REPORT "A" OF THE

EXECUTIVE POLICY COMMITTEE

DATED MARCH 13, 1996

On motion of Her Worship Mayor Thompson, the Report "A" of the Executive Policy Committee, dated March 13, 1996, was considered clause by clause.

Moved by Her Worship Mayor Thompson,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7 and 8 be adopted.

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

Councillor Lazarenko requested that Clauses 3 and 7 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,4,5,6 and 8 was put and declared carried.

Her Worship The Mayor and Councillors:

Reactivation of Levies for Local Improvements Deferred in Bethray Bay which were Deferred under By-law No. 5603/91 - Vacant Land on Bethray Bay
File SL-3 (Vol. 13)

454 - 1. On August 1, 1990, Council granted a deferment of local improvements under By-law No. 5603/91 for the following property:

Realty Roll Number:	08-49860
Legal Description:	Parcel 2, Plan 10296, 51/55 St. Vital
Owners:	Raymond H. Hesslein & Mavis I. Bollman
Address:	Vacant Land on Bethray Bay

Conditions set forth in Deferment By-Law No. 5603/91 stated:

"The deferment permitted under this By-Law shall cease upon the occurrence of the following:

i) upon the fifth anniversary of the passing of the By-Law;"

"When the lands herein become subject to special assessments as a result of cessation of deferment, such special assessment shall be levied against the said lands at the then prevailing rates and paid at the prevailing cash cost or amortized at the then current capital borrowing rates."

The Executive Policy Committee has been advised that the maximum 5 year period granted by Deferment By-Law No. 5603/91 expired on January 23, 1996.

The Executive Policy Committee therefore recommends:

I. That the deferments authorized under By-Law No. 5603/91 cease, and that the appropriate assessments be reactivated with a requirement for payment to be made in either of two ways defined hereunder:

	Cash Payment	Term	Annual Levy
Watermain	$ 3,060.00	1996-2005	$ 508.75
Wastewater Sewer	3,230.00	1996-2015	399.00
Land Drain Sewer	4,080.00	1996-2015	504.00
Street Pavement	9,350.00	1996-2005	1,554.51
	$19,720.00(a)		$2,966.26(b)

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(a) Any one or all four of the local improvements may be paid for at the prevailing cash cost up to and including the last day of the month subsequent to that during which the cash cost statement is mailed, (immediately pursuant to the passing of the reactivating By-Law).

(b) First levy(s) payable at par up to and including the last day of the month subsequent to that during which the tax statement is mailed, (immediately pursuant to the passing of the reactivating By-Law).

The second and all the following levies will be scheduled to appear on the City's normal annual tax bills for the prescribed terms with the usual provisions for prepayment by commutation to apply.

II. That the foregoing reactivation be assessed against Parcel 2, Plan 10296, 51/55 St. Vital C.T. 1337437.

III. That the draft reactivation By-Law prepared by the City Solicitor be adopted by City Council.

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

Adopted by consent.

Proposed Amendment to Plan Winnipeg By-law No. 5915/92 by redesignating lands located south of McGillivray Boulevard and west of Waverley Street, commonly known as Linden Ridge, from an "Industrial" policy area to a "Residential" policy area

File EP-1.1 (PN 1/96) (Vol. 1)

455 - 2. The Executive Policy Committee has been advised that an application has been received from Mr. D.N. Sharpe, P.Eng, requesting an amendment process be launched in relation to redesignating lands located south of McGillivray Boulevard and west of Waverley Street, commonly known as Linden Ridge, from an "Industrial" policy area to a "Residential" policy area.

In May of 1987, a similar petition was received from the applicant to amend Plan Winnipeg by redesignating this land from an Industrial to a Residential policy area. After much debate, and in spite of a negative recommendation from the administration, the proposed Plan Winnipeg amendment was adopted by Council in January, 1989.

Subsequently, in August, 1989, an application was made to rezone the property and several public hearings were held in order to entertain all delegations. That application was defeated on Council floor in October, 1990 following qualified support from the Assiniboine Community Committee and the administration, a negative recommendation from the Committee on Planning and Community Services, and a similar qualified support from the Executive Policy Committee.

In May, 1991, the City launched its major review of Plan Winnipeg. In June, 1993, the revised Plan was adopted by Council including the redesignation of the Linden Ridge site back to an Industrial policy area in spite of a Municipal Board recommendation to the contrary.

The applicant is now launching another attempt to amend Plan Winnipeg. A detailed chronology of these events is outlined in Schedule "A".

The Linden Ridge application has been hotly debated in the past and no clear consensus emerged regarding the appropriateness of the proposed development. Equally convincing arguments were made for and against the application. There is merit in having this matter carried forward to public hearing. The Site location maps and a draft by-law are outlined in Schedule "B".

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The Executive Policy Committee recommends:

I. That the petition to amend Plan Winnipeg By-law 5915/92 by redesignating lands located south of McGillivray Boulevard and west of Waverley Street, commonly known as Linden Ridge, from an "Industrial" policy area to a "Residential" policy area be allowed to proceed to public hearing and that action be taken in connection therewith:

a) copy of proposed amending by-law be forwarded to the Minister of Urban Affairs;

b) copy of the proposed amending by-law be forwarded to the Executive Policy Committee to enable that Committee to carry out consultations pursuant to Section 579(1) of The City of Winnipeg Act and to provide Council with its report and recommendations;

c) upon receipt of the report and recommendations, Council give first reading to the Plan Winnipeg (amending) by-law in its original form or as amended;

d) following first reading of the Plan Winnipeg (amending) by-law, Executive Policy Committee conduct a public hearing in accordance with Sections 632 to 645 of The City of Winnipeg Act.

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

Moved by Councillor Silva,
Adoption of the clause.

Carried.

(See Minute No. 503 for attachment)

Councillors Angus, Murray, Thomas and Golden asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

456 - The Speaker recognized Councillor Murray who rose on a point of privilege regarding the scheduling of a Special Council Meeting that was held on March 18, 1996. The Speaker noted that he would take the concerns expressed by Councillor Murray under advisement and discuss the matter with the Secretariat Committee.

Proposal - Formal Reporting Mechanisms to City Council - Winnipeg Enterprises Corporation File F-5 (Vol. 20)

457 - 3. The Winnipeg Arena/Stadium Complex and the Winnipeg Convention Centre represent public assets that the City wants managed for the public good but without need for public subsidy if possible. This aim is best achieved through a special purpose board.

Major entertainment activities always run some risk of failing to attract an audience. A private board rather than a public body is likely better able to assess the risks and offset potential failures. There are and always will be pressures to "give away" the value of the public asset and it is often easier for a private board to say "no" to free use than it would be for elected representatives.

The scale and complexity of managing the assets of the size and magnitude of the Winnipeg Arena/Stadium is in a different league then normal city facilities and therefore requires specialized knowledge, management structures, and a Board of Directors prepared to meet the challenge.

A separate Board can better steward this type of public asset.

However with the delegation to a separate Board for making sound judgements on behalf of the public comes the issue of accountability. A mechanism to assure that the Board of Directors and management of the facilities are pursuing public rather than private interest is required.

Report "A" of the Executive Policy Committee dated March 13, 1996

The Executive Policy Committee recommends:

I. That the following resolution - Formal Reporting Mechanism of The Winnipeg Enterprises Corporation to City Council, be concurred in and submits same to Council for favourable consideration, namely:

1. General Provisions Governing Winnipeg Enterprises Corporation

a. Definitions

i. "Act" means The Winnipeg Enterprises Corporation Act;
ii. "Board" means the board of directors or other governing body of the corporation;
iii. "Director" means a person designated as a director of W.E.C.;
iv. E.P.C. means the Executive Policy Committee of the City of Winnipeg;
v. "Mayor" means the Mayor of the City of Winnipeg;
vi. "Officer" means the chairperson or vice-chairperson of the board of directors, the chief executive officer, president, vice-president, secretary, treasurer, comptroller, general manager, managing director or any other individual who performs functions for the corporation similar to those normally performed by an individual occupying any such office;
vii. "W.E.C." means the Winnipeg Enterprises Corporation.

2. Duties, Responsibilities and Reporting Relationships of Boards:

Subject to specific requirements or restrictions contained in the Act by which the corporation is established and to this Resolution, the board will

a. exercise the powers of the corporation directly or indirectly through the employees and agents of the corporation;
b. direct the management of the business and affairs of the corporation;
c. ensure that the corporation complies with the laws of the Province of Manitoba;
d. cause the corporation to conduct a review of strategic plans and its performance in relation to those plans at intervals not exceeding five years;
e. for the purpose of explaining the objectives of the corporation, ensure that the board holds a public meeting at least once in each year in the City of Winnipeg.

3. Records of Complaints

The corporation shall maintain a record of all complaints received from members of the public, the investigations undertaken by the corporation with respect to each complaint, the ultimate manner of resolution of the complaint and any reasons leading to the corporation's decision to resolve a complaint in a particular manner.

a. Review by Mayor

The Mayor, or any person authorized by the Mayor, may review, at any reasonable time, the records of complaint kept pursuant to section 3 by the corporation.

4. Power of the Board

Subject to specific requirements or restrictions contained in this resolution or under which the corporation is established, the board may make any by-laws for the corporation, not contrary to law or this Act, that the board considers necessary or advisable for the conduct of the business and affairs of the corporation including, without limiting the generality of the foregoing by-laws with respect to the time and place of the calling and holding of all meetings of the board and the procedure at such meetings.

a. Information Provided to the Mayor

The chairperson of the board shall subsequent to a meeting of the board, forward to the Mayor a description of the business transacted at the meeting.

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5. Committees of Boards

The board may establish any committees of the board that it considers necessary and shall establish an audit committee as required by Section 5 and a planning committee to review and evaluate the corporate plans and to make any recommendations to the board in relation to those plans that the committee considers appropriate.

6. Audit Committee

a. The board shall establish an audit committee, a majority of whom shall be directors who shall:

i. Review and advise the board with respect to the financial statements that are to be included in the annual report of the corporation;
ii. Review and advise the board with respect to the annual auditor's report of the corporation;
iii. Cause the corporation's auditor and City of Winnipeg's auditor to periodically review the Auditor's Report and the Internal Controls and Procedures of the corporation; and
iv. Perform any other functions that are assigned to it by the board and the by-laws of the corporation.

b. Notice of Meeting of Audit Committee

The auditor of the corporation shall receive notice of every meeting of the audit committee and, at the expense of the corporation, may attend and be heard at the meeting and, if so requested by a member of the audit committee, the auditor shall attend any or every meeting of the committee held during the term of office of the auditor.

7. Appointments, Duties and Responsibilities of Directors

a. City of Winnipeg

In consultation with the Board, the City of Winnipeg will appoint six directors (one year terms) of the City of Winnipeg to W.E.C. in accordance with the following:

i. No more than three and no fewer than one City Councillor(s) on the Board, as recommended by the City of Winnipeg Council;
ii. Two Citizen Members as recommended by the City of Winnipeg Council. Council may recommend additional Citizen Members to offset a reduced number of Councillors, to a maximum of four Citizen Members.
iii. Chief Commissioner (or designate) of the City of Winnipeg.

b. W.E.C. Nominating Committee

i. Notwithstanding 7ai and 7aii, the Board will establish a Nomination Committee for the purpose of filling the remaining six Citizen seats of the Board of W.E.C.
ii. The City may also refer the names of additional Citizen Members for consideration of the Nominating Committee of the board.

c. Duties of Directors and Officers

Every Director and Officer of the corporation in exercising his or her powers and discharging his or her duties shall:

i. Act honestly and in good faith with a view to the best interest of the corporation;
ii. Exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances;
iii. Comply with the resolution, the Act by or under which the corporation is established and any by-laws of the corporation; and
iv. Maintain the confidentiality of the corporation.

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d. Liability of Directors

A director of the corporation is not liable or answerable for any debt, liability or obligation of the corporation or for any act, error or omission of the corporation or of any of its officers, employees or agents.

e. Liability of Directors and Officers

The directors and the officers and employees of the corporation and any person acting under the instructions of any of them or an order made thereunder are not personally liable for any loss or damage suffered by any person by reason of anything done, caused, permitted or authorized to be done by them in good faith and without negligence in the course of the administration of the Act or in the exercise of the powers of this Act governing the corporation.

f. Reliance on Statements

A director or officer of the corporation is not liable for a breach of duty under subsection (7f) if the director or officer relies in good faith on:

i. Financial statements of the corporation represented to him or to her by an officer of the corporation or in a written report of the auditor of the corporation fairly reflect the financial condition of the corporation; or
ii. A report of a lawyer, accountant, engineer, appraiser or other person whose position or profession lends credibility to a statement made by him or her.

8. Conflict of Interest

a. Disclosure of interest in contract

A Director or Officer of the corporation who:

i. is a party to a material contract or proposed material contract with the corporation; or
ii. is a director or officer of, or has a material interest in, any person who is a party to a material contract or proposed material contract with the corporation;

shall disclose in writing to the corporation, or request to have entered in the minutes of the meeting of the Board, thereof the nature and extent of the interest.

b. Time for Disclosure by Director

The disclosure required by subsection (8a) shall be made, in the case of a director,

i. At the meeting of the board at which the proposed contract is first considered;
ii. If the director was not then interested in the proposed contract, then at the first meeting of the board after he or she becomes so interested;
iii. If the director becomes interested after the contract is made, then at the first meeting of the board after he or she becomes so interested;
iv. If a person who is interested in the contract later becomes a director, then at the first meeting of the board after he or she becomes a director.

c. Time for disclosure by Officer

The disclosure required by subsection (8a) shall be made, in the case of an officer who is not a director,

i. Forthwith after the officer becomes aware that the contract or proposed contract is to be considered or has been considered at a meeting of the Board;
ii. If the officer becomes interested after the contract is made, forthwith after he or she becomes so interested; or
iii. If a person who is interested in the contract later becomes an officer, forthwith after he or she becomes an officer.

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d. Time for disclosure by Officer or Director

If a material contract or proposed material contract is one that, in the ordinary course of the business or activity of the corporation, would not require approval by the Board, a director or officer shall disclose in writing to the Board and/or request to have entered in the minutes of a meeting of the Board thereof the nature and extent of his or her interest forthwith after the director or officer becomes aware of the contract or proposed contract.

e. Continuing Disclosure

For the purposes of this section, a general notice in writing to the board by a director or officer declaring that the director or officer is a director or officer or has material interest in a person and is to be regarded as interested in any contract made with that person is a sufficient declaration of interest in relation to any contract so made.

f. Avoidance Standards

A material contract between the corporation and one or more of its directors or officers, or between a corporation and another person of which a director or officer of the corporation is a director or officer or in which he or she has a material interest, is neither void nor voidable by reason only of that relationship or by reason only that a director with an interest in the contract is present at or is counted to determine a quorum at a meeting of the Board that authorized the contract, if the director or officer disclosed the interest in accordance with (subsections 8a, 8b, 8c, and 8d) as the case may be, and the contract was approved by the board and it was reasonable and fair to the corporation at the time it was approved.

g. Voting

A director referred to in subsection (8a) shall not vote on any resolution to approve the contract unless the contract is:

i. An arrangement by way of security for money lent to or obligations undertaken by the director for the benefit of the corporation or a subsidiary of the corporation;
ii. One with relation primarily to remuneration or benefits as a director, officer, employee or agent of the corporation.

h. Participation at Meetings

A director referred to in subsection (8a) who is prohibited from voting on any resolution to approve a contract shall withdraw from the meeting without voting or participating in the discussion, and refrain at all times from attempting to influence the matter.

9. Financial Statements and Annual Reports

a. Annual Reports

Notwithstanding the Act by or under which the corporation is established, the Board of the corporation shall annually, within six months after the end of the fiscal year of the corporation, make a report to the Mayor of the City of Winnipeg on the operations of the corporation during that fiscal year and the report shall include the audited financial statements of the corporation.

i. Report to Executive Policy Committee

Within 14 days after the Mayor receives an annual report of the corporation, the Mayor shall arrange for the representative of the corporation to present the report to the Executive Policy Committee.

ii. Annual Reports Referred

The Executive Policy Committee will forward the annual report of the corporation to the Council of the City of Winnipeg as a communication. The annual report, unless Council otherwise orders, shall be received as information.

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II. That the Winnipeg Enterprises Corporation be requested to modify their existing By-laws to reflect Council's desire.

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

Moved by Her Worship Mayor Thompson,
Adoption of the clause.

Moved by Councillor Lazarenko,
That the clause be referred back to the Executive Policy Committee.

Lost.

458 - The Speaker recognized Councillor Golden who rose on a point of order, noting that Council at its meeting of December 20, 1995, referred a motion proposed by Councillors Lazarenko and Thomas on this matter and questioned how this clause could be deliberated without also considering Councillor Lazarenko's motion put forth at the December 20th Council meeting.

At the request of Council, the Speaker advised that Council would vote on the question of tabling the clause until the next Council Meeting.

The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Golden, Lazarenko, Murray, Thomas, Timm-Rudolph and Vandal. 6

Nay: Councillors Prystanski, Clement, Lubosch, O'Shaughnessy, Phillips, Silva, Steek, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Angus. 10

and the motion to table was declared lost.

459 - The Speaker recognized Councillor Lazarenko who rose on a point of order suggesting that Council was in violation of its directive regarding the motion proposed by himself and Councillor Thomas at the Council Meeting of December 20, 1995.

The Speaker ruled that Councillor Lazarenko did not have a point of order, in that the motion was referred by Council and not formally adopted.

Councillor Lazarenko challenged the ruling of the Chair.

The question, "Shall the ruling of the Chair be sustained?" was put.

The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Prystanski, Clement, Lubosch, O'Shaughnessy, Phillips, Silva, Steek, Timm-Rudolph, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Angus. 11

Nay: Councillors Golden, Lazarenko, Murray, Thomas and Vandal. 5

and the ruling of the Chair was sustained.

The Speaker called the Deputy Speaker, Councillor Prystanski, to the Chair in order to participate in the debate, and after speaking, resumed the Chair.

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

Councillors Golden, Lazarenko and Thomas asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

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Downtown Transcona Business Improvement Zone - 1996 Proposed Program, Zone Levy and Budget Estimates
File FL-7.12 (Vol. 1)

460 - 4. On December 20, 1995, Council passed By-law No. 6729/95, a By-law of The City of Winnipeg to designate a Business Improvement Zone to be known as the Downtown Transcona Business Improvement Zone and to establish a Management Board for the Zone. By-law No. 6729/95 requires that the Downtown Business Improvement Zone prepare its proposed program, zone levy and budget estimates for the consideration of Council.

The Downtown Transcona Business Improvement Zone at its Annual General Meeting held on February 12, 1996, approved the proposed annual budget and program as outlined in Schedule "A".

The Executive Policy Committee recommends that pursuant to By-law No. 6729/95, Council request the East Kildonan-Transcona Community Committee to conduct a public meeting to hear representations with respect to the proposed program, zone levy and budget estimates for the year 1996 and to provide recommendations to Council within 60 days from receipt of Council's request.

Adopted by consent.

Old St. Vital Business Improvement Zone - Proposed Program, Zone Levy and Budget Estimates for 1996
File FL-7.13 (Vol. 1)

461 - 5. On November 29, 1995, Council adopted By-law No. 6715/95, being a By-law of The City of Winnipeg to designate a Business Improvement Zone to be known as the Old St. Vital Business Improvement Zone and to establish a Management Board for the Zone. By-law No. 6715/95 requires that the Business Improvement Zone prepare its proposed program, zone levy and budget estimates for the consideration of Council.

The Old St. Vital Business Improvement Zone at its Annual General Meeting held on January 16, 1996, approved the proposed annual budget and program.

On February 12, 1996, the Community Committee considered the proposed program, zone levy and budget estimates for the Old St. Vital Business Improvement Zone.

The Community Committee passed the following motion:

WHEREAS a public meeting to review the proposed program, zone levies and budget estimates for the Old St. Vital Business Improvement Zone was duly advertised in The Winnipeg Free Press on Friday, January 26, 1996, in accordance with Section 17 of By-law No. 6715/95;

AND WHEREAS no objections were received in respect to the Board's proposals;

NOW THEREFORE BE IT RESOLVED that the Riel Community Committee unanimously recommends to Executive Policy Committee that the proposed program, zone levy and budget estimates for the Old St. Vital Business Improvement Zone, as adopted, be ratified by Executive Policy Committee and City Council.

The Executive Policy Committee recommends:

I. That the proposed program, zone levy and budget estimates for the Old St. Vital Business Improvement Zone for the year 1996 be adopted.

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

Adopted by consent.

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Request for Land Dedication Reserve Funds - Chester Square Park
File EP-2 (Vol. 23)

462 - 6. On February 13, 1996, the Assiniboia Community Committee recommended that funds in the amount of $13,535.50 be approved from the Assiniboia Land Dedication Reserve Fund, to install 2 X 250 HPS lights at the southern end of Chester Square Park.

The Executive Policy Committee concurs in the above and recommends that funds in the amount of $13,535.50 be allocated from the Assiniboia Land Dedication Reserve Fund for the project.

Adopted by consent.

Appointment of a Member to The Board of The Winnipeg Enterprises Corporation
Files F-5 (Vol. 20) & GC-7 (Vol. 26)

463 - 7. On February 21, 1996, Council referred back the following motion back to the Executive Policy Committee:

WHEREAS THE Winnipeg Enterprises Corporation was incorporated by Private Act of the Manitoba Legislature in the year 1952;

AND WHEREAS the mandate of the corporation is to carry on activities to provide and maintain entertainment and sporting facilities;

AND WHEREAS The Winnipeg Enterprises Corporation Incorporation Act provides that six (6) of the Directors of the Corporation shall at all times be nominees of The City of Winnipeg;

AND WHEREAS the Board, by By-law, has delegated power regarding membership;

AND WHEREAS the "General By-laws" of the Corporation have recently been amended to no longer require that Council appointees be members of Council;

AND WHEREAS Councillor Golden, by letter dated January 3, 1996, submitted his resignation from Winnipeg Enterprises Corporation; said resignation accepted by Winnipeg Enterprises Corporation in letter dated January 5, 1996;

THEREFORE BE IT RESOLVED that Mr. Bob Silver be appointed to fill the vacancy created by the resignation of Councillor Golden on the Winnipeg Enterprises Corporation.

The Executive Policy Committee reiterates its recommendation of February 21, 1996, that Mr. Bob Silver be appointed to fill the vacancy created by the resignation of Councillor Golden on the Winnipeg Enterprises Corporation.

Moved by Her Worship Mayor Thompson,
Adoption of the clause.

Councillor Thomas asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

Council recessed at 11:52 a.m., and reconvened at 1:41 p.m., same members present.

Councillor Prystanski entered the meeting after Council had reconvened.

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Proposed Sale of City Lands Adjacent to Behnke Road South of Beliveau Road to 3422631 Manitoba Ltd.
File FI-2.4 (35) (Vol. 2)

464 - 8. In 1979 and 1984 parts of the subject lands as outlined in Schedule "A" - Misc. Plan No. RIEL 9611, were acquired to produce a consolidated site of 4.153 acres. This subject site was subsequently optioned by the Lion's Club of Riverside Inc. in 1986 for the purpose of constructing a personal care complex and day care centre. Several extensions of time were granted, however, in 1993, the Lion's Club of Riverside Inc. advised the City that government funding for the Club's project was not available.

The aforementioned site was one of twenty properties listed with Stevenson and Company in 1994 and actively marketed with no success. The site was recently listed with Shindico Realty at a price of $450,000.00.

Shindico has provided the Land and Development Services Department with an Offer to Purchase the aforementioned site and a second Offer to Purchase other City lands in close proximity. The two Offers to Purchase are identified as No. 1 and No. 2 respectively, as outlined in Schedule "A" - Misc. Plan No. RIEL 9611.

The lands included in Offer to Purchase No. 2 were originally acquired as follows: Lots 38 to 47, Plan 1857 outlined in Schedule "A" - Misc. Plan No. RIEL 9611, were acquired in Tax Sale prior to 1976; the balance of the lands were created as a result of street and lane closings.

All of the lands which are the subject of these two Offers to Purchase are in the inventory of the Land and Development Services Department. These lands are considered to be surplus and available for sale.

The Committee on Finance and Administration on February 26th, 1996, considered an oral report of the Land and Development Services Department respecting the receipt of the two Offers and;

> 'authorized the Director of Land and Development Services to negotiate and sell at fair market value the subject City-owned property, conditional upon the property being declared surplus, the payment of any dedication fees if the property is rezoned, and subject to Council approval of the sale.'

As the Purchaser requires immediate consideration of its Offers, the Committee directed the Department to submit its written report directly to the Executive Policy Committee at its meeting to be held on March 13, 1996.
Shindico Realty has advised that The Home Depot Canada is to be the developer of the property. The Home Depot Canada ("Home Depot") is a national company with sales in excess of $750 Million in Canada but not operating in Manitoba at this time. Home Depot is 25% owned by the Molson Companies.

It is Home Depot's intention to build a 130,000 sq.ft. building on the assembled site fronting on St. Anne's Road for the purpose of marketing building materials, home improvement products and lawn and garden supplies as outlined in Schedule "B".

The capital investment respecting this project inclusive of land, building and inventories is estimated at $18 Million.

The developer advises that 250 new permanent jobs will be created in the St. Vital Area with projected annual salaries of approximately $5 Million.

Construction of the new building and site improvements will employ local contractors for 6-9 months at a time when the construction industry is very depressed.

According to Shindico Realty, upon completion of the project, the City of Winnipeg Assessment Department estimates that the City Property Taxes for the subject property will be approximately $200,000 annually based on 1995 Mill Rates.

The Purchaser may determine that it may be necessary to close all or part of Behnke Road and/or Rose Avenue to facilitate the development. As such it would be expedient at this time to approve a sale of the closed right-of-ways at the same rate per square foot ($2.48 as applicable to the current proposed sale) which, of course, would be subject to the successful closure of these said right-of-ways.

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The Purchaser has agreed that in accordance with the Committee on Finance and Administration's decision of February 26, 1996, that it will pay dedication fees pursuant to any rezoning applications. The quantum of the fee will be determined upon processing of the rezoning application.

The Land and Development Services Department is of the view that the proposed combined purchase price of $730,167.00 is acceptable. The lands located between St. Anne's Road and Behnke Road have limited marketability on their own accord but when consolidated as proposed enables the consolidated site to be developed commercially and more intensely.

The Purchaser is currently negotiating with MHRC, Manitoba Hydro and private owners in the area to complete the land assembly for this development.

The Purchaser has been negotiating with Manitoba Hydro for the acquisition of lands under the transmission lines. Manitoba Hydro has indicated that they would prefer to retain ownership of any lands under their transmission lines but are willing to make arrangements for Home Depot to utilize the lands for its project. The Purchaser may in its transaction with Manitoba Hydro transfer to Manitoba Hydro parts of the City land being acquired to ensure the integrity of the Manitoba Hydro right-of-way. Any costs associated with the subsequent transaction will be borne by those parties.

Due to the timing of these events this proposal has not been referred to the Riel Community Committee for its comments. The Ward Councillor is aware of the project. The Community Committee will have an opportunity to review this matter pursuant to the rezoning application process.

Council has directed that revenue in the amount of $4.964 million be generated in the sale of surplus City-owned properties therefore the net sale proceeds arising from this transaction will be credited to the General Revenue Account.

The Executive Policy Committee recommends that Council:

I. Declare the subject properties shown as Offer to Purchase No. 1 and Offer to Purchase No. 2, as outlined in Schedule "A" -Misc. Plan No. RIEL 9611 surplus to the City's requirements.

II. Approve sale of the properties included in Offer to Purchase No. 1 and Offer to Purchase No. 2 to 3422631 MANITOBA LTD. for the price of $450,000.00 and $280,167.00 respectively in accordance with the stipulated terms and subject to:

   i) the Purchaser paying dedication fees on the rezoning;

   ii) the retention of any easements required by the City and/or the utilities;

   iii) approve, subject to a successful road closing application, the sale to 3422631 MANITOBA LTD. (or its assignee) of those parts of Behnke Road and/or Rose Avenue at a price of $2.48 per sq. ft. should road closings be desired to facilitate the development;

   iv) authorize the proper officers of the City to do all things necessary to implement the approved transaction and to enter into any Sales and Purchase Agreements to include any clarifications and amendments as specified herein and to include such other terms and conditions which are deemed necessary by the City Solicitor to achieve the intent of Council and to protect the City's interests.

Adopted by consent.

(See Minute No. 504 for attachment)

EXECUTIVE POLICY COMMITTEE

MOTIONS

Moved by Her Worship Mayor Thompson,
Seconded by Deputy Mayor Eadie,

465 - WHEREAS at a Special Meeting on January 31, 1996, City Council adopted Clause 1 of the Report of the Executive Policy Committee dated January 25, 1996, Current Tax Supported Estimates and Utilities Portion, including in part:

> a request to the Province to enact legislation allowing the City to reduce annual employee salaries by 2% in 1996 and a further 2% in 1997, for savings of approximately $7M and $14M in each year respectively;

AND WHEREAS the Province initially indicated it was prepared to enact such legislation, but has now indicated that the legislation requested by the City will not be enacted;

AND WHEREAS alternative means of achieving savings of approximately $7M in 1996 without increasing taxes and without impacting on the delivery of service to the public, such as vacancy management and implementation of strict expenditure controls are proposed as alternatives to wage reduction measures;

AND WHEREAS the Executive Policy Committee is currently quantifying such savings and exploring further alternative savings options;

THEREFORE BE IT RESOLVED that Recommendation No. II contained in Clause 1 of the Report of the Executive Policy Committee dated January 25, 1996, be rescinded;

AND BE IT FURTHER RESOLVED that Executive Policy Committee be requested to complete its analysis and report back to Council with a plan to achieve savings of not less than $7M in 1996, said plan to be submitted to Council not later than its scheduled meeting of May 23, 1996.

The Speaker ruled automatic referral to the Executive Policy Committee in accordance with Rule 16.1 of the Procedure By-law.

Moved by Her Worship Mayor Thompson,
That the rule be suspended to allow consideration of the motion at this time.

Carried.

In amendment

Moved by Councillor Golden,
Seconded by Councillor Lazarenko,
THAT the motion be amended by adding at the end thereof:

> “And Be It Further Resolved That Executive Policy Committee request all City of Winnipeg Union representatives to meet with Executive Policy Committee to provide recommendations for cost savings or revenue sources to meet budget guidelines and the mill rate recommendation”.

The amendment was put and declared carried.

The motion, as amended, was put and declared carried.

Executive Policy Committee - Motions (continued)

Moved by Councillor Vandal,
Seconded by Councillor Lazarenko,

466 - WHEREAS the City of Winnipeg's Handi-Transit system was designed to meet the transportation needs for persons with disabilities in Winnipeg;

AND WHEREAS the present Handi-Transit system's ridership carries the majority of persons with disabilities who are non-ambulatory;

AND WHEREAS the replacement of Winnipeg Transit's portion of the total Handi-Transit ridership will result in a sudden and abrupt decrease in the degree of service available for those people who have non-ambulatory types of disabilities;

AND WHEREAS the City has not adequately consulted persons with disabilities prior to voting for a total privatization of Handi-Transit service;

AND WHEREAS a delay in implementation of the Handi-Transit contracting initiative has resulted in a reduction of approximately $400,000 in proposed savings;

THEREFORE BE IT RESOLVED that Council rescind its previous decision to contract out Handi-Transit services to 100% in 1996 instead of 70%;

AND BE IT FURTHER RESOLVED that Council reexamine this issue at the Committee on Works and Operations and forward a business plan complete with proposed savings and timelines, after consultation with the Amalgamated Transit Union and persons with disabilities.

The Speaker ruled automatic referral to the Executive Policy Committee in accordance with Rule 16.1 of the Procedure By-law.

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

Carried.

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

The motion was put.

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

Yea: Councillors Golden, Lazarenko, Lubosch, Murray, O'Shaughnessy, Thomas, Vandal and Prystanski. 8

Nay: Councillors Clement, Phillips, Silva, Steek, Timm-Rudolph, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Angus. 8

and the motion was declared lost in accordance with Rule 58 of the Procedure By-law.

Executive Policy Committee - Motions (continued)

Moved by Councillor Lazarenko,
Seconded by Councillor Vandal,

467 - WHEREAS, on February 27, 1996, the Chief Commissioner, the Mayor and the Deputy Mayor announced an immediate unbudgeted requirement of approximately $54.5M for unanticipated Assessment Appeal Refunds as follows (in $ Millions):

	1990-93	1994	1995	1996	TOTAL
SHORTFALL	$25.1	5.3	7.5	12.1	$50.0
PROVISION FOR UNCERTAINTY					$ 4.5
TOTAL					$54.5

due to the following causes:

1) The Financial Model did not predict the Tax Impact accurately,

2) Insufficient assumptions, knowledge and communication,

3) Insufficient insight due to complexity of calculation;

and the following factors:

FINANCIAL MODEL	
Experience Change	$32.1
Assessment Reductions by the Municipal Board	4.4
NEW FACTORS (Not included in original Model)	
Municipal Board - New Appeals	5.5
Business Tax Appeals	7.2
More Appeals in 1996 than Anticipated	0.8
Provision for Uncertainty	4.5
TOTAL	$54.5

AND WHEREAS, on March 2, the City Assessor resigned;

AND WHEREAS, on March 18, Council approved drawing the total requirement from Account Restructuring ($17.5M) and Reserves ($37.0M);

AND WHEREAS, as the situation now stands, it is likely that, from 1990 to the end of 1996, the City will have to pay out more than $200M in Assessment Appeal Refunds;

AND WHEREAS, on March 18, the Mayor advised that implementation of the computer assisted mass appraisal system was six months behind schedule and that the delay will force the City to ask the Province to postpone the 1997 Assessment;

AND WHEREAS the City lacks the staff and resources to carry out the 1997 Assessment;

AND WHEREAS the Province of Manitoba is responsible for assessment in Manitoba outside the City of Winnipeg;

THEREFORE BE IT RESOLVED that the City ask the Province to takeover responsibility for property assessment within the City of Winnipeg.

Automatic Referral to Executive Policy Committee in accordance with Rule 16.1 of the Procedure By-law

EXECUTIVE POLICY COMMITTEE

CONSIDERATION OF BY-LAWS

468 - On motion of Her Worship Mayor Thompson, By-law No. 6773/96, a By-law of The City of Winnipeg to levy a rate upon the assessed value of all the real property liable to taxation in the City to raise certain sums required for the 1996 annual estimates, was read a third time. File FE(1996)

Moved by Her Worship Mayor Thompson,
That this constitute the third reading of By-law No. 6773/96 and that same be passed and ordered to be signed and sealed.

The motion was put.

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

Yea: Councillors Clement, Lubosch, O'Shaughnessy, Phillips, Silva, Steek, Timm-Rudolph, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Prystanski. 10

Nay: Councillors Golden, Lazarenko, Murray, Thomas and Vandal. 5

and the motion that this constitute the third reading of By-law No. 6773/96 and that same be passed and ordered to be signed and sealed, was declared carried.

On motion of Her Worship Mayor Thompson, 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. 6790/96, a By-law of the City of Winnipeg to amend By-law No. 6546/95, being a by-law of the said City to regulate the construction, maintenance and removal of private approaches and private walks. File SC-1.1 (Vol. 5)

By-law No. 6791/96, a By-law of the City of Winnipeg to amend By-law No. 1481/77, being the City of Winnipeg Streets By-law File ST-5.3 (Vol. 6)

By-law No. 6792/96, a By-law of the City of Winnipeg to amend By-law No. 1573/77, being The City of Winnipeg Traffic By-law File ST-5.2 (Vol. 22)

By-law No. 6798/96, a By-law of The City of Winnipeg to reactivate certain local improvements on Bethray Bay deferred by By-law No. 5603/91 File SL-3 (Vol. 13)

On motion of Her Worship Mayor Thompson, the rule was suspended and By-law No. 6803/96, a By-law of The City of Winnipeg to amend By-law No. 549/73, being the "Frontage By-law", 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. Files FC(1996) & FC-1(1997-2001)

Councillors Golden, Lazarenko and Thomas asked to be recorded as having voted against all three readings of By-law No. 6803/96, in accordance with Rule 50.7 of the Procedure By-law.

EXECUTIVE POLICY COMMITTEE

QUESTION PERIOD

469 - Councillor Lubosch questioned whether Loren Reynolds, Commissioner of Protection, Parks and Culture had been removed from the Committee selecting the new Chief of Police, and if so, why.

Her Worship Mayor Thompson noted that there had been a lot of media coverage in terms of Commissioner Reynolds being a possible candidate for the position, and therefore it was deemed inappropriate for someone to be part of the Selection Committee who perhaps was a candidate.

Councillor Lubosch noted that Commissioner Reynolds had never made any overture or attempt to be listed as a candidate, either privately or publicly, and stated that by virtue of position, Commissioner Reynolds should be part of the formal selection process for the new Chief of Police.

Her Worship Mayor Thompson noted there had been a lot of controversy with respect to Commissioner Reynolds and that the process had become very complicated. She further noted that it was important to have an Administrative Officer of the City without controversy as part of the selection process, and stated that the Chief Commissioner, being the Chief Administrative Officer of the City, is part of the Selection Committee.

Councillor Lubosch requested to know if Commissioner Reynolds was, or was not, a candidate for the Chief of Police position.

Councillor O'Shaughnessy noted that it would be inappropriate to advise, in a public forum, of who is or is not on the short list of candidates or, who has or has not applied. Councillor O'Shaughnessy further stated that the answer could be provided to any Councillor who inquired, in private, for their personal knowledge.

Her Worship Mayor Thompson suggested that Councillor Lubosch take the question to the Commissioner and again noted that due to the controversy over the matter, the Chief Administrative Officer was the administrative representative on the Selection Committee.

Councillor Lazarenko requested that the Mayor advise who the individual was that presented her with a list indicating that Commissioner Reynolds had 10 votes for the position of Chief of Police.

Her Worship Mayor Thompson stated she would not.

Councillor Lazarenko questioned whether an individual had presented such a list to the Mayor.

Her Worship Mayor Thompson replied in the affirmative.

Councillor Lazarenko questioned the decisions made by the Executive Policy Committee on March 19, 1996, on the filling of vacant positions.

Deputy Mayor Eadie noted that there were no specific appointments to be filled. He explained that there were a number of vacancies within various Civic departments going through a review process, and that departments were going to come forward to explain the need to fill certain vacancies.

Councillor Angus noted that it had come to his attention that the City was the leading contender to be the site of a $7 million movie and questioned whether there has been any communication to Council on the status of this.

Her Worship Mayor Thompson advised she had not received any information in this regard.

Councillor Angus suggested that it would be appropriate to establish some communication on this matter in order to be kept abreast of what is happening in the industry, and requested that members of Council also be advised.

Mayor Thompson stated she would make a formal request on the matter.

Executive Policy Committee - Question Period (continued)

Councillor Angus requested that the Executive Policy Committee review pending legal cases against the City to be aware of the possible downside, especially costs. He noted that the Legal Department should be requested to give their opinion on the cases that the City might win and those that the City might lose, and the cost involved.

Her Worship Mayor Thompson noted that she had already acted on this matter but would once again make the request. She also referred to previous requests to the Administration to identify "alarm bells" in the system so that Council could be more aware of problems instead of having to react to a crisis.

Councillor Golden requested a progress report on the opening of Portage and Main.

Her Worship Mayor Thompson noted the existing agreement with Trizac and stated that she was continuing to build support amongst the signatories on the matter.

Councillor Golden requested to be provided with a list of the specific outstanding assessment appeals and what the City's exposure might be on these appeals so they might be dealt with by proper budgeting and planning.

Her Worship Mayor Thompson noted that she had recently requested weekly reports from the Assessment Department.

Councillor Golden requested the Executive Policy Committee to improve the system for making appointments to Boards and Commissions by having in place, an interview process, so that people can be appointed on the basis of merit, ability and the contribution and understanding of the process they were applying to be involved in.

Her Worship Mayor Thompson noted that the Selection Committee makes appointments to Boards and Commissions and further noted that the appointment system is continually improving and that suggestions for improvement were always welcome.

Councillor Murray questioned why the Commissioner of Protection, Parks and Culture was not a member of the Selection Committee to select the new Chief of Police.

Her Worship Mayor Thompson noted once again, that the Chief Commissioner, the Chief Administrative Officer of the City, was the administrative representative on the Committee.

Councillor Murray questioned why Her Worship Mayor Thompson and the Executive Policy Committee would lead the appointment of the assessment inquiry as opposed to alternatives such as the Ombudsman or through the justice system.

Her Worship Mayor Thompson noted Council had approved the process to be implemented.

Councillor Thomas questioned if the Commissioner of Protection, Parks and Culture had submitted an application for the position of the Chief of Police, to which Her Worship Mayor Thompson replied he did not.

Councillor Thomas questioned if the Commissioner of Protection, Parks and Culture had advised Her Worship Mayor Thompson that he wished to be considered for the position of Chief of Police, to which Her Worship Mayor Thompson replied he had not.

Councillor Thomas questioned why the Commissioner of Protection, Parks and Culture had been removed from the Committee.

Her Worship Mayor Thompson advised that there had been a number of external circumstances surrounding the issue.

Councillor Golden requested confirmation as to whether or not the National Film Board was going to be leaving Winnipeg, and what impact it would have on the City's ability to attract the film industry to Winnipeg.

Her Worship Mayor Thompson noted that she would investigate the matter.

Executive Policy Committee - Question Period (continued)

Councillor Golden requested that the City use the resources available to create a catalogue for the film industry on the types of space the City has for film use and the names of contact persons.

Her Worship Mayor Thompson took the matter under advisement.

Councillor Golden made reference to a large Winnipeg house building company giving notice to their employees within the year, and in noting the economic impact, requested that the Mayor investigate the matter.

Her Worship Mayor Thompson took the matter under advisement.