, but slowly creeping into Canada.

It is with this perspective that I applaud the decision by Ursula B. Goeres, Manager of Legal Services and Michael Jack, Solicitor for the City, for dropping the charges against me for taking part in a parade without a permit contrary to Traffic By-law citation no.-85A12639. They have recognized that section 11 of the Highway Traffic Act is probably, and I will say probably, unconstitutional. Due to the fact that the Chief of Police is given unfettered discretion to grant or deny a request for permits thereby infringing on section 2B of the Canadian Charter of Rights and Freedoms, that is freedom of thought, belief, opinion and expression including freedom of the press and other media of communications. And it violates section 2C of the Charter primarily the freedom of peaceful assembly.

The new by-law addresses the issue on what basis parade permits are to be issued. Or more to the point they codify the basis upon which the Chief of Police determines granting a permit. Previously there were internal guidelines for the Chief of Police to consider but they were not included in the by-law. Now for the first time and as I say a positive step, the by-law will include criteria to help the Chief of Police to decide whether or not to grant a permit for a parade or demonstration. All of the criteria however must be met.

In reviewing the criteria I have some questions concerning some of the language used which could lead to biases in the Chief of Police's decisions. For example, he may grant a permit if it is unlikely to unduly disrupt traffic along a parade route. Previously if traffic was going to be an issue in regards to issuing a permit the Chief of Police or his alternative would suggest a different route for the parade of demonstration at the same time, same place whatsoever. Now what this section of the criteria is saying that if a parade or demonstration may disrupt traffic the Chief of Police could possibly deny a permit altogether. To me that is potentially unconstitutional. Again it goes back to what the previous by-law was which is why we are changing this by-law in the first place.

I congratulate the City for taking the position that the Chief of Police can no longer deny a permit without providing a reason for doing so. Previously he could simply deny a permit and provide no explanation and there was no appeal procedures whatsoever to it. He now must provide an alternative time and or date as long as the applicant meets the rest of the criteria as now outlined in the by-law. This is clarified under section 11-2.

However, it provides unclear direction to the Chief of Police if more than one permit is required for the same day. For example, certain parades are set for certain days. May Day is always set the working class day on May the 1st no matter what that actual day is, whether it is a Saturday, Sunday or Monday. If more than one group requests a permit for May 1st, May Day should I think in my opinion receive priority as it's been normally given a permit and other requests given another date and time. But under this particular by-law that is not the issue. The Chief of Police can decide to give one of the other groups the permit and ask even though all three groups may be eligible for the permit say May Day you've got to have your demonstration two days or three days from now or the

week after which is as far as I'm concerned unacceptable.

There has to be some sensitivity in this by-law to allow the Chief of Police to negotiate if there is more than one group coming together with the various groups who want a permit on the same day in order and to be able to look at what the needs of the group are, what the day is, what specific meaning it has to them in order to determine which group should get the permit for that day and which group should get it at another day. Groups spend a lot of time, energy and money to organize events long before the actual day.

Perhaps, and this is something that I'm seeing here in this by-law that needs to be improved, there should be a requirement for groups to apply for permits far in advance and a response of the City being received far in advance so that the group has time to determine another date and time for that event if it is necessary. What has happened many times a group applies for a permit three weeks maybe four weeks, three weeks before the event and at best they get the approval two days before the actual event. And in our case last time when in fact the walk, the 23rd Annual Walk for Peace was rejected for the first time in history, that permit was rejected two days before we actually had the event and I think we need to change that because it creates an impossible situation to function with.

Furthermore it does not address why the Chief of Police has to issue the permit in the first place. We have questioned that, why is it the Chief of Police only that has to make that decision? Nor does it provide for an appeal procedure which in all general by-laws that are there, there has to be a mechanism of appealing a decision by one person because it's an arbitrary decision. If one disagrees with the Police Chief's decision for example, if the group wants it on that day the Police Chief says no you have to have it another day, there's got to be some mechanisms independent of the Police Chief that will be able to apply to that body in order to determine whether in fact they are the ones who should get another day or should have the day that they wish.

And finally as I say an appeal procedure somehow must be built into this by-law so that when one disagrees with the Police Chief's decision an independent body can be the final arbitrator in such a situation.

In closing while I want to congratulate Council in attempting to make this by-law more constitutional I feel that it still could be challenged under the Charter of Rights and Freedoms and therefore I would recommend that Council take my comments into consideration, I'm being very careful and very rational here, I don't feel that there's anything here that I've said that anybody who is concerned about civil liberties wouldn't be concerned, and to refer this by-law back to the City Solicitor's office who I hope they are here taking some notes so that it can be further amended or strengthened is what I say so that when it does come back to Council and is passed as a by-law that it is completely in line with the Charter and can withstand any Charter challenges. Thank you very much.

Mr. Speaker: Thank you Nick. I have questions. Do you permit questions?

Mr. Ternette: Yes.

Mr. Speaker: Councillor Gerbasi, followed by Councillor Benham and Councillor Smith.

Councillor Gerbasi: Thank you Mr. Speaker. Nick I just want to clarify your position. What you're saying is that you think the by-law is improved in certain ways but that you still feel the City is at risk for some kind of Charter challenge, is that your position?

Mr. Ternette: Through Mr. Speaker, yes Councillor Jenny Gerbasi. I do feel that the language and the wording of it is not good enough to withstand a challenge. My lawyer at the present time, as you know I'm still under one charge that is under the Provincial legislation of section 73 of the Highway Traffic Act saying that I disobeyed a police officer and that is now being challenged constitutionally in the

courts in fact before we actually go to trial. And if the courts rule that that section is unconstitutional then that whole section which is under the Provincial responsibility would have to be amended. And I would suspect that then section 11 would also be declared unconstitutional and even the amendments that they are now here are not good enough yet because they still create a pediment on the right of assembly.

I think that the by-law is positive because the legal department has recognized that it had to be updated, that it had to be more modernized, that it was unconstitutional. The City Solicitor lawyer has indicated to my lawyer that he felt it was unconstitutional and that's why the changes were being done, but I just think that this hasn't gone far enough. The wording can be improved significantly in at least two areas which I've outlined which would then have a much clearer picture of how groups can function and I think it would withstand any challenges under the Charter of Rights and Freedoms.

Point of Order

Councillor Steeves: Point of order Mr. Speaker if I may.

I'm a little concerned about the discussion as to what our lawyers have indicated vis-à-vis our laws being unconstitutional or not. I don't know if it's appropriate for us to be dealing with that type of thing in this Chamber.

Mr. Speaker: I rule that what we are hearing is opinion and that is, this is a quorum for such a thing. I think Mr. Ternette has been very careful in his words. I don't feel there is any problem that way. Any further Councillor Gerbasi.

Councillor Gerbasi: No thanks.

Mr. Speaker: Councillor Benham.

Councillor Benham: Thank you Mr. Speaker and yes through you to Mr. Ternette on two of the specifics. Mr. Ternette you've proposed a requirement for groups to apply in advance but the problem you identified was the turnaround time back from the Police. Wouldn't you be concerned that if there were a requirement for weeks in advance that might actually prevent somebody from legitimately applying? As it is now you're suggesting that in fact May Day people who want May 1st will be going for it. Shouldn't we be looking at the turnaround time rather than on creating a requirement that may bar a completely legitimate request? I've looked for a technical reason or for a bureaucratic reason.

Mr. Ternette: Mr. Speaker yes, I am sorry, this was just, I am not a lawyer here and I didn't really have time to consult my lawyer to the exact wording. I agree with that. The present regulation under the Traffic Highway Act is 48 hours. That is any group can apply and the Police Chief has to, can make a decision within 48 hours per person. I agree it's the amount of the time period. It's just I can see where groups have regular set dates on a regular period of time. May Day always is May Day and has been for the last 25 years that we've had May Day demonstrations. The Walk for Peace is always the second week of June. Certain groups. Other groups of course don't have specifically set times and they might be more flexible in terms of things, but I think there needs to be a bit of more flexibility and the legislation here simply says 48 hours application and that's it. And I think it leaves open, I think there is some responsibility by groups who want the permits to do some work too. I'm trying to be fair on both sides. The Police have a responsibility but so do the groups that are applying for the permits.

Mr. Speaker: Further supplemental.

Councillor Benham: Just one additional question, thank you for that answer, through you Mr. Speaker to Mr. Ternette, you've mentioned an appeal process as well, through you Mr. Speaker, what appeal process would you suggest?

Mr. Ternette: Mr. Speaker all I know is that in nearly all of the various by-laws that are now being prepared and are being reviewed in terms of the Charter of Rights and Freedoms, there has to be a

way of saying that the Chief of Police should not be the sole arbitrary authority in making the absolute final decision. That is if some group, and it doesn't have to be a political group, it could be anybody who is applying for any kind of a permit, decides that they don't like the decision that was given to them, that they should be able in certain timeframe period be able to go to an independent body either made up of Councillors or some other body that is independent of the Police Chief, it could have a Police person on it, I'm not saying that for traffic purposes but it has a Police person, but it could be a Councillor also on it and somebody else from the City that could look at that situation and review whether in fact the decision of the Police Chief is in fact legit for that purpose.

It's going to happen very rarely. I mean to be very honest of you, the Walk of Peace was the first permit ever denied in 23 years that it's been around. I mean since 1968 I have participated in over 150 demonstrations, I've organized over 100 of them, at least 100 of them personally in many ways and we have never really been denied a permit. So why is this happening all of a sudden? My feeling is sorry and that's an opinion, it is the culture of 911 is starting to seep in here and it's a continual attack on our civil liberties, and I'm worried that in the future these rules will not be applied as fairly as they used to be.

Mr. Speaker: Councillor Smith.

Councillor Smith: Yes, Mr. Ternette you know if we pass this clause what would, and you had some concerns about it, what would you be, would you be going forward challenging it further?

Mr. Ternette: Mr. Speaker, I have, we are already as I say challenging this section of the Highway Traffic Act under the Charter. We don't know whether we are going to win it or not that's obviously a legal decision but yes my lawyers indicated and we are raising funds that if we feel that this section, section 11, which we say is an improvement but not good enough if my lawyer in consultation with the No War Against Iraq Coalition determines that in fact we still feel it is not good enough that we should challenge it under the Charter of Rights and Freedoms we will challenge.

Mr. Speaker: Thank you very much.

Mr. Ternette: Thank you very much.

Mr. Speaker: Moving onto the report of the Executive Policy Committee of April 6th, Mr. Mayor.

**REPORT OF THE EXECUTIVE POLICY COMMITTEE
DATED APRIL 6, 2005**

Mayor Katz: Thank you Mr. Speaker. I would like to introduce the Report of Executive Policy Committee April 6th and move adoption of the Consent Agenda item 1.

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

April 13th, Mr. Mayor.

**REPORT OF THE EXECUTIVE POLICY COMMITTEE
DATED APRIL 13, 2005**

Mr. Mayor: I would like to introduce the report of April 13th and move adoption of Consent Agenda items 1 to 9.

Councillor Gerbasi: Clause 7 please.

Mr. Speaker: Clause 7.

Councillor Steeves: Clause 5.

Mr. Speaker: Clause 5.

Consent items 1 through 4, 6 and 8 and 9. All in favour? Contrary? Carried.

Clause 5. Madam Clerk.

Item No. 5 – St. Vital Memorial Park Redevelopment Project, Harris Park Play Structures, H. S. Paul School Soccer Field Fencing, Bishop Grandin Greenway, Island Lakes Community Play Structure, Shamrock School Recreation Field Redevelopment Project – Land Dedication Reserve File EP-2

Mr. Speaker: Do you wish to introduce the clause Mayor Katz?

Mayor Katz: I think there is no need I'll just let Councillor Steeves.

Mr. Speaker: Councillor Steeves.

Councillor Steeves: Very briefly Mr. Speaker in keeping with our Council priority of making St. Norbert the most important community in Winnipeg we are going to refer this matter back to Riel Community Committee or back to EPC so we can deal with that at that level. I just ask Council for their support in this endeavor. Thank you.

Mr. Speaker: Mr. Mayor do you wish to speak in opposition to the referral of motion?

Mayor Katz: No Mr. Speaker I concur.

Mr. Speaker: Thank you Mr. Mayor. All in favour of the motion to refer? Contrary? Carried.

The clause is referred back to EPC. Clause 7 madam clerk.

Item No. 7 – City of Winnipeg Museums – Heritage Preservation Policy Committee, File PR-9

Mr. Speaker: Mr. Mayor.

Mayor Katz: Mr. Speaker once again I would just love to hear from Councillor Gerbasi.

Councillor Gerbasi: Thank you Mr. Speaker. I just wanted to speak very briefly. I do believe the museums are a very important issue in our City and warrant a little bit of discussion or comment today. We're about to set up a new committee that will be supporting a museum, developing a museum policy, and I think that's something that's long overdue so I'm quite happy to see this development today and I just wanted to make a few quick comments on the record. Mr. Speaker could we have order in the chamber I find it very distracting when the people next to me are having a conversation. Thank you.

Mr. Speaker: I would help you. Order. Order. Councillor Gerbasi.

Councillor Gerbasi: I appreciate the change that was made at EPC to the wording in the recommendation to add a consultative approach in reference to the small museums. I think that's very important. I'm not totally clear what that means and it doesn't seem to mean inclusion of them actually on the committee so I hope that's going to be flushed out a little more but I do appreciate the recognition of the smaller museums definitely should be included in this process as they are museums. There also should be some consideration, which I haven't heard and I did mention this at Executive Policy Committee, that there should be some consideration of the role of Historic Buildings committee as well since they're all housed in historic buildings. Some kind of a liaison relationship with our heritage planner or something if that's necessary as this goes along. Most of those buildings are all historically designated.

I don't believe I also just wanted to comment that I don't believe the time is right to be looking at creating a new Winnipeg museum. We have the Human Rights Museum underway for one thing and such a project ought to be community driven like the Human Rights Museum is and I've really not heard anyone from the community pushing for a new Winnipeg museum. So what is the point of focusing a lot of energy on that. There's nothing wrong with mentioning it and discussing it with the committee but I hope that we really put the focus on the huge asset we have in our neighbourhood museums. They are similar in some ways to the community centre model which we're also

supportive of in that they're volunteer driven and community based.

I hope that the committee will look at ways to better support these museums. And it's not all about increased spending. I think the City should look at a permanent position, somebody who would act in the role of co-ordination, support with fundraising and promotion similar to how we have a BIZ officer to support the business improvement zones. I think there is something we could do there that's a cost effect way to support these community driven facilities.

We must remember also that all museums, all of those small museums are not the same. There is a huge difference between the St. Boniface Museum for example, and some of the other museums, it's really in a different class of museums so there's not really going to be a cookie cutter solution I hope for all of the museums.

So in summary I congratulate EPC for agreeing to create a committee to develop a coherent policy and I truly hope that it comes out as something that will be supporting our existing neighbourhood museums. Thank you Mr. Speaker.

Mr. Speaker: Thank you Councillor Gerbasi. No further speakers. Mr. Mayor do you wish to sum up?

Mayor Katz: Yes. First of all Councillor Gerbasi thank you for your comments, I do appreciate the comments you made today as well as the presentation yourself and I believe Councillor Wyatt did make at EPC. And just for clarification you are absolutely correct. This is just a committee that's being set up and I know that you do support committees for these types of matters. What we are looking for is consultation. There may not be in some people's mind a major dilemma of any kind today. We're hoping to look and to prepare for the future to resolve submissions that may arise.

The one matter that I do have to address is the suggestion that you made about having members of these museums actually sit on this committee. What we are obviously looking for is something objective to look at the whole picture and as you know if someone is representing directly from that museum it's going to be much more subjective. So hopefully with the broad section of people on there you can get positive input that covers everybody's concerns and I will tell you that I believe everybody sees each one of these museums as being very unique and unto them self, they are vastly different but I think this is a good start and it's just looking for consultation and hopefully we'll come up with some positive ideas from this. Thank you very much.

Mr. Speaker: Thank you Mr. Mayor. Question on clause 7. All in favour? Contrary? Carried.

Report of April 20th, Mr. Mayor.

**REPORT OF THE EXECUTIVE POLICY COMMITTEE
DATED APRIL 20, 2005**

Mayor Katz: Mr. Speaker I would like to introduce the report of April 20th and move adoption of Consent Agenda items 1 to 5.

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

EPC motions, none. By-laws third reading only, Mr. Mayor.

EXECUTIVE POLICY COMMITTEE CONSIDERATION OF BY-LAWS

Mayor Katz: I would move that the following By-laws be read a third time and that same be passed and ordered to be signed and sealed, By-law No. 50/2004, By-law No. 112/2004, By-law No. 145/2004.

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

Consideration of By-laws for all three readings Mr. Mayor.

Mayor Katz: I would move that the following By-laws be read a first time, By-law No. 74/2005, 80/2005, 81/2005, 82/2005, 88/2005 and 89/2005.

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

Clerk: By-laws numbered 74/2005, 80/2005, 81/2005, 82/2005, 88/2005 and 89/2005.

Mr. Speaker: Mr. Mayor.

Mayor Katz: I would move that By-law Nos. 74/2005, 80/2005 to 82/2005, both inclusive, 88/2005 and 89/2005 be read second time.

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

Clerk: By-laws numbered 74/2005, 80/2005 to 82/2005 both inclusive, 88/2005 and 89/2005.

Mayor Katz: Mr. Speaker I would move that the rule be suspended and By-laws No. 74/2005, 80/2005 to 82/2005 both inclusive, 88/2005 and 89/2005 be read third time and that same be passed and ordered to be signed and sealed.

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

Second reading only Mr. Mayor.

Mayor Katz: I would move that By-law No. 46/2005 be read a second time.

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

EXECUTIVE POLICY COMMITTEE QUESTION PERIOD

Mr. Speaker: Question Period, Councillor Benham, followed by Councillor Gerbasi.

Councillor Benham: Thank you Mr. Speaker. Mr. Speaker through you to the Mayor. Bus rapid transit qualified for funding under the Canada Strategic Infrastructure Fund and recreation centres didn't a fact confirmed by Minister Alcock last week. On the other hand the City's recreation centres did qualify for federal funding under a different fund, a Municipal Infrastructure Fund which the City never applied for. Mr. Speaker in light of the fact the City of Winnipeg qualified for federal money for bus rapid transit and federal money for recreation centres, why did the Mayor fail in his fiduciary duty to get both.

Mr. Speaker: Excuse me I think you can leave fiduciary duty out of that. It's certainly not fiduciary duty.

Councillor Benham: I understand, Mr. Speaker, why did the Mayor fail to get both?

Mr. Speaker: Thank you. Mr. Mayor.

Mr. Mayor: Thank you very much for that question Councillor Benham. First of all is we don't use the F word, number one, I don't believe anybody has failed whatsoever. As a matter of fact if you would have been at the press conference which you were but I guess you didn't stay around where Minister Alcock specifically told the media on camera that if our Rapid Transit Commission were to come forward with a recommendation, whatever that might be, that the government would be happy to address that issue as well as looking for funds.

Number two is that we do have money right now for recreational facilities which obviously myself and the majority of Council believes to be a priority. As you alluded to, that the movement of money from one to the other which I think was the comments you were making, you probably know better than anyone that it's quite common for governments to do this. As a matter of fact I believe you were part of the process whereby when we have a spectacular pedestrian bridge commonly referred to Esplanade Riel, you know that the provincial government put no monies in there, that the City of Winnipeg put the majority of monies in there and vice versa on Waterfront Drive where the Provincial government put the majority of monies in there. So this is a common practice that happens all the time.

I believe in the very near future when we do have a plan that's gone through proper consultation and recommendations made by a Rapid Transit Commission, we will then address that issue and we will then go forward looking to all levels of

government for support on whatever it is we need. Thank you.

Mr. Speaker: Thank you Mr. Mayor. Supplemental Councillor Benham.

Councillor Benham: Thank you Mr. Speaker. What steps has the Mayor taken to protect the City's interests in not only the matter of recreation centres but also I gather from comments he made last week about sewer and water, if there is a change in the Federal government. The question is what's being done to protect the City's interests?

Mr. Speaker: Mr. Mayor.

Mr. Mayor: Thank you Councillor Benham. I believe what you're probably really asking is when are we going to get a signed agreement to make sure that this comes into effect. You know it's rather interesting. I'm looking at a press release which I believe in your former life you may have even participated in. It's called *Priorities for Strategic Infrastructure Projects in Manitoba*. It's dated March the 19th where three projects were announced. It's basically Kenaston, it's BRT, and it's water.

As I'm sure you are aware of, it took a year for the very first one of these projects to actually have a signed agreement, considering I just signed Kenaston approximately four weeks ago and to date either agreement still has not been signed, so obviously these things do take time. I can assure you that I will work very hard to make sure it doesn't take as long as it took on these to make sure we get them signed as quickly as possible, to make sure that everybody recognizes it and I will tell you right now that I believe all of the governments in Ottawa believe that this is a priority and will definitely support this. I have no doubt in my mind about it whatsoever. Thank you.

Mr. Speaker: Final supplemental Councillor Benham.

Councillor Benham: Thank you Mr. Speaker, through you to the Chair of the Rapid Transit Task Force, Councillor Wyatt, what point is there in the hard work being done by the task force and consulting the public if there is no certain money at the end for the task force's recommendations.

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

Councillor Wyatt: Thank you Mr. Chairman, as been pointed out by the Mayor, quite rightly the task force is working on formulating recommendations and coming forward. And I'm sure that when those recommendations come forward, at that time Council will be able to address them and go forward and look at funding, depending on what the recommendations are of the task force, what funding is necessary, what levels of government are there.

The task force recommendation, the report that created the task force was very clear, that ideally 2/3's of funding should come from other levels of government, so that's clearly going to be an issue and we will deal with that at that time Mr. Speaker.

Mr. Speaker: Thank you Councillor. Councillor Gerbasi.

Councillor Gerbasi: Thank you Mr. Speaker, my question today is about the diversity in our City. The diversity report card was released recently and it shows that our City administration is doing a pretty good job of working towards a more diverse workforce, looking at our, including higher levels of our targeted groups. However when one looks at the positions of power within the political staff in the Mayor's office and the EPC Secretariat, it is very clear that targeted groups for diversity are severely under represented. The Chief of Staff, Deputy Chief of Staff, Director of Communications, Press Secretary, Manager of EPC Secretariat and Director of Strategic Initiatives, in fact all of the high ranking positions are held by a single homogeneous group, young white males. As a leader and a role model for our City, will the Mayor make a commitment that the future hiring of political staff, that he will choose from a wider pool and will

make some effort to comply with the spirit of our City policies on diversity?

Mr. Speaker: Mr. Mayor.

Mr. Mayor: Thank you Councillor Gerbasi. The easiest way for me to address that question is to tell you that your interpretation of who's in these so called powerful positions let the record show that these are individuals that I have never met in my life. These are all strangers who came into my life. Did not know one of them. As a matter of fact, haven't known any of them for more than ten months. But you know what, its interesting how people including yourself may want to criticize these individuals. May want to say whatever you say that maybe they're young, which I happen to think young is good. I like giving young people an opportunity. Maybe the fact that they're white, which to be very frank with you they are. But the one question you never asked me which to me is the most important thing. The responsibility of the Mayor's office is to the citizens of the City to do the best possible job you can running the City and basically spending their monies. And you know what I want to have the best people available and not once has anybody ever asked, are these people qualified, are they good at what they do and if that doesn't count to you, you know what it certainly counts to me, no matter their race, no matter their age, no matter anything about them. I look for the very best people and if you're not happy with that, I'm sorry.

And I will tell you one further thing, if you want to talk about decorum and you want to talk about the issue at hand, I think maybe you should take a page out of your own book, okay. And maybe you should treat your own Councillors with a little bit of respect, as opposed to getting vehemently violently upset and yelling and screaming and tossing a Councillor out of someone's office when you stuck with this issue. Don't shake your head you know what I'm talking about. You should come talk to me. So you know what, if you want to play by the rules, then I think you'd better learn the rules as well. Thank you very much.

Mr. Speaker: Thank you Mr. Mayor, Councillor Gerbasi, supplemental.

Point of Order

Councillor De Smedt: Point of Order. We need a response Mr. Speaker.

Mr. Speaker: That's fine. I think (In audible) stand up position (In audible).

Councillor Gerbasi: I'll move onto the next issue because what I just heard made no sense and had nothing to do with what I said. And I would like to thank the Mayor for something in my next point, but I also if you don't mind me just saying that I did not impugn anything about the quality of anybody's work. I'd like to thank the Mayor for his position of support for the IATSE members that have been denied work at the MTS Centre in favour of a B.C. company. I know I can't.

Mr. Speaker: This is a supplemental, no preamble please.

Councillor Gerbasi: Okay, well I'm only allowed two rounds of questioning so I'm trying to sneak it in, but immediately following the Juno's, the letter we all heard about was withdrawn and there is no deal for IATSE, we're the same as we were before, I can table that information for Council, would the Mayor like to comment, I know he's been supportive of IATSE on this issue and I'd like to give you a chance to let us know what you intend to do, this issue is not going to go away and I just want to know what you will continue to do. Thank you.

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

Mr. Mayor: Thank you Councillor Gerbasi. You're 100 percent correct. What took place at the Juno's took place and after that it remained the status quo.

I've received actually just recently I received a letter from Barney Haines thanking me for my support. But the reality is you feel rather helpless unless someone on this, you know Council floor has an idea of what we can actually do. I mean bottom line is they are negotiating

with the private sector. The building is privately owned. We don't have a lot of say in what goes in there. I have looked to see if there are any opportunities and as of yet I haven't come up with anything and if you have come across something and you want to share that with me, I would be happy to get together with you, I appreciate that very much.

There is an issue there that's not going to go away and it appears they're not getting any closer. It's an issue that I also feel that could be easily resolved if everybody maintained an open mind. I do believe in some areas lines have been crossed. There have been personal attacks on people and their families which I think is crossing the line, so I can understand how some of the principals of True North and the Manitoba Moose feel.

By the same token, we do have very qualified people who have spent almost their entire lives in the City who can do as good a job as anybody as well as for the same fee and for us not to try and take advantage of that, it doesn't make sense to me. And also I will, just to remind you of one other thing, I don't believe and you can check that you ever received a phone call from me telling me that your executive assistant is a young white male. Thank you very much.

Councillor Gerbasi: That wasn't my question.

Mr. Speaker: Councillor Gerbasi, final supplemental.

Councillor Gerbasi: And I'll rise as one of two female members of Council with my next supplementary question. The operating budget in 2004, there was a clause in there asking the administration to report back on the solid waste user pay garbage issue and we all read in the media that this has been killed behind closed doors without any Council discussion. Would you please, would you be willing to release the report that the administration wrote that none of us have ever seen discussing that issue so that we could have an informed and fair democratic discussion with all members of Council?

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

Mr. Mayor: Thank you Councillor Gerbasi. First of all on the solid waste. There may be different opinions but going around Council it was very obvious that Council did not really have a taste of making this become a reality. Although the issues are very important and I think we should be addressing them and their time has to come, that we have yet been able to come up with ways of resolving some of the main issues. You know, you were here for that debate, I wasn't. I had the opportunity of reading about it and watching some of it on TV, but we do have some major issues that need to resolve, they don't have answers to them at this stage of the game. So without having answers to keep issues, I don't see how we could proceed, as far as Council having further dialogue on this, I certainly have no problem with that whatsoever. Thank you.

Mr. Speaker: Thank you Mr. Mayor, any other Councillors with questions, if not, we will proceed if there is a will with a second round. Does anyone else have questions of the Mayor? If not we'll move onto the Standing Policy Committee on Downtown Development, report of April 4th, Councillor De Smedt and I would ask you to leave Item 5 off the Consent Agenda.

REPORT OF THE STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT DATED APRIL 4, 2005

Councillor De Smedt: Yes, thank you very much Mr. Speaker and for the guidance of Council clause 3 has been referred back to the Downtown Development Committee so I am moving clause 1, 2 and 4 as consent.

Mr. Speaker: All in favour? Clause 2 has been asked to be stood down.

Clauses 1 and 4 all in favour? Contrary? Carried.

Clause 2. Madam Clerk reintroduce the clause please. Clause 2.

**Item No. 2 - University of Winnipeg - Transit Friendly Pedestrian Mall – Spence Street between Portage Avenue and Ellice Avenue
File T**

Mr. Speaker: Councillor De Smedt.

Councillor De Smedt: Thank you very much Mr. Speaker. I think everybody is familiar with this project. I think there is a marvelous opportunity here to do some readjustment to Spence Street to allow a tremendous initiative by the University of Winnipeg to do some changes in urban design. We look forward to the question I guess. I think it's a positive feature that's going to happen here in the City so I will listen to the question appropriately.

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

Councillor Benham: Mr. Speaker I chose this way rather than a restrictive point of order but I seek guidance from the chair, I have been under contract with the University of Winnipeg in the past but I no longer am. I've had a final paycheck from them. Would it be the ruling of the chair that I could speak and vote on this? I'll ask that first and then I would like to speak briefly if that's the rule.

Mr. Speaker: I would rule you absolutely can. You are not part of bringing this about. You have nothing financially to gain whether past or lose. Feel free. Do you wish to speak to the clause?

Councillor Benham: I would just very briefly Mr. Speaker. Just I couldn't, I agree completely with the chair. I think this is a very positive move for the City. It's part of a number of moves that the University has made since Lloyd Axworthy came back and became President. It includes a lot of outreach into the community. As someone who has not only been in that neighbourhood involved with the University of Winnipeg but on the other side of the street working for CBC, I think this will be a tremendous improvement to the neighbourhood and give a lot of opportunities to the University to interact with the community. And I'll keep my comments brief. Thank you, Mr. Speaker.

Mr. Speaker: Further speakers, Councillor Smith.

Councillor Smith: Yes Mr. Speaker this is a great development. This is in my ward and I know the University has consulted with the people in the neighbourhood. I've never seen such activity to improve that area of the City. Lloyd Axworthy has to be congratulated for the effort and, well my friend here says congratulate the whole Liberal party, but the fact is there are services at the University that are going to be made available to the community. So this is really very, very vital. This is a very vital step and I hope we'll be unanimous in support. Thank you.

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

Councillor De Smedt: Thank you very much Mr. Speaker and colleagues. I'm very pleased to move this clause. I think it is a very positive development and we thank all those who have been involved and Councillor Smith you're community has been very kind in their support in working with the University of Winnipeg. So I'd like to move clause 3.

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

Clause 5, Mr. Mayor.

**Item No. 5 - CanWest Global Stadium - Request to amend a Lease Agreement to permit an outdoor advertising sign on Parcel 5 - "The Island" between Pioneer and Water Avenues East of the CNR Highline
File FI-2.2(32)**

Mayor Katz: Mr. Speaker as a result of a pecuniary interest, i.e. I own Winnipeg Goldeyes, on item 5 I will not participate in the debate and I will remove myself from the chamber. Thank you.

Mr. Speaker: Thank you. While the transition is in force I've been informed by the City Clerk Councillor Benham and

rightfully that when you asked me that question the proper procedure, when you are in doubt is to not, is to prior to the meeting to contact the City legal staff or other legal beagles if you prefer to clarify that for yourself rather than rely on the ruling of the chair on it. However I'm very sure on what I said on that. Thank you.

Councillor Benham: Thanks Mr. Speaker I take that advice. Thank you.

Mr. Speaker: Clause 5.

Councillor De Smedt: Thank you very much Mr. Speaker and I would like…

Mr. Speaker: You have announced the clause madam clerk I believe.

Councillor De Smedt: Yes I think so, I would move clause 5 as consent of the Committee on Downtown Development.

Mr. Speaker: On the clause itself. All in favour? Contrary? Carried.

By-laws, Councillor De Smedt.

STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT CONSIDERATION OF BY-LAWS

Councillor De Smedt: I would like to move that By-law 79/2005 be read a first time.

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

Clerk: By-law No. 79/2005.

Councillor De Smedt: I would like to move that By-law 79/2005 be read a second time.

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

Clerk: By-law No. 79/2005.

Councillor De Smedt: And I'd like to move By-law 79/2005, I'm sorry, that the rule be suspended and that By-law 79/2005 be read a third time, and be passed and ordered to be signed and sealed.

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

Questions? None.

The report of the Standing Policy Committee on Property and Development report of April 5th, Councillor De Smedt.

REPORT OF THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT DATED APRIL 5, 2005

Councillor De Smedt: Mr. Speaker I am pleased to move the report of Standing Policy Committee of the 5th of April clauses 1 to 10 as consent.

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

Motions, we have motion no. 1 which I believe is a technical correction Councillor De Smedt.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT MOTIONS

Moved by Councillor De Smedt,
Seconded by Councillor Clement,

WHEREAS on March 23, 2005, Council adopted Item 5 of the Report of the Standing Policy Committee on Property and Development dated March 7, 2005, with respect to Street Closing – parts of Kenaston Boulevard under File DAC 21/2004;

AND WHEREAS Recommendations 1 and 2 in said Item 5 make reference to effecting the closing in accordance with Misc. Plan No. 12154/1;

AND WHEREAS ON April 1, 2005, a revised Plan was submitted by Hopewell Development Corporation;

AND WHEREAS the Public Works Department has requested that the revised Plan be substituted for Misc. Plan No. 12154/1;

THEREFORE BE RESOLVED THAT Council reconsider its decision of March 23, 2005, with respect to Item 5 of the Report of the Standing policy Committee on Property and Development dated March 7, 2005, as follows:

1. That Clause 1 be amended by deleting the words "Misc. Plan No. 12154/1" and substituting therefore the words "Misc. Plan No. 12519".

2. That Clause 2 be amended by deleting the words "Misc. Plan No. 12154/1" and substituting therefore the words "Misc. Plan No. 12519".

3. That Misc. Plan No. 12154/1 be deleted and Misc. Plan No. 12519 be substituted therefor.

Councillor De Smedt: Yes, Mr. Speaker for the approval of Council these are administrative corrections.

Mr. Speaker: Taken as read. All in favour? Contrary? Carried.

By-laws, Councillor De Smedt.

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

Councillor De Smedt: Mr. Speaker I'd like to move By-law 63/2005 to 73/2005 all inclusive, By-law 75/2005 to 78/2005 all inclusive, and By-law 85/2005…

Mr. Speaker: It didn't work out. By-law 63/2005, 64/2005, 65/2005 and 66/2005 and then it stops. There is no By-law 67/2005, 68/2005 or 69/2005 on our agendas.

Councillor De Smedt: It didn't work out? 63/2005 right though to 73/2005 I think. I apologize I thought I read that. Then I take your correction Mr. Speaker.

Mr. Speaker: Councillors let us move By-laws 63/2005 to 66/2005 both inclusive, By-laws 70/2005 to 73/2005 both inclusive, By-law 75/2005 to 78/2005 both inclusive and 85/2005 be read a first time.

Councillor De Smedt: By-laws 63/2005 to 66/2005 both inclusive, By-laws 70/2005 to 73/2005 both inclusive, By-law 75/2005 to 78/2005 both inclusive and 85/2005 be read a first time.

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

Clerk: By-laws numbered 63/2005 to 66/2005 both inclusive, 70/2005 to 73/2005 both inclusive, 75/2005 to 78/2005 both inclusive and 85/2005.

Councillor De Smedt: Thank you Mr. Speaker. I'd like to move that By-laws 63/2005 to 66/2005 both inclusive, By-laws 70/2005 to 73/2005 both inclusive, By-law 75/2005 to 78/2005 both inclusive and 85/2005 be read a second time.

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

Clerk: By-laws numbered 63/2005 to 66/2005 both inclusive, 70/2005 to 73/2005 both inclusive, 75/2005 to 78/2005 both inclusive and 85/2005.

Councillor De Smedt: Mr. Speaker I'd like to move that the rule be suspended and By-laws numbered 63/2005 to 66/2005 both inclusive, 70/2005 to 73/2005 both inclusive, 75/2005 to 78/2005 both inclusive and 85/2005 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.

Questions? None.

Standing Policy Committee on Protection and Community Services the report of March 11th item 2, Councillor Steeves.

REPORT OF THE STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES DATED MARCH 11, 2005

Councillor Steeves: Thank you Mr. Speaker. Just to advise...

Mr. Speaker: Oh it's been laid over, my apologies. The report of April 11th.

REPORT OF THE STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES DATED APRIL 11, 2005

Councillor Steeves: It's okay Mr. Speaker. Regarding the report of April 11th, 2005 I'll introduce the report and move the adoption of consent items 1 and 2.

Mr. Speaker: All in favour? Contrary? Carried. We have no motions.

Councilor Steeves: Actually Mr. Speaker, although my screen says items 1 and 2 there is four items on the report. There is a typo on the computers. So it's Items 1 to 4.

Mr. Speaker: Items 1 and 2 by consent. Items 3 and 4. All in favour? Contrary? Carried.

Moving on to By-laws, none. Questions? No questions. Move on to the report of the Standing Policy Committee on Public Works. The report of April 12th, Councillor Eadie.

REPORT OF THE STANDING POLICY COMMITTEE ON PUBLIC WORKS DATED APRIL 12, 2005

Councillor Eadie: Yes, Thank you Mr. Speaker I'm pleased to move that the report of the Public Works Committee for April 12th be received and clauses 1 and 2 be adopted by consent.

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

Motions, none. By-laws.

STANDING POLICY COMMITTEE ON PUBLIC WORKS CONSIDERATION OF BY-LAWS

Councillor Eadie: Mr. Speaker I'll move that By-law No. 68/2005, 69/2005 and 86/2005 be now read a first time.

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

Clerk: By-laws numbered 68/2005, 69/2005 and 86/2005.

Councillor Eadie: Mr. Speaker I'll move that By-law No. 68/2005, 69/2005 and 86/2005 be read a second time.

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

Clerk: By-laws numbered 68/2005, 69/2005 and 86/2005.

Councillor Eadie: And Mr. Speaker I'll move that the rule be suspended and By-law No. 68/2005, 69/2005 and 86/2005 be read a third time and passed in order to be signed and sealed.

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

Questions? Councillor Gerbasi followed by Councillor Swandel, followed by myself. Councillor Lazarenko would you take the chair for question period please.

(Councillor Lazarenko in the chair)

STANDING POLICY COMMITTEE ON PUBLIC WORKS QUESTION PERIOD

Councillor Gerbasi: Thank you. My question is regarding the user pay garbage issue. There was a report, I asked the Mayor something about this earlier, but there is a report out there that whether or not we are going to proceed with it or not that has a bunch of information that Council asked for last year. It talks about the future of autobins and a number of things and I know there is a report and that informal EPC decided to kill that report and I guess knowing that you are an expert in protocol around here, would you not ensure that that report could be released so that the rest of us could at least see that report and know what it was that the administration came up with. We are going to continue to need to think about this issue in the future and I would like to know what the administration said that Council asked

them to last year. If you could please advise if that could be released. Thank you.

Mr. Deputy Speaker: Councillor Eadie.

Councillor Eadie: Mr. Speaker I haven't seen the so called report. I know that staff have been trying to write a number of things and try to resolve some issues that we couldn't resolve when we last had the debate some three or four years ago. So I'd have to check further on that, but I haven't seen any documentation myself so I don't know if there is actually a completed report and if there is I don't know what's in it.

Mr. Deputy Speaker: Councillor Gerbasi. The second followed by questions Councillor, the new Councillor Justin Swandel.

Councillor Swandel: Thank you Mr. Speaker. Mr. Speaker I would like to, through you, ask the Chair of Public Works in light of ongoing problems we have had with garbage pick-up in the south end of the City if he has any information he can provide Council today.

Mr. Deputy Speaker: Councillor Eadie.

Councillor Eadie: Mr. Speaker what I do know and I haven't been fully updated on the latest development, I know there was a considerable, a serious problem with refuse collection in the southern part of the City last week. Extra large volumes of material because of spring clean-up and all that sort of thing and it did put the refuse collection behind considerably and I know that staff were working through last weekend to try and clean it up. There were a number of issues I think with a number of sick calls and things like that which also depleted our resources but to the best of my knowledge that has now been caught up. At least I certainly hope it has, but I don't have a briefing as of this morning.

Mr. Deputy Speaker: A second supplementary, Councillor Swandel.

Councillor Swandel: Mr. Speaker I would like to ask through you if the Chair would be kind enough to have the administration provide the Public Works Committee with a brief report outlining exactly what happened and what we can do to address the problem so it doesn't happen again in the future.

Mr. Deputy Speaker: Thank you. Councillor Eadie.

Councillor Eadie: Mr. Speaker I would be happy to do that and ask our administration to provide us with a report and an update and possible solutions for the future.

Mr. Deputy Speaker: Thank you. That's it. Councillor O'Shaughnessy your first.

Councillor O'Shaughnessy: Thank you Mr. Speaker. I received an email over the weekend from a constituent who was a little bit taken aback to find out that although City by-laws require him to maintain the boulevard in front of his home that he was not allowed to prune the trees on the City boulevard, nor was he allowed to hire qualified experts, landscapers, to do the said pruning. He tried to hire one of the City's more noted landscaping companies. They told him they were not allowed to touch trees on City boulevards, that only City staff could prune these trees. I have also read a report that said quoting one City staff member, saying it might be fifty years before they can get around to trimming any given tree within the City.

My question Mr. Chairman, is is there a special reason that goes over my head as to why people are responsible for maintaining their own boulevard but can't touch the tree or even have experts do the pruning of dead branches. And to eliminate any supplemental, would be taken under advisement the possibility of an amendment to this procedure, I know it's not a City policy I've checked the manual, it is a departmental procedure. When you take under suggestion the idea of allowing people to take it upon themselves if they do it in a safe manner

with approved personnel to prune their boulevard trees.

Mr. Deputy Speaker: Councillor Eadie.

Councillor Eadie: Short answer Mr. Speaker is yes. We can certainly have Forestry branch review that. Obviously if they have to have some contractual arrangements to make sure the people are qualified just as our own staff are and then they have to be paid. Obviously if we had lots of money in the budget to do a lot of this quicker we would be doing this ourselves. But I don't mind taking that under advisement to see if there is a ways and means of trying to resolve that or allow citizens to engage private contractors who are appropriately trained to do that kind of work and bill the City for it. So, I've also have a chance to talk with your constituent who raised that with you and I will be talking with him again in the near future Mr. Speaker of this.

Mr. Deputy Speaker: Thank you. That's it Councillor O'Shaughnessy. No further questions.

Fiscal Issues, Councillor Clement, report of April 12th, 2005.

REPORT OF THE STANDING COMMITTEE ON FISCAL ISSUES DATED APRIL 12, 2005

Councillor Clement: Thank you Mr. Speaker I'll move the report of Fiscal Issues dated April 12th. I'll move clause 1 as consent.

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

Motions? Mr. Clerk none, no motions. Consideration of By-laws, Councillor Clement.

STANDING COMMITTEE ON FISCAL ISSUES CONSIDERATION OF BY-LAWS

Councillor Clement: I'll move that By-laws 83/2005 and 84/2005 be read a first time.

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

Clerk: By-laws numbered 83/2005 and 84/2005.

Councillor Clement: I'll move that By-laws 83/2005 and 84/2005 be read a second time.

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

Clerk: By-laws numbered 83/2005 and 84/2005.

Councillor Clement: I'll move that the rule be suspended and By-laws No. 83/2005 and 84/2005 be read a third time and that same be passed in order to be signed and sealed.

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

Question Period. None.

Alternate Service Delivery Consideration of By-laws be read a first time short, Councillor Eadie.

ALTERNATE SERVICE DELIVERY COMMITTEE CONSIDERATION OF BY-LAWS

Councillor Eadie: Yes thank you Mr. Speaker and on behalf of the ASD Committee I'll move that By-law 87/2005 be now read a first time.

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

Clerk: By-law No. 87/2005.

Councillor Eadie: Mr. Speaker I'll move that By-law 87/2005 be read a second time.

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

Clerk: By-law No. 87/2005.

Councillor Eadie: Mr. Speaker I'll move that the rule be suspended and By-law

87/2005 be read a third time and passed and ordered to be signed and sealed.

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

Councillor Swandel moves adjournment.

All in favour? Contrary? Carried.

ROLL CALL

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

COUNCIL ADJOURNED AT 10:43 a.m.