REPORT OF THE

COMMITTEE ON FINANCE AND ADMINISTRATION

DATED SEPTEMBER 30, 1996

On motion of Councillor Steek, the Report of the Committee on Finance and Administration, dated September 30, 1996, was considered clause by clause.

Moved by Councillor Steek,
That the Consent Agenda, Clauses 1,2,3 and 4 be adopted.

Carried.

Her Worship the Mayor and Councillors:

Recommendations for Amusement Tax Exemption File FL-6 (Vol. 14)

1118 - 1. The Committee on Finance and Administration has considered recommendations received from the Winnipeg Arts Advisory Council for exemption to the Amusement Tax By-law.

The Committee on Finance and Administration submits draft by-law and recommends:

I. That the following list of exemptions be added to subsection 7(6) of the Amusement Tax By-law No. 3107/81, namely:

Dance Manitoba Inc. for:
Dance Manitoba Member Showcase on November 3, 1996 at Centre Culturel Franco-Manitobain; and their Annual Provincial Dance Festival from May 21 to 31, 1997, at the Pantages Playhouse Theatre

Groundswell, Winnipeg's New Music Series for the 1996/97 Season as follows:
"Codes d'acces: Access" - November 28, 1996 at the College de St. Boniface
"The Seven Deadly Sins" - January 13 and 14, 1997 at Prairie Theatre Exchange
"Together We Sing" - March 13, 1997, at the Winnipeg Art Gallery
"The Balkans and Beyond" - May 5, 1997, at the Winnipeg Art Gallery

Jazz Winnipeg Inc. for:
"Best of Manitoba Jazz" on November 22, 1996 at the Hotel Fort Garry

MusikBarock Ensemble for their 1996/1997 Season to be held at the Crescent Fort Rouge United Church as follows:
"A Sei Voci" - November 17, 1996
"A Pastoral Christmas" - December 1, 1996
"The Italian Masters" - February 16, 1997
"Double Your Pleasure" - March 23, 1997
"The Dresden Court" - April 20, 1997

II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Report of the Committee on Finance and Administration dated September 30, 1996

Proposed Management Agreement - the Transcona Nationals Football Club and Canterbury Children's Daycare
File PR-2 (Vol. 82)

1119 - 2. On August 9, 1995, Council adopted a recommendation of the Committee on Protection, Parks and Culture, which authorized the Administration to enter into a Management Agreement with the Transcona Nationals Football Club and S.J.F. Children's Centre Inc. for the use of the Optimist building and football fields located in Optimist Park.

During the period between September, 1995 and June, 1996, representatives from the Parks and Recreation Department and the Transcona Nationals Football Club and Canterbury Children's Centre met on several occasions to discuss and finalize the terms and conditions of a Management Agreement.

The subject City-owned property and field house is currently assessed as exempt for realty taxation purposes being as the City is considered to be the "occupier" of land and building by the Assessment Department. This interpretation is based on current provisions within The Manitoba Municipal Assessment Act and understanding of same by the Department.

In the future, The Act may be revised by the Provincial Government or the Assessment Department's interpretation may be changed in response to case law decisions and as such, the Manager (The Transcona Nationals Football Club and Canterbury Children's Daycare) could be deemed to be the "occupier" and would then require a school tax exemption from the Assessment Department. If same is granted, the City may enact a by-law exempting the property from municipal taxes. Should the Manager not qualify for an exemption, the City will be liable for realty taxes owing as the Manager will not be required to pay realty taxes as part of this proposed agreement. Therefore, a clause is proposed to be added to the management agreement requiring the City to pay any such realty taxes, provided that the manager is not in breach of the agreement.

The Committee on Finance and Administration recommends:

I. That a Management Agreement for the use of the Optimist building and football fields, be approved with the Transcona Nationals Football Club and S.J.F. Children's Centre Inc., in accordance with the terms and conditions outlined on Schedule "A", and in a form satisfactory to the City Solicitor/Manager of Legal Services.

II. That the City pay any future realty taxes provided that the manager is not in breach of the Management Agreement.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Pursuant to Section 156(2) of The City of Winnipeg Act, the approval of at least two-thirds majority of Council is required on the lease (or in this case a Management Agreement) of property designated or acquired for park purposes.

Copy of Schedule "A" is on file in the office of the City Clerk.

Adopted by consent.

Proposed Management Agreement - Boy Scouts of Canada - Manitoba Council - Camp Amisk - Labarriere Park
File PR-2 (Vol. 82)

1120 - 3. By Agreement dated October 15, 1986, Council entered into a lease with The Boy Scouts of Canada for the use of a portion of LaBarriere Park for a term of ten (10) years. The Boy Scouts of Canada have requested a renewal of the lease agreement by letter dated April 19, 1995.

Report of the Committee on Finance and Administration dated September 30, 1996

During the period between May of 1995 and June of 1996, representatives of Scouts Canada and the Parks and Recreation Department have met to discuss terms and conditions for a management agreement for the property inclusive of amendments required to facilitate improvements to the former leased area and to accommodate the adjacent Manitoba Raptors Foundation proposed development to be situated to the west of Camp Amisk area.

The Camp Amisk Area is located in La Barrierre Park which is situated within the boundaries of the City of Winnipeg and the Municipality of Ritchot. The portion of Camp Amisk located with the City of Winnipeg Boundaries being River Lots 70; 71 and 72 is assessed as exempt for realty taxation purposes as the city is considered to be the Occupier of the land and out buildings by the Assessment Department. This interpretation is based on current provisions within The Manitoba Municipal Assessment Act and understanding of same by the Parks and Recreation Department.

In the future, The Act may be revised by the Provincial Government or the Assessment Department's interpretation may be changed in response to case law decisions and as such, the Manager (Boy Scouts of Canada) could be deemed to be the "occupier" and would then require a school tax exemption from the Assessment Department. If same is granted, the City may enact a by-law exempting the property from municipal taxes. Should the Manager not qualify for an exemption, the City will be liable for realty taxes owing as the Manager will not be required to pay realty taxes as part of this proposed agreement. Therefore, a clause is proposed to be added to the management agreement requiring the City to pay any such realty taxes, provided that the manager is not in breach of the agreement.

The remaining portion of Camp Amisk being located in River Lots 64, 65, 66, 67, 68 and 69 is situated in the Municipality of Ritchot and the City currently pays the realty taxes to the Municipality for these lands. This Agreement will not effect the current practice for payment of the taxes to the Municipality.

The Committee on Finance and Administration recommends:

I. That the existing tenancy in effect at La Barriere Park with the Boy Scouts of Canada, be terminated.

II. That a Management Agreement for the use of a portion of La Barriere Park, be approved with the Boy Scouts of Canada, in accordance with the terms and conditions outlined on Schedule "A", and in a form satisfactory to the City Solicitor/Manager of Legal Services.

III. That the City pay any future realty taxes provided that the manager is not in breach of the Management Agreement.

IV. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Pursuant to Section 156(2) of The City of Winnipeg Act, the approval of at least two-thirds majority of Council is required on the lease (or in this case a Management Agreement) of property designated or acquired for park purposes.

Copy of Schedule "A" is on file in the office of the City Clerk.

Adopted by consent.

Proposed Management Agreement - Operation of the Kinsmen-Allard Arena by the St. James Minor Hockey Association File PR-2 (Vol. 82)

1121 - 4. On June 22, 1994, Council adopted a motion to enter into an agreement with the St. James Minor Hockey Association for the operation of the Kinsmen-Allard Arena for a period of one year.

On July 12, 1995, Council approved the parameters for an additional agreement for a period of five years.

During the period between August, 1995 and June, 1996, representatives of the Parks and Recreation Department and the St. James Minor Hockey Association have met on several occasions to discuss and finalize the terms and conditions for entering into a management agreement for a period of five years.

Report of the Committee on Finance and Administration dated September 30, 1996

The subject City owned property is currently assessed as exempt for realty taxation purposes being as the City is considered to be the "occupier" of the land and building by the Assessment Department. This Interpretation is based on current provisions within The Manitoba Municipal Assessment Act and understanding of same by the Department.

In the future, The Act may be revised by the Provincial Government or the Assessment Department's interpretation may be changed in response to case law decisions and as such, the Manager (St. James Minor Hockey Association) could be deemed to be the "occupier" and would then require a school tax exemption from the Assessment Department. If same is granted, the City may enact a by-law exempting the property from municipal taxes. Should the Manager not qualify for an exemption, the City will be liable for realty taxes owing as the Manager will not be required to pay realty taxes as part of this proposed agreement. Therefore, a clause is proposed to be added to the management agreement requiring the City to pay any such realty taxes, provided that the manager is not in breach of the agreement.

The Committee on Finance and Administration recommends:

I. That a Management Agreement for the operation of the Kinsmen-Allard Arena, be approved with the St. James Minor Hockey Association, in accordance with the terms and conditions outlined on Schedule "A", and in a form satisfactory to the City Solicitor/Manager of Legal Services.

II. That the City pay any future realty taxes provided that the manager is not in breach of the Management Agreement.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Pursuant to Section 156(2) of The City of Winnipeg Act, the approval of at least two-thirds majority of Council is required on the lease (or in this case a Management Agreement) of property designated or acquired for park purposes.

Copy of Schedule "A" is on file in the office of the City Clerk.

Adopted by consent.

COMMITTEE ON FINANCE AND ADMINISTRATION

MOTIONS

Moved by Councillor Golden,
Seconded by Councillor Lazarenko,
1122 - WHEREAS the deadline for filing assessment appeals to the 1997 assessment roll has been changed to Monday, October 28, 1996 at 4:30 p.m.;

AND WHEREAS the public has been misinformed that the deadline would be set in January of 1997;

AND WHEREAS questions have been raised about the legality of the 1996 Secretary of the 1996 Board of Revision advertising a deadline for appeals to the 1997 roll;

AND WHEREAS aside from the question of the legality of setting the deadline for appeals at October 28, 1996 at 4:30 p.m., the public is better served if a fixed date is set annually, rather than some ratepayers being victimized by the setting of a different date annually;

NOW THEREFORE BE IT RESOLVED that City Council request the Province of Manitoba to set a fixed date annually as the deadline for filing assessment appeals.

The Speaker ruled Automatic Referral to the Committee on Finance and Administration in accordance with Rule 16.1 of the Procedure By-law.

Moved by Councillor Golden,
That the rule be suspended to allow consideration of the motion at this time.

The motion to suspend the rule was put.

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

Yea: Councillors Golden, Lazarenko, Timm-Rudolph and Angus. 4

Nay: Councillors Clement, Lubosch, Murray, O'Shaughnessy, Phillips, Silva, Steek, Thomas, Vandal, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Prystanski. 12

and the motion to suspend the rule was declared lost.

COMMITTEE ON FINANCE AND ADMINISTRATION

CONSIDERATION OF BY-LAWS

1123 - On motion of Councillor Steek, By-law No. 6890/96, a By-law of The City of Winnipeg to close certain streets to effect the land exchange for the expansion of the Winnipeg International Airport, was read a second and third time, and was passed and ordered to be signed and sealed. File FI-2.4.4.1 (Vol. 3)

On motion of Councillor Steek, By-law No. 6903/96, a By-law of The City of Winnipeg to amend the Amusement Tax By-law No. 3107/81, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. File FL-6 (Vol. 14)

On motion of Councillor Steek, the rule was suspended and By-law No. 6897/96, a By-law of The City of Winnipeg to authorize the borrowing of money for the General and Utilities Purposes of the City and for the repayment of outstanding Debentures of the City issued for General and Utility Purposes of the City by the issue and sale of Debentures of the City in the aggregate principal amount of $70,000,000.00 in lawful money of Canada, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. File FC-2