REPORT OF THE

COMMITTEE ON PROTECTION, PARKS AND CULTURE

DATED JUNE 3, 1996

On motion of Councillor O'Shaughnessy, the Report of the Committee on Protection, Parks and Culture, dated June 3, 1996, was considered.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clause 3 be adopted.

Councillor Lazarenko requested that Clause 3 be pulled from the Consent Agenda.

Her Worship the Mayor and Councillors:

Extreme Fighting Events
File GF-2 (Vol. 45)

897 - 3. On May 6, 1996, the Committee on Protection, Parks and Culture requested the Chief of Police to reference the article in the May 2, 1996, issue of the Globe and Mail newspaper pertaining to the Extreme Fighting Events being held in Vancouver, British Columbia, and report back on the particulars of this type of vicious combat sport taking place here in Winnipeg.

The Winnipeg Police Service advised that the event of extreme fighting is currently before the Courts in Quebec where nine persons (participants and promoters) were arrested under Section 83 of the Criminal Code of Canada. A promoter in Vancouver is attempting to circumvent the Criminal Code on a technicality but so far the Police and Courts have not been involved.

In order for the Winnipeg Police Service to effectively police this type of event, it is necessary to examine, understand and if required, implement a specific by-law to deal with it.

Section 83 of the Criminal Code deals with "prize fighting" and includes extreme fighting events. It is explicit that unless the event is authorized by a legislated board or commission, it does not meet the requirements of the Act and is therefore illegal under this section.

The Criminal Code outlines the following:

Section 83 Engaging in a prize fight - definition of a "prize fight"

(1) Every one who
- (a) engages as a principal in a prize fight,
- (b) advises, encourages or promotes a prize fight, or
- (c) is present at a prize fight as an aid, second, surgeon, umpire, backer or reporter, is guilty of an offence punishable on summary conviction.

(2) In this section, "prize fight" means an encounter or fight with fists or hands between two persons who have met for that purpose by previous arrangement made by or for them, but a boxing contest between amateur sportsmen, where the contestants wear boxing gloves of not less than one hundred and forty grams each in mass, or any boxing contest held with the permission or under the authority of an athletic board or commission or similar body established by or under the authority of the legislature of a province for the control of sport within the province, shall be deemed not to be a prize fight.

All events of a promotional nature in Manitoba are under the control of the Manitoba Boxing and Wrestling Commission. Randy Anderson, a consultant for Sport Manitoba, relates that Section 14 of The Boxing and Wrestling Act states that anyone conducting such events must apply for and receive a licence. He also advised that for extreme fighting events, it would not be sanctioned nor licensed.

The Justice Department, Public Prosecutions have examined this type of event and are of the opinion that extreme fighting could be prosecuted successfully under Section 83 (1) of the Criminal Code. In a published article, they state, "As a result, if these events were not regulated by a commission established under the authority of the legislature then the public prosecution would certainly be in a position to succeed with a prosecution for these types of activities under Section 83".

Report of the Committee on Protection, Parks and Culture dated June 3, 1996

The City of Winnipeg License Branch advise there is no provision in the by-law that governs this type of event.

The City of Winnipeg Act however provides the City with the authority to pass by-laws where necessary.

It would seem that Section 83 of the Criminal Code of Canada has the authority to deal with events such as "extreme fighting". The power to arrest and compel the persons involved to appear in court is encompassed in the Act. The guarantee, like any other Criminal Code offense, that a conviction will result in such a charge is not something that anyone can assure.

The Committee on Protection, Parks and Culture passed the following motion, and submits the following for consideration by Council, namely:

> WHEREAS the City of Winnipeg does not have any provisions within its licensing and regulatory by-laws that govern events known as extreme fighting;
>
> AND WHEREAS the City of Winnipeg has the authority under The City of Winnipeg Act to pass by-laws where necessary;
>
> THEREFORE BE IT RESOLVED that the Legal Services Division be instructed to prepare a by-law that would disallow any closed caption circuit televisions or live performances classified as extreme fighting.

The Executive Policy Committee recommends that Clause 3 of the Report of the Committee on Protection, Parks and Culture dated June 3, 1996 be filed, inasmuch as The City of Winnipeg Legal Services Division has advised that extreme fighting events are legislated by Section 83 of the Criminal Code of Canada and the City of Winnipeg has no jurisdiction or authority to enact a by-law to legislate these events.

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

Moved by Deputy Mayor Eadie,
That the recommendation of the Executive Policy Committee, that the clause be filed, be adopted.

Moved by Councillor Timm-Rudolph,
That the clause be referred back to the Executive Policy Committee.

The motion to refer was put and declared carried.

REPORT OF THE

COMMITTEE ON PROTECTION, PARKS AND CULTURE

DATED JULY 8, 1996

On motion of Councillor O'Shaughnessy, the Report of the Committee on Protection, Parks and Culture, dated July 8, 1996, was considered clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clauses 1,2 and 3 be adopted.

Councillor Clement requested that Clause 2 be pulled from the Consent Agenda.

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

Her Worship the Mayor and Councillors:

Low Line Bridge Renovation Project - River Bank Development - Winnipeg Development Agreement
File FR-3.2 (PA-12A) (Vol. 1)
c/r GC-8.9 (Vol. 3)

898 - 1. The Committee on Protection, Parks and Culture has been advised that the Pan American Games Society (Wpg. 1999) Inc. has submitted documentation on the Low Line Bridge Renovation Project at The Forks.

The objective of the renovation project is to undertake modifications and improvements to the Low Line Bridge in order to accommodate pedestrians and emergency vehicle access to the South Point.

The Low Line Bridge will link The Forks to the South Point and provide the Aboriginal Community with the opportunity to develop the site with an historic native cultural theme. The bridge itself will take on the form of a time tunnel linking the existing Forks development to early native settlement.

The Pan American Games Society has indicated that The Forks will be utilized for a Forks Festival each evening during the sixteen days of the 1999 Games. The South Point link is deemed critical in meeting the Society's objective of highlighting native culture in Manitoba.

The proposed bridge will also serve as a long term legacy and is consistent with the City's plan for the south pathway link from The Forks to Churchill Drive and combined with the North Winnipeg Parkway would provide the critical connection to complete the north/south pathway plan.

A preliminary proposal for this project, including estimated costs of $726,535.00, was prepared and submitted to the Pan American Games Society by Ernst Hansch Construction Ltd. in association with Reid Crowther and Partners Ltd. Consulting Engineers. The preliminary light concept plan was prepared by Scatliff and Associates Landscape Architects Inc.

The projected funding sources are as follows:

The Province of Manitoba (Winnipeg Development Agreement)	$ 363,268.00
The Forks North Portage Partnership	100,000.00
The Pan American Games Society (Wpg. 1999) Inc.	103,503.00
The City of Winnipeg (Winnipeg Development Agreement)	159,764.00
Total	$ 725,535.00

In order to qualify for the Provincial Winnipeg Development Agreement funds, an application must be submitted and approved this fiscal year, as well the work must begin this year.

Report of the Committee on Protection, Parks and Culture dated July 8, 1996

On July 2, 1996, the Committee on Planning and Community Services recommended that approval be given for funding in the amount of $159,764.00 under River Bank Development, Program Authorization 12A of the Winnipeg Development Agreement, to undertake modifications and improvements to the Low Line Bridge in order to accommodate pedestrians and emergency vehicle access to the South Point.

The Committee on Protection, Parks and Culture therefore recommends:

I. That funding in the amount of $159,764.00 be approved under the River Bank Development Program Authorization 12A of the Winnipeg Development Agreement, to undertake modifications and improvements to the Low Line Bridge in order to accommodate pedestrian and emergency vehicle access to the South Point.

II. That inasmuch as the Low Line Bridge is owned by The Forks North Portage Partnership, the City of Winnipeg not be responsible for any future and/or ongoing maintenance costs.

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

Adopted by consent.

Community Incentive Grant Program - Osborne South Business Improvement Zone File PR-2.6 (32) (Vol. 3)

899 - 2. The Committee on Protection, Parks and Culture has considered an application from the Osborne South Business Improvement Zone for a Community Incentive Grant in the amount of $50,000.00 to assist with the costs of the Osborne South streetscaping project.

The application does not meet the program eligibility and selection criteria inasmuch as the Osborne South Business Improvement Zone is not a non-profit community recreation and sport organization, or a non-profit organization offering recreational services. As well, other sources of funds identified are City funds, and therefore the applicant would not be contributing 50% of the capital costs from its own sources in accordance with the program eligibility requirements.

On April 16 and June 26, 1996, the City Centre Community Committee recommended that a Community Incentive Grant in the amount of $25,000.00, not to exceed a maximum of 50% of the total cost, be approved for this project.

The Committee on Protection, Parks and Culture concurred in the recommendation of the City Centre Community Committee, and therefore recommends:

I. That the criteria for the Community Incentive Grant Program be waived in this instance.

II. That the amount of $25,000.00 be approved to the Osborne South 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 of Parks and Recreation; 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.

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

The Speaker called the Deputy Speaker, Councillor Prystanski, to the Chair in order to participate in the debate.

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

Proposed Amendments to the Criminal Code regarding Youth Crime
File GF-2 (Vol. 46)

900 - 3. On April 24, 1996, Council ruled automatic referral of the following motion to the Committee on Protection, Parks and Culture, under Rule 16.1 of the Procedure By-law No. 5400/90:

Moved by Councillor Silva,
Seconded by Councillor O'Shaughnessy,

WHEREAS a growing number of youth in our community are encouraged, assisted, or forced into criminal activity by adults;

AND WHEREAS these youth are being used by adults due to the penalties outlined in the Young Offenders Act;

AND WHEREAS those adults who use and recruit young people into child prostitution are often not punished;

THEREFORE BE IT RESOLVED that the Committee on Protection, Parks and Culture address this issue with motions asking the Federal government for Criminal Code amendments for these crimes;

AND BE IT FURTHER RESOLVED that these motions be forwarded for consideration by the Council of the City of Winnipeg so they may be forwarded to the Federation of Canadian Municipalities for adoption.

On June 19, 1996, Council granted an extension of time of 30 days in which to allow the Committee on Protection, Parks and Culture to deal with the matter and report back.

On July 8, 1996, the Committee on Protection, Parks and Culture reviewed the Federation of Canadian Municipalities' Policy Statement on Community Safety and Crime Prevention and the Community Safety and Crime Prevention resolutions debated at the Federation's Annual Conference held in May 1996.

The Committee on Protection, Parks and Culture recommends concurrence with the Council Motion of April 24, 1996, and wishes to place on record with the Federation of Canadian Municipalities its concurrence with the Federation's Policy Statement on Community Safety and Crime Prevention adopted at the Federation's 1996 Annual Conference.

Adopted by consent.

Copy of attachment referred to in the above clause is on file in the office of the City Clerk.

COMMITTEE ON PROTECTION, PARKS AND CULTURE

MOTIONS

Moved by Councillor Lazarenko,
Seconded by Councillor O'Shaughnessy,

901 - WHEREAS on May 6, 1996, the Committee on Protection, Parks and Culture approved a Community Incentive Grant in the amount of $50,000.00 to the Riverbend Park Residents' Association towards the development of Riverbend Park;

AND WHEREAS on July 16, 1996, the Lord Selkirk-West Kildonan Community Committee was advised that the Resident's Association is unable to contribute 50% of the total project cost as required under the Community Incentive Grant Program, however, still wish to proceed with the project during the 1996 summer season;

AND WHEREAS on July 16, 1996, the Lord Selkirk-West Kildonan Community Committee reiterated its recommendation for approval of a Community Incentive Grant in the amount of $50,000.00 to the Riverbend Park Residents' Association for the purpose requested, and further recommended that the criteria of the Community Incentive Grant Program be waived in this instance;

THEREFORE BE IT RESOLVED as follows:#

(i) That the recommendation from the Lord Selkirk-West Kildonan Community Committee be concurred in;

(ii) That the criteria of the Community Incentive Grant Program be waived in this instance, and a Community Incentive Grant in the amount of $50,000.00 be approved to the Riverbend Park Residents' 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 of Parks and Recreation; and
- (c) The applicant entering into a formal agreement with the City of Winnipeg;

(iii) That the May 6, 1996 decision of the Committee on Protection, Parks and Culture be amended accordingly.

The Speaker ruled automatic referral to the Committee on Protection, Parks and Culture in accordance with Rule 16.1 of the Procedure By-law.

Moved by Councillor Lazarenko,
That the rule be suspended to consider the motion at this time.

Carried.

The motion was put and declared carried.

COMMITTEE ON PROTECTION PARKS AND CULTURE

CONSIDERATION OF BY-LAWS

902 - On motion of Councillor O'Shaughnessy, By-law No. 6858/96, a by-law of The City of Winnipeg to amend By-law No. 4824/88, being a by-law to continue the St. Boniface Museum Board and its regulation, management and control, 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 PR-9.3 (Vol. 5)