REPORT OF THE

STANDING POLICY COMMITTEE

ON PROTECTION AND COMMUNITY SERVICES

DATED JUNE 4, 2001

On motion of Councillor Gerbasi, the Report of the Standing Policy Committee on Protection and Community Services, dated June 4, 2001, was considered clause by clause.

Moved by Councillor Gerbasi,
That the Consent Agenda, Clauses 1,2,3,4,5,6 and 7, be adopted.

Councillor Steeves requested that Clause 6 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,3,4,5 and 7, was put and declared carried.

Proposed Amendments to the Pound By-law No. 2443/79 – Dog Licenses and Rabies Vaccinations

File EL-4 (Vol. 30)

642 - 1. The Standing Policy Committee on Protection and Community Services has been advised that on September 24, 1997, Council adopted amendments to Pound By-law No. 2443/79 to allow dog licenses and annual renewal of dog licenses to be available at veterinary clinics in the City of Winnipeg.

Council also adopted amendments removing the rabies vaccination requirement for dogs in the City of Winnipeg as a pre-requisite to licensing, making it a stand alone responsibility of dog owners; and also reduced the vaccination period from 2 years to 1 year. At that time, Animal Services had identified the requirements of dog owners to provide proof of vaccination prior to licensing as a hindrance to selling new licenses. In addition, consultation with the Veterinary Association and Academy had resulted in a recommendation that the 2 year period identified in the by-law for rabies vaccination be reduced to 1 year.

License Sales:

In 1997, it was not anticipated that Animal Services would pursue outlets for license sales/renewals other than at veterinary clinics.

In the five year Business Plan for the Animal Services Special Operating Agency, alternative outlets for license sales/renewals were identified as a strategy for achieving it's goal of being financially self-sustainable to the greatest extent possible. The by-law amendment adopted in 1997, restricts sales/renewals to veterinary clinics and Animal Services only. By removing this restriction and allowing licenses to be sold at any outlet deemed appropriate by Animal Services, the Agency will be able to actively pursue alternative and innovative ideas for increased license sales and customer flexibility.

Rabies Vaccinations:

Since the rabies vaccination period was reduced to one year from two years, there have been significant advances in the effectiveness of rabies vaccines available to dog owners. Typically the vaccines used today are effective for at least two years, and some for three. Research into rabies vaccines and their effectiveness is on going with strong suggestions that the availability of a long term, or even lifetime vaccine, is just around the corner.

At a recent meeting with the Veterinary Academy, it was suggested that the wording in the by-law should reflect the end date of the vaccine effectiveness rather than the date of vaccination. That way, if a dog was vaccinated with a 2 year, 3 year, or longer effective vaccine, the intent of the by-law to ensure rabies vaccination could be substantiated without forcing dog owners to over vaccinate.

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Section 17 (g) and (h) of Pound By-law No. 2443/79 do not allow for further expansion of license sales into outlets such as pet stores, etc. Due to ongoing medical research and improvements to rabies vaccine, Section 20(1)(j) requires updating to be effective.

There is no financial impact.

The Standing Policy Committee on Protection and Community Services recommends:

I. That Pound By-law No. 2443/79 be amended as follows:-

a) Section 17(g) - remove the words after "or any" and insert the words "other outlet deemed appropriate by the Animal Services Agency".

b) Section 17 (h) - remove the words "Any veterinary clinic wishing to sell licenses shall" and insert the words "Any other outlet".

II. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary amending by-law.

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

Adopted by consent.

Service Agreement with the Winnipeg Humane Society

File EL-4 (Vol. 30)

643 - 2. The Standing Policy Committee on Protection and Community Services has been advised that on October 22, 1997, Council adopted amendments to the Animal Services By-law No. 2443/79 to control cats running at large and for the Winnipeg Humane Society to house cats trapped pursuant to the by-law.

Council on April 29, 1998, entered into a three year service agreement between the City of Winnipeg and the Winnipeg Humane Society. This agreement amalgamated pre-existing agreements and provided for increased resources needed as a result of kenneling cats. The agreement was for a period of three years, commencing January 1, 1998 to December 31, 2000.

The Animal Services Agency still provides cat traps to homeowners as per the by-law to control cats running at large. The Winnipeg Humane Society continues to kennel these cats as well as provide other services as identified in Section 2 (1) & (2) of the previous agreement.

The cost for the service provided by the Winnipeg Humane Society is $125,000.00 per year. The cost for another three years will remain the same. Funding for this service is available in the Animal Services Agency budget and is identified as an annual expense in the Agency's five year projected financial statement.

The previous agreement with the Winnipeg Humane Society expired and needs to be renewed. This is a multi-year agreement and requires Council approval.

Copies of the previous agreement and the Financial Impact are on file in the office of the City Clerk.

The Standing Policy Committee on Protection and Community Services recommends:

I. That the City renew the agreement with the Winnipeg Humane Society for another three years beginning January 1, 2001 and terminating on December 31, 2003.

II. That the cost for this agreement remains unchanged at $125,000.00 per annum.

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

Adopted by consent.

Community Incentive Grant Application – Corydon Avenue Business Improvement Zone
File PR-2.6(32) (Vol. 9)

644 - 3**.** The Standing Policy Committee on Protection and Community Services has been advised that the City Centre Community Committee, at its meeting on May 8, 2001, considered an application from the Corydon Avenue Business Improvement Zone for a Community Incentive Grant in the amount of $2,137.50, to assist with the cost of benches on Corydon Avenue.

The application does not meet the eligibility criteria contained in the Community Incentive Grant Program.

The City Centre Community Committee recommended approval of a Community Incentive Grant to the Corydon Avenue Business Improvement Zone in the amount of $2,137.50, for the purpose requested.

The Standing Policy Committee on Protection and Community Services concurred in the recommendation of the City Centre Community Committee, and recommends:

I. That the following eligibility criteria for the Community Incentive Grant Program, be waived in this instance, namely:-

a) The organization is to be a non-profit community recreation and sport organization or a non-profit organization offering recreational services, and

b) The project is to make a significant contribution to the long-term benefit of the community-at-large in terms of improved facilities.

II. That a Community Incentive Grant in the amount of $2,137.50, not to exceed a maximum of fifty percent (50%) of the total project cost, be approved to the Corydon Avenue Business Improvement Zone for the purpose requested, subject to the following conditions:

a) Confirmation of other funding sources;

b) Approval of final plans and specifications for the project by the Director; and

c) The applicant entering into a formal agreement with the City of Winnipeg.

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

Adopted by consent.

Community Incentive Grant Application – Grosvenor School Association
File PR-2.6(32) (Vol. 9)

645 - 4. The Standing Policy Committee on Protection and Community Services has been advised that the City Centre Community Committee, at its meeting on May 8, 2001, considered an application from the Grosvenor School Association for a Community Incentive Grant in the amount of $20,000.00, to assist with the cost of play structure replacement.

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The City Centre Community Committee approved a Community Incentive Grant to the Grosvenor School Association in the amount of $10,000.00; and further recommended approval of an additional amount of $10,000.00 as a first charge against the 2002 allocation, for the purpose requested.

The Administration advised that the application meets the eligibility criteria contained in the Community Incentive Grant Program, however, a first charge on the 2002 Capital Budget Program would require approval by Council.

The Standing Policy Committee on Protection and Community Services concurred in the recommendation of the City Centre Community Committee, and recommends:

I. That a Community Incentive Grant in the amount $10,000.00, as a first charge against the 2002 allocation, not to exceed a maximum of fifty percent (50%) of the total project cost, be approved to the Grosvenor School Association, for the purpose requested, subject to the following conditions:

a) Confirmation of other funding sources;

b) Approval of final plans and specifications for the project by the Director; and

c) The applicant entering into a formal agreement with the City of Winnipeg.

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

Adopted by consent.

Proposal to change the Certified Food Handler Training and the Certified Food Handler Challenge Exam Fees
File EH-1.6 (Vol. 4)

646 - 5. The Standing Policy Committee on Protection and Community Services has been advised that Environmental Health Services, previously known as the Public Health Division of the City of Winnipeg Health Department, has been delivering certificate food handler training courses with an exam since 1988.

Amendments to the City of Winnipeg Food Service Establishments By-law No. 5160/89 which came into effect March 31, 1996, state that “no person shall operate a food service establishment unless a person in charge has successfully completed the Certified Food Handler Training Program” and “no person shall operate a food service establishment employing more than five person on duty at any one time unless there is a person in charge present during all operating hours who has successfully completed the Certified Food Handler Training Program.”

The purpose of these amendments was and is to ensure that persons operating or in charge of food handling establishments have a basic understanding of food safety. This measure is an important component of reducing the risk of food borne illness in food service establishments located within the City of Winnipeg.

Since 1995, approximately 11,000 food handlers have been awarded the City of Winnipeg Food Handler Certificate. The present course fee is $52.00. Persons wishing to challenge the exam without taking the course are charged a fee of $22.00. The fees have not increased since 1998.

Environmental Health Services has spent a significant amount of time and resources updating and improving the course and exam. The Branch is also in the process of developing additional reference material that will reinforce safe food handling practices in the work place. Some of the handouts are intended to be posted in the workplace to serve as on the job reminders. There is also a need to replace the out dated audio visual material in order to keep the course current and updated.

Three different versions of the exam have been developed in order to ensure its integrity. Additionally, steps have now been taken to allow students to take the exam in Cantonese, Punjabi, Korean, Polish, Greek and Vietnamese. The course is also delivered in Chinese when required.

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Special arrangements are also made to accommodate persons with reading and writing difficulties. This component of the course is very resource intensive since it is often a "one-on-one service". The overall goal of these changes and additions is to provide this service in a convenient, effective and practical manner to the food service worker.

The Branch now works with other City departments and non-profit organizations to provide food safety education to the economically disadvantaged. Arrangements are made to provide the Certified Food Handler Training Course to specific groups at no cost. This has increased the level of food safety in these sectors, enhanced self-confidence, and in some cases has made people more employable in the food services industry. This is valuable community service that the Branch intends to continue providing. Costs are not recovered in these instances.

Finally, the fees of the course and exam have not been increased since 1998. The challenge fees are usually kept in the forty to forty five percent range of the course costs.

By-law amendments require approval by City Council.

The Financial Impact is outlined on Appendix "A".

The Standing Policy Committee on Protection and Community Services recommends:

I. That Schedule "A" of the Food Service Establishments By-law No. 5160/89 be amended as follows:-

a) by increasing The City of Winnipeg Food Handler Training Fee from $52.00 to $65.00 (including P.S.T.), effective September 1, 2001;

b) by increasing The City of Winnipeg Food Handler exam/rewrite fee from $22.00 to $28.00 (including P.S.T.), effective September 1, 2001.

II. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary amending by-law.

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

Adopted by consent.

(See Minute No. 668 for attachment)

Mobile Skate Park Rental Policy
File ST-7.2 (Vol. 14)

647 - 6. The Standing Policy Committee on Protection and Community Services has been advised that in July 2000, the Community Services Department purchased a mobile skate park.

On September 7, 2000, the Standing Committee on Protection and Community Services heard a request from St. Paul's High School for the use of the City of Winnipeg's Mobile Skate Park for a fundraising initiative. A policy on use of the Mobile Skate Park by outside organizations had not yet been formally established. Committee requested that the administration develop a policy with appropriate criteria and a fee schedule for the rental of the City's Mobile Skateboard Park by outside organizations, and to report back to the Standing Policy Committee on Protection and Community Services.

Several jurisdictions were surveyed to determine benchmark practices within other municipalities respecting the rental of Mobile Skate Parks. Analyses of numerous issues related to the rental of a mobile skate park were considered, and the following appendices are presented:

- Proposed City of Winnipeg Community Services Department mobile skate park rental procedures (Appendix A)
- A proposed mobile skate park fee schedule (Appendix B)
- A mobile skate park cost schedule (Appendix C)
- A proposed Conditions of Use Agreement – Mobile Skate Park (Appendix D)
- A proposed Release Form for Adult Participant – Mobile Skate Park (Appendix E-1)
- A proposed Release Form for Child Participant - Mobile Skate Park (Appendix E-2)

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- Organizations surveyed (Appendix F)

- A summary of mobile skate park research findings (Appendix G)

A telephone survey was conducted in order to acquire information on mobile skate park rental policies from organizations in 18 Canadian cities. Ten organizations currently own mobile skate parks - four of these organizations rent their mobile skate parks and one other organization is considering renting.

Information was also gathered from similar internal rental policies (i.e., the bandmobile and mobile bleachers' policies). Lastly, in order to analyze contract, liability, and insurance issues, several consultations occurred with the City of Winnipeg Legal Services Branch, the City of Winnipeg Insurance Branch, and a private insurance company.

Issues analyzed included the following: benefits, liability risks, by-law implications, use agreements, vandalism risk, availability, user priority, transportation, staffing, weather, fees, and financial impact.

Benefits

The benefits of renting the mobile skate park to organizations include the following:

- The mobile skate park provides a positive alternative for children and youth.
- The mobile skate park provides promotion and exposure for the City of Winnipeg.
- Renting the mobile skate park is a viable alternative for organizations wanting to offer opportunities for youth programming. Building a permanent skate park facility is costly.

Liability Risks

The standard requirement for renters using City of Winnipeg facilities is to provide general liability insurance with a minimum of $1,000,000.00 general liability insurance, naming the City of Winnipeg as an additional insured.

Of the four organizations surveyed that rent mobile skate parks; none require that the renter organization purchase liability insurance specifically for the use of the mobile skate park. Two organizations require that the renter organization provide proof of general liability insurance when the mobile skate park is used on private property. The third organization purchases a separate rider for its mobile skate park (this insurance does not co-name rental organizations). The fourth organization has no liability insurance requirements for renter organizations.

Research with an external insurance provider and with City of Winnipeg Insurance Branch has shown that the purchase of insurance by external organizations for the rental of the mobile skate park would be cost prohibitive and very difficult to obtain.

In order to reduce liability risk, the Community Services Department will implement the following measures:

- inspect the proposed site to ensure that it is free of cracks, smooth, level, and of adequate size
- inspect the equipment regularly to ensure that it is safe
- operate the site with two trained staff at all times the equipment is in use
- require that the users wear helmets at all times
- cancel programs due to inclement weather

The Community Services Department will also require each skate park user to sign a release form, prior to using the park. The intent of the release form is to reduce the risk incurred by the City from being found totally liable in a lawsuit relating to the use of the mobile skate park facility. In order to ensure that minors have been given parental consent, all children and youth under 18 years of age will be required to have release forms signed by their parents and submitted to the Community Services Department staff prior to using the mobile skate park. Separate release forms, prepared by the Legal Services Division, will be used for adults and children.

The City of Winnipeg Insurance Branch has indicated that since City employees will operate the mobile skate park, any lawsuit arising from an accident is most likely to fall back on the City. The City's Insurance Branch has advised that the City's policy will cover any losses.

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By-law Implications

Under By-law No. 6986/97 (which provides for the execution of standard agreements), the Director of Community Services or designate has delegated authority to execute standard agreement forms for the use of facilities, athletic fields and parks, equipment (i.e., bandmobiles or bleachers), and garden plots owned by the City of Winnipeg. This authority is conditional upon the agreements being in the form prescribed by Council and the department does not have the authority to alter these agreement forms. Furthermore, By-law No. 6986/97 does not specifically include the rental of a mobile skate park.

Use Agreements

The standard Use Agreement – Equipment form was designed for the loan of equipment such as the bandmobile and bleachers. Many sections of this agreement are suitable for the use of the mobile skate park; however, some safety precautions specific to the Skate Park are not included in this agreement. Specifically, the Legal Services Division has recommended the addition of the following:

- The consumption of liquor is not permitted while using or in the vicinity of the equipment.
- Individuals using the equipment shall at all times wear appropriate protective equipment including but not limited to protective helmets.
- The user further agrees not to alter or permit to be altered any part of the equipment in any manner whatsoever without the prior written consent of the Community Services Department.
- The City shall supply all supervision and preserve and maintain good order and discipline.
- The City shall reserve the right to limit the number of participants using the equipment at any given time.

Vandalism Risk

During 2000, the mobile skate park trailer was vandalized twice. With increased use, the trailer may be vandalized more frequently, which may result in the mobile park being out-of-service for several weeks due to repairs.

Availability

The mobile skate park will be available for use by organizations during the spring, summer, and fall seasons, when not in use by the City of Winnipeg's youth programs.

The skate park would therefore be available for rental on weekdays during the spring and fall and on weekends during the summer.

User Priority

First consideration for the use of the mobile skate park is given to programs that are offered by the Community Services Department. Historically, the department has also given affiliated groups such as community centres priority use over other local organizations (i.e., Bandmobile and Mobile Bleachers policy). In 2000, the Community Services Department had three formal rental requests for use of this facility; therefore, we do not anticipate high demand. As a result, the mobile skate park will be rented on a 'first-come-first-serve' basis.

Transportation

The mobile skate park consists of nine skate ramps housed in a customized 7.2-meter cargo trailer. Currently, an experienced driver using a truck with a suitable towing capacity hauls the trailer to each site. When renting the facility and in order to minimize the liability and risk involved in moving the trailer, it is recommended that the trailer be transported by a qualified City of Winnipeg employee or a private contractor hired by the City. All of the other organizations surveyed require that their staff transport the mobile skate park.

Since the mobile skate park facility is over 22 feet in length, transporting this facility on highways at increased speeds will pose addition risks. As a result, the Community Services Department does not intend to rent this facility for use at locations outside the City of Winnipeg limits.

Staffing

In order to reduce liability risk, the Legal Services Division has recommended that City of Winnipeg staff supervise the operation of the mobile skate park. The youth leaders employed by the City of Winnipeg have a number of specialized skills that community volunteers may not possess. For example, City staff receive training in first aid, CPR, behavior management, and effective communication.

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All of the external organizations surveyed require their staff to supervise the skate park during rentals. Safety and liability were given as the main reasons for this requirement.

The Community Services Department staff will also ensure that participants wear appropriate protective equipment (i.e., helmets).

Weather

Rain poses a concern for the operation of the mobile skate park. The ramps and paved surface become too slippery for use when they are wet. The survey indicated that other jurisdictions that rent mobile skate parks cancel their programs when it rains. Other inclement weather such as lightning, hail, and strong wind conditions will also result in the facility being closed.

When an organization has an event cancelled due to rain or other inclement weather conditions, the department will retain a non-refundable service and administration fee. This fee will be charged to recover location inspection, administration, and transportation costs. One jurisdiction currently recovers half of their fees if an event is cancelled due to inclement weather. Renters will be made aware upon entering into an agreement that they face the possibility of cancellation on short notice due to rain or other inclement weather. The Community Services Department will have final authority to determine whether or not the mobile skate park will operate due to weather conditions.

Fees

In order to develop a fee schedule for the rental of the mobile skate park, consideration was given to City of Winnipeg costs incurred, a comparative with other jurisdictions relative to fees, and the type of organization requesting rental privileges.

The total cost for renting the mobile skate park is approximately $400.00 for a four-hour rental period plus one hour for set-up and removal. Each additional hour over the four-hour time period would cost $28.00. A maximum of three additional hours would be available each day. The Community Services Department does not intend to rent the facility beyond a total of 8 hours per day due to staff overtime costs.

Other jurisdictions fees vary from a low of $175.00 for 4 hours to a high of $500.00 for the first 2 hours plus $75.00 per hour for each additional hour. (The GST has not been included in these fees.)

Different fee structures for non-profit organizations and profit organizations are identified in By-law No. 3219/82 and are outlined in the City of Winnipeg Fees and Charges Manual. For example, the hourly rate (2001) for the bandmobile is $109.50 for a non-profit organization and $210.00 for a profit organization – a 50% discount for non-profit organizations. Similar discounts are used for aquatic meets and rentals. The Community Services Department also encourages organizations to sponsor this program by buying advertising space on the side of the trailer (an advertising space is currently $500.00 per season). A 10% discount on the base rental fee will be available for sponsorship organizations.

Copy of the Financial Impact and Appendices C, D, E, F and G, are on file in the office of the City Clerk.

The Standing Policy Committee on Protection and Community Services recommends:

I. That the Mobile Skate Park Rental Procedures as outlined on Appendix A, and the Fee Schedule as outlined on Appendix B, be approved, and come into force and effect immediately upon the passage of amendments to By-law Nos. 3219/82 and 6986/97.

II. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary amending by-laws.

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

Moved by Councillor Gerbasi,
Adoption of the clause.

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In amendment,

Moved by Councillor Gerbasi,
Seconded by Councillor Steeves,

That Recommendation I. be amended by striking out the following words "upon the passage of amendments to By-law Nos. 3219/82 and 6986/97."

The amendment was put and declared carried.

The motion for the adoption of the clause, as amended, was put and declared carried.

(See Minute No. 669 for attachment)

Delegation of Authority to Set Advertising Fees, to Approve Advertising, and to Execute Agreements for Advertising
File GC-11 (Vol. 7)

648 - 7. The Standing Policy Committee on Protection and Community Services has been advised that the Community Services Department intends to sell advertising space at civic aquatic facilities, civic arenas, and on civic equipment such as the Mobile Skate Park, self-propelled ice resurfacers, and score clocks. The implementation of most of these initiatives will include a partnership with the Public Works Department given that installation and removal fees will be transferred to the Public Works Department. A brief description of each initiative is provided below.

Civic Aquatic Facilities

A comprehensive market analysis and feasibility analysis has been completed for this initiative. Initially, due to demand, Pan Am Pool and Bonivital Pool will be targeted. Sixty-one wall board and banner spaces will be available in the main pool facility, main entrance area, and change rooms of Pan Am Pool. Nine wall board advertising spaces will be designated to the main pool area of the Bonivital Pool.

Depending upon the success of this initiative, other advertising opportunities may be explored including the following:

- advertising space in the kiddies and training pools at Pan Pam Pool
- advertising space at other civic pools
- advertising space on the walls and floor of the basins of civic pools

In order to maximize returns (with existing resources), these pool facility advertising opportunities will be sold by the Community Services Department rather than by public solicitation.

Civic Arena Facilities

A comprehensive market analysis and feasibility study of advertising space at civic arenas will be completed during the summer of 2001. Potential advertising space will include wallboard, rink board, and ice signs (i.e. center ice) opportunities. Depending upon the market analysis and feasibility study and resources available, either the Community Services Department will sell the advertising and/or an intermediary will be contracted. If the intermediary option is chosen, a public solicitation similar to the Request for Proposal for the advertising on City buses would be issued.

Community Services Department Leisure Guide

Various print advertising opportunities are available in the Community Services Leisure Guide. The Community Services Department currently has an established client base and therefore will continue to sell advertising space in the Leisure Guide rather than using an intermediary.

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Civic Equipment (i.e. Mobile Skate Park and Civic self-propelled ice resurfacers)

Advertising spaces will be made available on various types of civic equipment including the Community Services Department Mobile Skate Park. Other opportunities that will be explored include advertising on civic self-propelled ice resurfacers and score clocks. Depending upon the market analysis and feasibility study and the resources available, these advertising opportunities may be sold by the Community Services Department and/or contracted to an intermediary. If the intermediary option is chosen a public solicitation similar to the Request for Proposal for the advertising on City buses would be issued.

Analysis of Issues

Benefits

The benefits of selling advertisement space at civic facilities, on civic equipment, and in the Leisure Guide include the following:

- increased incremental net cash flows
- advertising exposure opportunities for community organizations and businesses
- positive perception from the business community

Community Services Department 2001 – 2003 Business Plan

The Community Services Department 2001 – 2003 Business Plan includes the strategy of enhanced advertising initiatives. Associated revenue targets from selling advertising space in civic aquatic facilities and arenas, on civic arena and pool equipment, and in the Leisure Guide include the following:

- $111,000 in 2001
- $162,000 in 2002
- $162,000 in 2003

Delegation of Authority to Set Advertising Fees, to Approve Advertising, and to Execute Agreements for Advertising

The Legal Services Division has indicated that Council currently has authority over this type of advertising and any associated fee schedules pursuant to its powers to operate and manage services, buildings, structures, parks, and facilities. Section 43(1) of The City of Winnipeg Act provides that Council shall, by by-law, establish and maintain the City's administrative structure and, subject to Section 105 of The City of Winnipeg Act, may by by-law, delegate any of its administrative powers, duties, or functions to an employee.

Due to the potential number of advertising contracts, delegation of authority to the Chief Administrative Officer to set advertising fees and to approve and sign advertising contracts, is recommended.

Section 3(1)(c) of the City's Organizational By-law No. 7100/97 provides that Council is the final authority on the fixing of prices, rates, fees and charges for all civic services and facilities, except as specifically delegated under this by-law. Section 26(16) of the by-law provides that the Chief Administrative Officer shall exercise such other powers and carry out such other duties as are prescribed by The City of Winnipeg Act or delegated by by-law or resolution by Council.

An amendment to By-law No. 7100/97 would be required to permit and authorize the delegation of authority to the Chief Administrative Officer to set the fees for the advertising contemplated by this report. The delegation of authority to the Chief Administrative Officer to approve the advertising itself may be by resolution.

By-law No. 7367/99 provides for delegation of the execution of certain documents, instruments and agreements. This by-law authorizes the Chief Administrative Officer, or designate in writing, to execute certain agreements and documents, but does not authorize the Chief Administrative Officer to sign the type of advertising contracts contemplated by this report, and accordingly would need to be amended.

Implications on the Policy on Purchasing Procedures and the Disposal of Surplus Supplies

The Materials Management Division has indicated that the solicitation of advertising at selected facilities is covered by the Policy on Purchasing Procedures and the Disposal of Surplus Supplies. Furthermore, in order to solicit

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advertising at selected City facilities, on equipment, and in publications, the Materials Management Division has indicated that Council has the authority to waive the requirements of the Policy on Purchasing Procedures and the Disposal of Surplus Supplies.

Pricing

In order to determine fee schedules for advertising, comprehensive market research has been and will be conducted. For example, the following market determinants of pricing (where applicable and available) will be analyzed:

- costs
- other organizations' fees
- user groups (i.e. for profit/non-profit or facility user)
- space size
- space location within a facility
- type of space (i.e. wallboard, rink board, banner, etc)
- facility advertising value
- reach
- potential demand
- number of advertising spaces purchased
- other advertising media

Standardized fee schedules will be developed in order to ensure pricing fairness and submitted to the Chief Administrative Officer for approval.

Fairness

Prior to a new advertising initiative being implemented, systems will be established in order to ensure that potential advertisers have equal opportunity to advertising space.

Contracts

All advertisers intending to participate in the pool facility, arena facility, and equipment advertising initiatives will be required to sign a standardized contract prepared by the Legal Services Division. Issues addressed in the standardized contract will include rights, advertising standards, exclusivity, term consideration, hours of operation, contractor's responsibilities, City's responsibilities, warranties and representation, vandalism, indemnity, events of default, relationship of the parties, modification of agreement, notice, assignment, waiver, disputes, and other general matters.

Aesthetics and Morals

The standardized contract will require an advertiser to submit a colour sample of the proposed advertisement to the contract administrator for approval by the Chief Administrative Officer, or her delegate. In order to preserve the aesthetic and historical integrity of civic facilities, advertising will be required to be tasteful and moral, and generally, will be in accordance with The Canadian Code of Advertising Standards. Furthermore, advertising capacity will be determined in a manner that prevents advertising clutter.

Council approval is required to delegate to the Chief Administrative Officer the authority to set advertising fees, to approve advertising, and to execute agreements for advertising. Council also has the authority to waive the requirements of the "Policy on Purchasing Procedures and the Disposal of Surplus Supplies".

There is no financial impact.

The Standing Policy Committee on Protection and Community Services recommends:

I. That the Chief Administrative Officer be delegated the authority to:

a) set advertising fees;
b) approve advertising:
   - at City pools;
   - at City owned and operated arenas;
   - on the City's mobile skate park;

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- on equipment in civic arenas and pool facilities; and
- in publications produced by the Community Services Department, including but not limited to the Leisure Guide, and

c) execute agreements for such advertising.

II. That the solicitation of advertising be declared exempt from the "Policy on Purchasing Procedures and the Disposal of Surplus Supplies" in the following areas:

- City pools;
- City owned and operated arenas;
- the City's mobile skate park;
- on equipment used in civic arenas and pool facilities; and in
- publications produced by the Community Services Department.

III. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary amending by-laws, namely: By-law Nos. 7100/97 and 7367/99.

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

On June 5, 2001, the Standing Committee on Fiscal Issues considered report dated May 23, 2001, from the Acting Director of Community Services with respect to the above noted matter and passed the following motion with respect thereto, namely:

"That the recommendations be concurred in, and same be forwarded to the Executive Policy Committee for favourable consideration."

On June 13, 2001, the Executive Policy Committee considered the matter and concurred in the recommendations of the Standing Policy Committee on Protection and Community Services.

Adopted by consent.

STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

649 - On motion of Councillor Gerbasi, the following by-laws were read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:

By-law No. 7854/2001, a by-law of The City of Winnipeg to amend By-law No. 2443/79, being The Pound By-law. File EL-4 (Vol. 30)

By-law No. 7855/2001, a by-law of The City of Winnipeg to amend By-law No. 5160/89, being the Food Service Establishment By-law. File EH-1.6 (Vol. 4)

By-law No. 7856/2001, a by-law of The City of Winnipeg to amend By-law No. 7367/99, being a by-law to delegate the execution of certain documents, instruments and agreements. File GC-11 (Vol. 7)

By-law No. 7857/2001, a by-law of The City of Winnipeg to amend By-law No. 7100/97, being The City Organization By-law. File GC-11 (Vol. 7)

By-law No. 7858/2001, a by-law of The City of Winnipeg to amend By-law No. 7367/99, being a by-law to delegate the execution of certain documents, instruments and agreements, and to repeal By-law No. 6986/97, being a by-law to provide for the execution of Standard Agreement forms by the Director of Parks and Recreation, or designates.
File ST-7.2 (Vol. 14)

STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES

QUESTION PERIOD

650 - Councillor Smith questioned why the City was licensing dogs.

Councillor Gerbasi advised that the City is mandated by by-law to license dogs. She also noted that there was a financial benefit to licensing and in addition, when dogs were licensed, they could be readily identified if lost.