REPORT OF THE

EXECUTIVE POLICY COMMITTEE

DATED SEPTEMBER 6, 1995

On motion of Her Worship Mayor Thompson, the Report of the Executive Policy Committee, dated September 6, 1995, was considered clause by clause.

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

Councillor Murray requested that Clause 1 be pulled from the Consent Agenda.

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

Councillor Hyman requested that Clause 7 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 3,4,5 and 6 was put and declared carried.

Her Worship The Mayor and Councillors:

Amendment to Plan Winnipeg (By-law No. 5915/92) by redesignating lands located west of the Winnipeg International Airport and North of Saskatchewan Avenue, from a "Rural" Policy Area to an "Industrial" Policy Area
File EP-1.1 (PW 1/92) (Vol. 11)

1124 - 1. On June 14, 1995, Council adopted Clause 1 of the Report of the Executive Policy dated June 7, 1995, giving first reading to Plan Winnipeg Amending By-law No. 6631/95, a By-law of The City of Winnipeg to amend By-law No. 5915/92, a By-law establishing Plan Winnipeg, being a statement of the City's policy and general proposals in respect of development or use of the land in the City. Council also requested the Executive Policy Committee to conduct a Public Hearing, with respect to the Plan Winnipeg amendment, on September 6, 1995.

At the Public Hearing held on September 6, 1995, Bruce MacLeod, President, MR Consultants Inc., appeared on behalf of the Airport Vicinity Landowners Association. He elaborated on the Winnpark Concept Plan, and stated that Winnipeg is strategically positioned in a transportation circle, encompassing the Pacific Rim, the European routes and the overland routes of the NAFTA "highway". He advised that inasmuch as there is aggressive competition from other cities in becoming a major centre for transportation and commerce, Winnipeg must act expeditiously in a logical, timely and consistent manner.

The following persons appeared in support of the application:

Mr. Bruce MacLeod, President, MR Consultants Inc.
Mr. Chris Lorenc, President, Infrastructure Council of Manitoba
Councillor Murray, Fort Rouge Ward
Mr. Gordon Halushka, Private Citizen

In addition, the Executive Policy Committee received the following submissions, namely:

1) Copy of Winnpark Concept Plan dated September 6, 1995, and copy of publication entitled "Access Americas", Volume 2, Issue 2, submitted by B. MacLeod, President, MR Consultants Inc., on behalf of the Airport Vicinity Landowners Association

2) Copy of submission dated June 7, 1995, submitted by B. MacLeod, President, MR Consultants Inc., on behalf of the Airport Vicinity Landowners Association

Report of the Executive Policy Committee dated September 6, 1995

3) Copy of communication dated September 1, 1995, from Chris Lorenc, President, Infrastructure Council of Manitoba

4) Copy of communication dated September 1, 1995, from Barry Prentice, Professional Associate, Transport Institute, University of Manitoba, in support of the proposed amendment to Plan Winnipeg

5) Copy of communication dated September 6, 1995, from Gordon Halushka

6) Copy of communication dated September 6, 1995, from Carolyn Garlich on behalf of the Council of Women Committee on Urban and Regional Issues

Ms Carolyn Garlich, Council of Women Committee on Urban and Regional Issues appeared for information purposes.

No one appeared in opposition to the application.

After considering all aspects of the Plan Winnipeg Amending By-law No. 6631/95, and after holding the Public Hearing and considering the representations and evidence, the Executive Policy Committee recommends:

I. That Council give second reading to By-law No. 6631/95, being a by-law of the City of Winnipeg to amend Plan Winnipeg By-law No. 5915/92 by redesignating lands located west of the Winnipeg International Airport and north of Saskatchewan Avenue (as shown on the amending by-law) from a “Rural” Policy Area to an “Industrial” Policy Area.

II. That Council direct the City Clerk to forward five certified copies of the by-law, as approved on second reading, together with a copy of the report and recommendation of Executive Policy Committee respecting said by-law, to the Minister of Urban Affairs for approval in accordance with Section 580(1) of The City of Winnipeg Act.

III. That Council direct the City Clerk to serve the required written notice under Section 580(2) of The City of Winnipeg Act, to any person who made representation at the public hearing.

IV. That subject to provincial approval and third reading of Plan Winnipeg Amending By-law No. 6631/95 by Council, a plan be prepared for lands located west of the Winnipeg International Airport and north of Saskatchewan Avenue including the area covered by said by-law, outlining proposed land use designations, servicing provisions and costs, in consultation with the stakeholders including, but not limited to, Winnport, the landowners, the Development Plan Amendment Steering Committee, the Airport Vicinity Development Advisory Committee and the general public, and that the Commissioner of Planning and Community Services be required to coordinate and do all things necessary in connection with the formulation of said plan such that it may be considered by Council in March, 1996.

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

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

Carried.

Resource Allocation for the Winnipeg Taxation Fairness Committee
File FL-2 (Vol. 13)

1125 - 2. On July 20, 1994, Council ruled automatic referral of the following motion to the Executive Policy Committee:

Moved by Councillor Lazarenko,
Seconded by Councillor Golden,

NOW THEREFORE BE IT RESOLVED by the Council of the City of Winnipeg that there be created a "Winnipeg Taxation Fairness Committee" (the "Committee") whose mandate and make up shall be as follows:

Mandate

1. *To examine and categorize existing sources of revenue now received by the City of Winnipeg;*

2. *To identify the proportion each category of tax revenue received represents as part of the whole;*

3. *To examine taxation systems utilized in other municipal jurisdictions;*

4. *To present to the Council of the City of Winnipeg such recommendations as it deems appropriate for the implementation of a fair system of taxation which corrects existing inequities and disparities in levels of and the system of taxation;*

5. *To present its recommendations in a report to Council within one (1) year of its appointment.*

Committee Members

Members of the Committee to be appointed by the Mayor, on a volunteer basis, in consultation with Council, shall consist of a broad representation of the community (proposed groups outlined on Exhibit "A").

Council shall approach the provincial Minister of Justice to appoint the Chief Justice of the Court of Queen's Bench or his designate to chair the Committee.

AND BE IT ALSO RESOLVED that the said Committee shall be entitled to receive the necessary financial and human resources and assistance from the offices of the Board of Commissioners, the City Clerk's Department, the City Assessor and such other office(s) or officer(s) as may be deemed appropriate by the Committee;

AND BE IT FURTHER RESOLVED that the Committee be entitled to determine its own rules of procedure.

On August 31, 1994, Executive Policy Committee considered the item and referred the matter to a Council Seminar, which was held on November 10, 1994. Council, on February 22, 1995, adopted Clause 6 of the Report of the Executive Policy Committee dated February 15, 1995, allowing for an extension of time for Executive Policy Committee to further consider the matter, and to allow the City Clerk to determine the resources required to assist the Winnipeg Taxation Fairness Committee in the fulfilment of its mandate, if established by Council.

The creation of a Taxation Fairness Committee, with membership outlined on Appendix "A", would constitute a significant Committee undertaking with complex and broad terms of reference and community representation. This Committee would be comparable to the "Business Tax Task Force", or the "Citizen's Committee on Council Members' Compensation". The operations of this Committee would require administrative input on matters of assessment, legalities, finance, and general business matters. The Committee would be researching taxation systems currently utilized in other municipal jurisdictions and will be reporting back within one year.

The Corporate Finance, Assessment, Corporate Services, and Business Liaison and Intergovernmental Affairs Departments have all committed to supply the technical and administrative support which the Committee would require. This would include expertise in the areas of assessment, taxation, and law as well as provide administrative support and research capabilities.

It is estimated that a budget of $8,000.00 should cover the Committee costs for meetings, postage, long distance telephone calls and printing of reports. This amount is preliminary and would require confirmation by the Chairman of the Committee once that person is appointed.

Your Executive Policy Committee therefore recommends:

I. That The Winnipeg Taxation Fairness Committee be appointed in early 1996 with a mandate to report back within 1 year.

II. That an amount of $8,000 be considered to be added to the 1996 Budget to cover committee expenses.

III. That the Board of Commissioners be requested to designate appropriate administrative support for the Committee.

IV. That the Chair and Members of the Committee be appointed by the Mayor, on a volunteer basis, in consultation with Council, and shall consist of broad representation of the community outlined in Appendix "A", including the Provincial Ministers of Urban Affairs and Finance.

V. That the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

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

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

The Acting Deputy Speaker called the Deputy Speaker, Councillor Reese to the Chair.

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

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

Establishment of the Academy Road Business Improvement Zone
File FL-7.11 (Vol. 1)

1126 - 3. Section 197(1) of The City of Winnipeg Act states the following:

> "197(1) Subject to subsections (2), (3) and (4), the council may, by by-law, establish a business improvement zone when a petition signed by 10% of businesses that represent 10% of the total business assessment in the proposed zone is received by the council requesting that an area defined by the petitioners be designated as a zone."

The other relevant sections of The City of Winnipeg Act are outlined on Exhibit "A".

On February 21, 1995, the City Clerk received a communication from Denis Fletcher, Business Improvement Zone Officer, submitting a petition to establish a business improvement zone in the Academy Road area; the map of the proposed zone is outlined on Exhibit "B". The petitioners represent 51.89% of the business that represented 57.46% of the business assessment. The results of the petitions for the Academy Road Business Improvement Zone are outlined on Exhibit "C".

On May 1, 1995, the City Treasurer certified that the petitions did constitute at least 10% of the business that represents 10% of the total business assessment in the proposed zone as outlined on Exhibit "D".

On May 18, 1995, the Board of Commissioners directed the Administration:

> "That in accordance with Section 197(2) of The City of Winnipeg Act, notices be mailed to each business located in the proposed Academy Road Business Improvement Zone advising that a sufficiently signed petition (certified by the City Treasurer) has been received for the establishment of this zone, thereby ensuring each business has an opportunity to submit a notice of objection."

On July 19, 1995, the City Treasurer certified that the objections to the zone did not constitute one-third of the businesses that represent one-third of the total business assessment in the proposed zone as outlined on Exhibit "E".

A tabulation of the notice of objections received prior to July 16, 1995, is provided as follows:

	Number of Businesses	Business Assessments
Total businesses within the proposed zone:	105	$1,497,360
Businesses that submitted a notice of objection:	10	$96,120
Businesses that object to the zone represent:	9.52%	6.42%
Required percentage for preventing the establishment of the zone:	33.33%	33.33%

As the petitions of the proposed Academy Road Business Improvement Zone have now complied with all provisions of The City of Winnipeg Act, it is now left to Council to determine whether to create the proposed business zone.

The Executive Policy Committee recommends:-

I. That the establishment of the Academy Road Business Improvement Zone be approved by Council.

II. That draft by-law designating a Business Improvement Zone to be known as the "Academy Road Business Improvement Zone" and establishing a Management Board be approved.

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

Copy of Exhibits A, C, D and E are on file in the office of the City Clerk.

Adopted by consent.

Funding Allocation for the Completion of the Kinver Play StructureFiles PR-2.6(34) (Vol. 3) & EP-2 (Vol. 4)

1127 - 4. On April 11, 1995 the Lord Selkirk-West Kildonan Community Committee recommended funding in the amount of $23,000.00 from the Community Incentive Grant Account for completion of the Kinver Park play structure for the Tyndall Park Community Centre.

On May 17, 1995, Council adopted Clause 2 of the Report of the Committee on Protection, Parks and Culture dated May 1, 1995, approving a Community Incentive Grant in the amount of $23,000.00 to the Tyndall Park Community Centre for the completion of the Kinver Park play structure.

The Administration have advised that it was the original intent of the Lord Selkirk - West Kildonan Community Committee to approve an amount of $16,000.00 from the Land Dedication Reserve Fund and $7,000.00 from the non-allocated and surplus Community Incentive Grant funds, for a total amount of $23,000.00 towards completion of the Kinver Park play structure.

The Executive Policy Committee recommends that funding for the completion of the Kinver Park play structure for the Tyndall Park Community Centre, be allocated as follows: $7,000.00 from 1990, 1991 and 1992 surplus and non-allocated Community Incentive Grant funds; and $16,000.00 from the 1990 Land Dedication Reserve fund, as was the original intent of the Lord Selkirk-West Kildonan Community Committee.

Adopted by consent.

Short and Long Term Cost Impact Analysis of Collective Bargaining Agreements File GU (Vol. 3)

1128 - 5. The Executive Policy Committee submits the following resolution to Council for favourable consideration, namely:

WHEREAS the labour and benefit costs to the City of Winnipeg represent a substantial portion of the City's annual current budget;

AND WHEREAS it is appropriate for City Council to be aware and mindful of overall short and long term cost implications to the annual budget of any proposed new, re-newed or extended collective bargaining agreement ("agreement");

NOW THEREFORE BE IT RESOLVED that prior to any ratification vote by Council of the City of Winnipeg on any such proposed agreement(s), that it be presented by the civic administration, the Auditor of the City of Winnipeg and the External Auditor, with a full short and long term cost impact analysis of any such recommended agreements(s).

Adopted by consent.

Tax Status - Spirit of Manitoba File F-5.1 (Vol. 5)

1129 - 6. Council at its special meeting held on August 3, 1995, ruled automatic referral of the following motion to the Executive Policy Committee, under Rule 16.1 of the Procedure By-law No. 5400/90:

Moved by Councillor Murray,
Seconded by Councillor Thomas,

WHEREAS the City has much more limited authority than the Province of Manitoba and does not have the same legislative powers to protect the public purse;

BE IT RESOLVED that the City's granting of use of its tax status to Spirit of Manitoba be undertaken on the condition that if the Province brings forward legislation or undertakes other measures to limit provincial obligations or subsidies of losses of the NHL Hockey Franchise in Winnipeg, Spirit of Manitoba or its subsidiary corporations or the construction or related costs of a new arena/entertainment complex that the legislation or initiative would be extended to include the same protections and limitations to the City of Winnipeg's obligations.

Inasmuch as the Spirit of Manitoba Inc. is not proceeding to negotiate the purchase of the Winnipeg Jets Hockey Club, the Executive Policy Committee recommends that the motion be filed.

Adopted by consent.

Initiation of Inquiry to Purchase the Majority Owners' Shares of the Winnipeg Jets File F-5.1 (Vol. 5)

1130 - 7. On August 10, 1995, Council ruled automatic referral of the following motion to the Executive Policy Committee, under Rule 16.1 of the Procedure By-law No. 5400/90:

Moved by Councillor Lazarenko,
Seconded by Councillor Hyman,

WHEREAS in August and September 1994, a group of business interests representing the private sector in the City of Winnipeg organized themselves as the Manitoba Entertainment Complex Inc. (MEC) for the purpose of purchasing the Majority Owners' shares of the Winnipeg Jets by May 1, 1995 and constructing a new arena in Winnipeg;

AND WHEREAS on October 14, 1994, City Council and subsequently the Province agreed to provide financial assistance to MEC to promote its project in the amount of $1.5M;

AND WHEREAS Council approved this assistance on the basis that MEC would make a final "go or no go" decision by May 1, 1995;

AND WHEREAS on February 1, 1995, City Council adopted Principles and Guidelines to provide general direction to MEC and to be incorporated into proposals for a new arena;

AND WHEREAS up to the end of April, the City undertook various approvals concerning MEC's chosen site at the Forks;

AND WHEREAS on March 22, 1995, City Council requested MEC to present its full and comprehensive formal proposal and business plan by April 12 to permit public review and the exercise of due diligence;

AND WHEREAS MEC kept its considerations from the public until April 27, then failed to produce a viable business plan and subsequently announced on May 3 that it would no longer pursue its project;

AND WHEREAS as a consequence of this failure, the City and the Province asked the Majority Owners to sell the team as soon as possible under the 1991 Agreement and the Jets retired their logo at a public assembly in the Arena;

AND WHEREAS as a consequence of the failure of public expectations, demonstrations occurred;

AND WHEREAS a subsequent attempt by MEC to purchase the team and to construct a new arena with the involvement of Mr. I. Asper, Q.C. led the Province to announce an increase in its contribution to the project from $10M to $37M, led to a public fundraising campaign which raised $13.5M in one week, led City Council on May 17 to approve conditional participation in principle in the amount of $37M plus related services and led the federal government to announce a contribution of $20M from Infrastructure and Pan Am Games funds already allocated to Manitoba;

AND WHEREAS these contributions were assembled on the basis that, without a local offer by noon of May 18, the team would be sold and also on the basis that the Majority Owners would make a final decision on whether the team would stay or be sold by the afternoon of May 18;

AND WHEREAS MEC did not present a local offer by noon May 18 and the Majority Owners made no final decision and, again, more public demonstrations occurred;

AND WHEREAS in June, the City's Chief Commissioner, the Secretary of the Province's Treasury Board and business people, some of whom were formerly associated with MEC, organized themselves as Spirit of Manitoba Incorporated (Spirit);

AND WHEREAS by deposit of $10M on June 16, Spirit agreed to acquire the Majority Owners' 64% interest in the Winnipeg Jets for a total payment of $32M by August 15, subject to the following conditions, among others:

a) Spirit must raise a total of approximately $80M of which approximately $60M had already been raised or pledged;

b) The National Hockey League must approve the transaction and

c) An acceptable tax ruling must be obtained from Revenue Canada;

AND WHEREAS on June 30, the City provided $200,000 to Spirit to continue engineering and planning, detailed design, site preparation, material and other project costs necessary to maintain the schedule;

AND WHEREAS on July 24, the Manitoba Securities Commission issued a Confidential Information Circular concerning the Initial Offering of Spirit of Manitoba Limited Partnership Units which identified thirteen substantial Risk Factors;

AND WHEREAS on July 25, the NHL advised Spirit that it required for consideration for approval the following items, among others:

a firm purchase and sale agreement,

a firm and binding commitment to construct a new arena, including all necessary government approvals such as any tax or security rulings, coverage of cost overruns, completion of environmental reviews and the absence of pending litigation which would pose a risk to the project's success,

a firm and binding lease that guarantees the Jets all revenue streams and provides that the team would stay in Winnipeg for at least five years,

an endowment fund in place of at least $111M,

the presence of one or more personal or corporate guarantors who would be prepared to make up any shortfall or inadequacy in the endowment fund;

AND WHEREAS on July 26, City Council refused Spirit's request that the City accept donations to an endowment fund for which receipts for income tax purposes would be issued subject to a Revenue Canada ruling;

AND WHEREAS on August 3, at the urging of the Premier, City Council agreed to accept donations to the endowment fund subject to a Revenue Canada ruling;

AND WHEREAS today, Spirit is substantially short of its fundraising objectives, no Revenue Canada ruling has been obtained and Spirit is seeking an extension of the closing deadline to August 31;

AND WHEREAS the Manitoba Evidence Act, Chapter E150, Part V, subsection 83(1) provides:

Where the Lieutenant Governor in Council deems it expedient to cause inquiry to be made into and concerning any matter within the jurisdiction of the Legislature and connected with or affecting

(a) the good government of the province or the conduct of any part of the public business thereof;

(b) the conduct of any provincial institution or of any institution within the province receiving provincial aid;

:

:

(e) the affairs of any municipality, municipal district, or corporation, existing for any municipal purpose; or

(f) any matter which, in his opinion, is of sufficient public importance to justify an inquiry;

he may, if the inquiry is not otherwise regulated, appoint one or more commissioners to make the inquiry and to report thereon.

THEREFORE BE IT RESOLVED that, in view of the public concern shown and the amount of public funds involved, City Council ask the Minister of Finance to initiate an inquiry into all necessary aspects of the project to purchase the Majority Owners' shares of the Winnipeg Jets Hockey Club and to build a new arena by the appointment of (an) independent commissioner(s) in accordance with the Manitoba Evidence Act, in the public interest.

The Executive Policy Committee recommends that the resolution be concurred in, subject to the resolve being deleted and replaced with the following:

THEREFORE BE IT RESOLVED that in view of the public concern shown, and the amount of public funds involved, City Council ask the Province of Manitoba to conduct a joint Audit by the Provincial Auditor and the City Auditor which shall include complete Audits of all expenditures made by:

a) the Interim Steering Committee as established in the 1991 Agreement
b) Manitoba Entertainment Complex Inc.
c) Spirit of Manitoba Inc.;

and all expenditures made by the Province of Manitoba and the City of Winnipeg related to the above initiatives; said Audit to be completed and reported to the Legislature of the Province of Manitoba and the Council of the City of Winnipeg on or before March 31, 1996.

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

In amendment,

Moved by Councillor Duguid,
Seconded by Councillor Lazarenko,
THAT the clause be amended by changing the date in the last resolve from March 31, 1996 to October 13, 1995.

In amendment,

Moved by Councillor Thomas,
Seconded by Councillor Murray,
THAT the resolve be amended by adding the words “necessary aspects including all” immediate before the word “expenditures” in the third line thereof.

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

Carried.

Moved by Councillor Golden,
That Council recess, in recognition of the closing of nominations, until 2:00 p.m.

Council recessed at 11:59 a.m., and reconvened at 2:19 p.m., same members present, the Speaker in the Chair.

Councillors Clement, Hyman, O'Shaughnessy and Prystanski entered the meeting after Council had reconvened.

Council here proceeded to continue to consider the order of business - "Clause 7 of the Report of the Executive Policy Committee dated September 6, 1995".

In amendment,

Moved by Councillor Reese,
Seconded by Councillor Boychuk,

THAT the inquiry include all the information since 1991 including agreements signed by the province at that time and as well in June of 1994.

The amendment proposed by Councillors Duguid and Lazarenko was put.

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

Yea: Councillors Reese, Boychuk, Clement, Duguid, Eadie, Golden, Hyman, Lazarenko, Murray, Prystanski, Silva, Thomas and Angus. 13

Nay: Councillors O'Shaughnessy, Fraser, and Her Worship Mayor Thompson. 3

and the amendment was declared carried.

The amendment proposed by Councillors Reese and Boychuk was put and declared carried.

The amendment proposed by Councillors Thomas and Murray was put and declared carried.

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

REPORT OF THE

EXECUTIVE POLICY COMMITTEE

DATED SEPTEMBER 13, 1995

On motion of Her Worship Mayor Thompson, the Report of the Executive Policy Committee, dated September 13, 1995, was considered clause by clause.

Moved by Her Worship Mayor Thompson,
That the Consent Agenda, Clauses 1 and 2 be adopted.

Carried.

Her Worship The Mayor and Councillors:

Appointment to the Position of Medical Health Officer File GP-1.28 (Vol. 1)

1131 - 1. The Executive Policy Committee has been advised that the position of Medical Health Officer became vacant as of August 25, 1995 upon the resignation of the previous incumbent, Dr. Richard Stephen Stanwick. Dr. Stanwick, who was the Medical Health Officer for the City of Winnipeg since January 2, 1991, has accepted a position with the City of Victoria Health Department commencing in September 1995.

The position of Medical Health Officer not only involves important statutory responsibilities, requiring strong clinical public health background and research expertise, but in view of the City's New Directions, this position requires a strong participative style and commitment to interdisciplinary team work. In addition, unique skill sets are needed to build constructive working partnerships and relationships with other levels of government, the research and university community, and the community at large.

The most recent past appointment of Medical Health Officer included a provision to supplement the base contract salary due to a non-competitive salary range in Winnipeg when compared to those being paid in other jurisdictions. The position was nationally advertised in July of this year, resulting in four applicants. While at the outset all four candidates were considered, given the above requirements, the search narrowed down to one candidate, who is recommended for this position.

Dr. Margaret Fast received her medical degree from the University of Manitoba and interned at the Vancouver General Hospital. Following five years of general practice in Vietnam she completed her pediatric residency at the Children's Hospital in Winnipeg, the Liverpool School of Tropical Medicine and Hygiene and the London Institute of Child Health. This was followed by two years of training at the Children's Hospital in Winnipeg and the Kenyatta Hospital in Nairobi, Kenya. She obtained her Fellowship in Community Medicine after training at the University of Manitoba. She has been involved in Public Health since 1982 in the roles of Assistant Provincial Epidemiologist (1982-1985), Director Communicable Disease Control (1985-1991), Acting Chief Medical Officer of Health (1990-1991) and Chief Medical Officer of Health for the Province of Manitoba (1991-1992). Since 1992 she has been Assistant Director at the Cadham Provincial Laboratory and Deputy Medical Director at the Winnipeg Red Cross Centre. Dr. Fast is an Assistant Professor in the Departments of Community Health Sciences, Pediatrics and Child Health and Medical Microbiology. She is regarded as an expert in her field and enjoys an excellent reputation locally, nationally and internationally. The City of Winnipeg is very fortunate to have attracted a candidate with Dr. Fast's credentials.

The Executive Policy Committee recommends:

I. That Dr. Margaret Vanetta Fast be appointed to the position of Medical Health Officer for the City of Winnipeg.

II. That Dr. Margaret Fast be placed at salary level IX, step 21 of the City of Winnipeg Management/Professional Group Salary Scale and that Dr. Fast receive a further reparation of Ten Thousand ($10,000.00) Dollars per annum in recognition of her considerable expertise and qualifications for the position of Medical Health Officer.

III. That Council approve the appointment of an interim Medical Health Officer effective August 28, 1995, and that Council ratify any actions of an interim Medical Health Officer from August 28, 1995 up to and including the date upon which Council approves the appointment of an interim Medical Health Officer. The appointment of the interim Medical Health Officer is to be effective until Council appoints a Medical Health Officer and that Medical Health Officer assumes the duties and responsibilities of that position.

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

Adopted by consent.

Appointment to the Position of Deputy Medical Health Officer
File GP-1.28 (Vol. 1)

1132 - 2. The Executive Policy Committee has been advised that the position of Deputy Medical Health Officer has been vacant since February, 1995.

The proposed arrangement is a partnership innovation between the City of Winnipeg, Dr. Sandra Harlos and the University of Manitoba. A major benefit to the City in the first three year training-service years will be financial savings. The City will provide a reduced salary for the Deputy Medical Health Officer at the residency level rather than the full amount associated with the position. The long range goal is to ascertain "guaranteed service years" for the City, equivalent to the training-service period. Short term, the goal is an apprentice type of arrangement to prepare a unique practitioner that understands the needs and demands of the City of Winnipeg.

During the first three years of training Dr. Harlos would be expected to incrementally assume the duties of the Deputy Medical Officer of Health. In her last two years of residency she would be eligible for a licence to independently function in the capacity of Deputy Medical Officer of Health, including coverage when the Medical Officer of Health is absent. Resident projects both onsite and offsite will be developed to meet the needs of the Community Services Department. It is expected that some ongoing involvement with committee work and projects will be maintained even during offsite rotations. During Dr. Harlos' external rotations she will function to strengthen working relationships between the Community Services Department, the University of Manitoba and the various components of the public health network.

The Deputy Medical Officer of Health has played an integral role in the provision of public health services. Responsibilities have ranged from covering for the Medical Officer of Health during his/her absences to pursuit of external sources of funding for the Department. As well, the Deputy Medical Health Officer has participated in the development of important projects such as the Sentinel Surveillance Health Unit, systematic communicable disease control, and data bank management and the role has been altered to emphasize population health to a greater extent. The Deputy Medical Officer of Health will still be responsible for coverage in the absence of the Medical Officer of Health.

A unique opportunity has arisen to ensure that the candidate for Deputy Medical Officer of Health has the prerequisite skills required to fulfil the expanded and evolving role of Deputy Medical Officer of Health within the Department of Community Services. The approach involves funding the residency position in Community Medicine for the suitable candidate. The individual would acquire community medicine skills but also be made aware of the specific demands of the City Deputy position, thereby enabling her to appropriately focus the elective aspects of her training to meet the rigours of the position. Moreover, through an arrangement with the University of Manitoba to provide training, closer ties to the University of Manitoba Department of Community Health Sciences could be fostered.

The arrangement would parallel other externally funded positions established with the University of Manitoba. Approval has been gained from the Deputy Minister of Health, Dr. John Wade, and the person who oversees these arrangements and approvals for the Province of Manitoba, Mr. Réal Cloutier. The understanding with the Provincial Government is that Dr. Harlos will, in return for having three years of residency funded by the City, provide an equivalent time in the role of the Deputy Medical Officer of Health at full salary commensurate with current City pay schedules. It is anticipated that the residency program will involve extended rotations, particularly in the last two years of training, at the City's Community Services Department. The first year of the training will involve rotations at other sites for much of the time and the candidate will have only a provincial training licence from the College of Physicians and Surgeons. However, there will be appropriate rotations at the Community Services Department, even during the first year. In the last 2 years of residency Dr. Harlos would be eligible for a licence to independently function in the capacity of the Deputy Medical Officer of Health, including coverage when the Medical Officer of Health is absent.

The City of Winnipeg is proving to be extremely innovative in cultivating the appropriate personnel for the challenges and demands of an ever-evolving series of public health issues at a time of significant change. This approach will ensure continuity in terms of staffing and eventually have a person onsite who will have the necessary skill set to ensure the job requirements are achievable by the Deputy Medical Officer of Health.

Dr. Sandra Harlos is a highly motivated, articulate person who has already acquired a number of skills that would be essential in fulfilling the role of Deputy Medical Officer of Health. She has had involvement with the Community Services Department during her acquisition of a Masters of Community Health Sciences under the supervision of Dr. Richard Stanwick.

The Executive Policy Committee recommends:

I. That Council approve the appointment of Dr. Sandra Carol Harlos to the role of Deputy Medical Health Officer Training/Service position.

II. That the City fund a three year residency portion in Community Medicine for Dr. Harlos, with the agreement that Dr. Harlos provide an equivalent time in the role of the Deputy Medical Health Officer at full salary commensurate with current City pay schedules, on successful completion of the program.

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

Adopted by consent.

REPORT OF THE

EXECUTIVE POLICY COMMITTEE

DATED SEPTEMBER 20, 1995

On motion of Her Worship Mayor Thompson, Report of the Executive Policy Committee, dated September 20, 1995, was considered clause by clause.

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

Councillor Lazarenko requested that Clause 1 be pulled from the Consent Agenda.

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

The motion to adopt the Consent Agenda, Clauses 2,4,5,6 and 7 was put and declared carried.

Her Worship The Mayor and Councillors:

Access to Information By-law
File GL-5.8 (Vol. 10)

1133 - 1. In April, 1984, City Council established an Ad Hoc Committee, consisting of members of Council, to review the City's policy on access to information. The deliberations of that Ad Hoc Committee resulted in a request being made to the Province of Manitoba to enact amendments to The City of Winnipeg Act to allow the City to enact a by-law relating to access. The Act was amended in 1990.

One of the requirements of The City of Winnipeg Act, as it was amended in 1990, was that a right of appeal from refusals to provide access lie to the Ombudsman. The City's Ombudsman was appointed on April 27, 1994.

Between June 22, 1994 and January 25, 1995, Executive Policy Committee and City Council gave consideration to a draft Access to Information By-Law which had been prepared by the administration. In the course of these considerations a special public meeting of Executive Policy Committee was held on September 8, 1994 at which delegations were received. On December 14, 1994, Council formally adopted a motion to establish a "Winnipeg Access to Information Committee" mandated to review the City's draft by-law and similar by-laws and legislation in other jurisdictions and to formulate recommendations on "access to information by-laws and procedures which reflect the principle that citizens shall be given access to the information on the affairs of the City subject only to those exceptions which are required to protect the privacy of individuals or the public interest". (The Winnipeg Access to Information Committee is referred to in this report as "the Ad Hoc Committee".)

On January 25, 1995, Council appointed the following Ad Hoc Committee members, namely: Councillor Lazarenko, Mary Ann Beavis, Deloyd Guth, Ross Nugent, Kirk Stanley, Ross Eadie and Ken Gibbons. On April 12, 1995, the Ad Hoc Committee presented its report, dated April 7, 1995, with a draft access to information by-law, to Executive Policy Committee.

For the information of Council, a Draft Report of The Municipal Act and Related Statutes Review Panel, containing proposals and recommendations on access to municipal records was distributed to the public for comment on November 24, 1994, pending a final report by that Review Panel to the Minister of Rural Development. The Final Report of the Review Panel was submitted and distributed on June 16, 1995.

An earlier administrative draft of an Access to Information By-Law was circulated to all civic Departments in late 1990. Since that time, many departments have been restructured under New Directions. Responsibilities for some functions have been transferred between Departments and new management teams have been appointed. Upon receiving instructions from Executive Policy Committee to provide a review of this area, the Corporate Services Department circulated the Ad Hoc Committee draft within the administration with a request for comments by June 22, 1995.
Through the administrative review process responses were received from a variety of sources including Commissioners, Department Heads and Managers, as well as the College of Physicians and Surgeons of Manitoba and the Manitoba Dental Association.

Numerous meetings and conversations were held between members of the Ad Hoc Committee and members of Corporate Services in an attempt to bring forward a by-law which was acceptable to both the Ad Hoc Committee and the administration and might be the subject of a joint recommendation. These discussions have been successful, to a large degree, in resolving differences between the draft by-laws which were prepared by administration and by the Ad Hoc Committee.

On April 12, 1995, the Executive Policy Committee received the April 7, 1995 final report and Draft Access to Information By-Law prepared by the Winnipeg Access to Information Committee, and referred the by-law to the administration for a report in its entirety as well as to the Ombudsman, for comment on the provisions relating to Appeals to the Ombudsman.

The by-law which is recommended for enactment is based largely on the proposal of the Ad Hoc Committee with certain changes made by Legal Services in order to comply with The City of Winnipeg Act, clarify the intent, address common concerns or address matters identified as a result of the administrative review.

In addition to a number of smaller questions regarding process and/or the interpretation of wording, the administrative feedback repeatedly identified the following four significant concerns which are addressed in this report: a) Councillor Access, b) Access Guide/Directory c) Implementation Date and d) Fee Schedules.

a) Councillor Access to Information

The draft by-law submitted by the Ad Hoc Committee included the following clause:

> "2 (d) Every member of the Council of the City, by filing a request with the Chief Commissioner of the City, is entitled to access to any record, including a record to which access could otherwise be denied under this By-law, but the member shall keep confidential any exempt information."

This proposal originated from the Draft Report of The Municipal Act and Related Statutes Review Panel on proposed amendments to The Municipal Act. The proposal of that Panel, as submitted in its Final Report, dated June 16, 1995, was expanded as follows:

> 8.2.10(1) Every member of council is entitled to access to all municipal records, but the member must
>
> (A) keep confidential the information contained in a record described under subsection 8.2.5(1) (i.e. records containing personal information including educational, medical, criminal, employment, family history or financial information); and
>
> (B) unless expressly permitted by council, keep confidential the information contained in a record described under subsection 8.2.5(2) (i.e. draft reports or by-laws, information that would be injurious to enforcement of laws, investigations or legal proceedings, information which would be likely to facilitate the commission of an offence, threaten security, reveal trade secrets, etc.).
>
> 8.2.10(2) A failure by a member of council to keep confidential information as required under subsection (1) disqualifies the member from membership on council and the member must immediately resign from office.

The policy issue as to whether or not members of Council should have unrestricted access to records will have to be considered by City Council. A review of other Canadian jurisdictions indicates that there is no such access granted to elected representatives in any other federal or provincial access to information legislation. In four jurisdictions, elected representatives are allowed access to personal information but only where the elected official has been authorized by the constituent to receive that information in connection with assisting the individual to resolve a problem. Access would be available in those circumstances under the proposed by-law. Both the College of Physicians and Surgeons of Manitoba and the Manitoba Dental Association have registered objections to the unlimited access by Councillors as proposed in the Ad Hoc Committee draft.

Subsection 81.5(1) of The City of Winnipeg Act requires the City to "include in its exemptions from access" certain records as set out in the legislation. Those particular records have, and must be, dealt with as mandatory exemptions under subsection 7(1) of the proposed by-law. The effect of the proposed by-law is that members of Council would be subject to the mandatory exemptions specified under subsection 7(1). Members of Council would have the same rights as any other citizen to request records listed under subsection 7(2).

In the event that Council decides its members should have access to any record, it is recommended that the Province of Manitoba be requested to provide legislation either having the effect proposed in the Final Report of The Municipal Act and Related Statutes Review Panel or, alternately, providing the City of Winnipeg with authority to enact such provisions, including the sanctions referred to, by by-law.

If Council determines that its members should have unrestricted access to all records, it may be appropriate for the by-law to be amended at a future date to prescribe a specific process for that right to be exercised. For example, the by-law might recognize that members of Council would not be considered "applicants" for information under the normal provisions and could provide that requests from members of Council be received by the Chief Commissioner or another designated person and handled under different procedures and criteria.

b) Access Guide/Directory

The Ad Hoc Committee's draft by-law contained a section requiring the production of an Access Guide. This section has been retained as submitted with two changes. The requirement to produce the guide bi-annually has been deleted as it is expected that this guide will be developed in an electronic format and will undergo periodic on-going revisions, and a time frame of two years from the passage of this by-law has been inserted to allow the City time to produce the guide.

An Access Guide/Directory of City Records is essential to facilitating access to information contained within the city records system. Developing the guide, however, will require time and effort as well as a plan for the improvement of the records management processes within the organization. The development of a guide should be approached as an evolving project with each subsequent revision of the guide as an improvement on the last document. Clearly, there will be costs associated with the development of an Access Guide and with improvements to the City's records management systems. As recommended, the City Clerk should be requested to identify the costs associated with both initiatives.

c) Implementation Date

The implementation of this by-law and the access process it sets out will proceed more easily if there is an orientation developed for departmental staff. It would be desirable to have the effective date of the by-law delayed to allow time to provide orientation sessions for city employees who will be expected to respond to requests for information.

d) Fee Schedule

The Ad Hoc Committee draft provided that the City may require the applicant to pay a fee as set out in its Schedule "A"; and "that the fee schedule be adjusted every 3 years beginning in 1999 by a percentage equal to the change in the City mill rate in the previous 3 years, rounded to the nearest $.05"; "that if the applicant is required to pay fees the City shall provide an estimate of the total fee before providing the services, and shall require 25% of the fee to be paid in advance as a deposit."

Changes were made to allow the fees associated with this by-law to be updated with all other fees which are dealt with under the fees and charges policy. As a result there are no automatic increases in the fees contained within the by-law. City Council can establish and review the fees whenever it sees fit. In addition, the applicant is required to pay 100% of any applicable fees prior to being provided with any records requested.

The Ad Hoc Committee draft provided that "the City may require the applicant to pay a fee..." That wording was problematic for two reasons. First, in the absence of specific authority under provincial law, the City must pass by-laws of general application and a provision which allows discretion as to who will and who will not be required to pay the fee could be challenged as being discriminatory. Secondly, the draft did not specify who would make that determination. The proposed fee schedule includes an exception where the City has already adopted a different fee or charge (whether greater or less) which would apply to the service provided under the Access to Information By-law. It is anticipated that there will be few situations where an existing charge applies to those services. However, given the vast array of charges which already exist, it was felt prudent to include this provision.

The Executive Policy Committee therefore recommends:

I. That the draft Access to Information By-law No. 6420/94 as put forth by the Administration be forwarded to City Council for consideration, together with the recommendations dated September 18, 1995, from the Winnipeg Access to Information Committee, as outlined in Schedule "B".

II. That the City of Winnipeg develop an access guide/directory to assist individuals in making requests for access under this by-law, and that responsibility for the development of the access guide/directory rest with the City Clerk.

III. That the City Clerk be requested to produce a plan to improve records management within the City organization, including costs and resource requirements, for consideration by the Administration and City Council.

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

For the information of Council, the policy issue as to whether Members of Council should have unrestricted access to records was laid over and tabled with the Executive Policy Committee for consideration by the new Council in November 1995.

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

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

The Speaker called Councillor Boychuk to the Chair and left the Chamber.

The Acting Deputy Speaker called the Deputy Speaker, Councillor Reese to the Chair.

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

Consulting Study - Traffic, Transit and Pedestrian Facilities on Portage Avenue
File ST-7 (Vol. 13)

1134 - 2. Council at its reconvened meeting held on January 26, 1995, ruled automatic referral of the following motion to the Executive Policy Committee, under Rule 16.1 of the Procedure By-law No. 5400/90:

Moved by Councillor Golden,
Seconded by Councillor Lazarenko,

WHEREAS Council has delegated authority to the Committee on Works and Operations to enter into contracts for approved budget matters for amounts up to $1 million;

AND WHEREAS the Committee on Works and Operations has used this delegated authority to approve a $250,000.00 study of traffic matters on Portage Avenue;

AND WHEREAS the said study was neither an urgent matter nor a matter directed by policy of City Council;

NOW THEREFORE BE IT RESOLVED that any contract (not of an emergency matter) authorizing a study or report, be first authorized by Council.

On July 12, 1995, Council granted an extension of 60 days to further consider this matter, inasmuch as the final report from the Administration had not been submitted for consideration.

Inasmuch as the final report from the Administration has not yet been submitted, the Executive Policy Committee recommends that Council grant a further extension of time of 60 days to allow for consideration of this matter.

Adopted by consent.

Reintroduction of Money By-laws and Referenda during General Elections in Winnipeg File GL-5 (Vol. 4)

1135 - 3. On July 12, 1995, Council referred back to the Executive Policy Committee, Clause 5 of the Report of the Executive Policy Committee dated June 21, 1995, with respect to the reintroduction of money by-laws and referenda during General Elections in Winnipeg.

On July 19, the Executive Policy Committee referred the matter to the Administration for consideration and report.

Inasmuch as the final report from the Administration has not been submitted, the Executive Policy Committee recommends that Council grant an extension of time of 60 days to allow for further consideration of this matter.

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

The Speaker returned to the Chamber and resumed the Chair.

Moved by Councillor Golden,
That Rule 8.6 of the Procedure By-law be suspended to allow Councillors to remove their jackets.

Carried.

Moved by Councillor Golden,
That the question be now put.

Carried.

The motion for the adoption of the clause was put.

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

Yea: Councillors Clement, Duguid, Eadie, O'Shaughnessy, Prystanski, Silva, Her Worship Mayor Thompson and Councillor Angus. 8

Nay: Councillors Reese, Boychuk, Golden, Hyman, Lazarenko, Murray, and Thomas. 7

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

Carried.

Proposed Policy - City Employees Being Required to have their Principle Residence in The City of Winnipeg File GP-1 (Vol. 17)

1136 - 4. Council at its meeting held on July 12, 1995, ruled automatic referral of the following motion to the Executive Policy Committee, under Rule 16.1 of the Procedure By-law No. 5400/90:

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

WHEREAS Headingley seceded from The City of Winnipeg in 1992, and the residents of St. Germain are currently in the process of deliberating secession;

AND WHEREAS Council has, at numerous times, deliberated the issue of non-residents in relation to user fees, licensing of non-resident contractors, non-resident parking, and a capital region strategy;

AND WHEREAS there is a concern over the erosion of civic revenue through property taxation which is exacerbated by the problems associated with non-residents;

AND WHEREAS The City of Winnipeg is currently deliberating a long-term financial plan which rationalizes the levels of taxation and services provided;

AND WHEREAS on several occasions, Members of Council have raised the issue of non-residents as it applies to civic employees;

THEREFORE BE IT RESOLVED that Council consider a policy whereby all civic employees are required to have their principle residence in The City of Winnipeg;

AND BE IT FURTHER RESOLVED that such policy be effective upon the day of Council approval, but also apply to current civic employees applying for senior management positions, including Level I and Level II positions;

AND BE IT FURTHER RESOLVED that the Administration provide a related report to the Executive Policy Committee, identifying the specifics of this application, especially the number of employees by group affected, and the necessary legislation to accommodate this policy, and any related alternatives including some form of "work tax".

On July 19, 1995, the Executive Policy Committee referred the matter to the Chief Commissioner for report back to Executive Policy Committee identifying what other Provinces, Cities and/or Municipalities in Canada have this type of policy; and whether or not the City can establish, as a condition of employment, that all civic employees be residents of the City of Winnipeg.

Inasmuch as the final report from the Administration has not yet been submitted, the Executive Policy Committee recommends that Council grant an extension of time of 60 days to allow for further consideration of this matter.

Adopted by consent.

Power to Impose Minimum Fines for License and Zoning By-law Violations
Files EL-1 (Vol. 29) & EZ-DAZ

1137 - 5. Council at its meeting held on July 12, 1995, ruled automatic referral of the following motion to the Executive Policy Committee, under Rule 16.1 of the Procedure By-law No. 5400/90:

Moved by Councillor Silva,
Seconded by Councillor Prystanski,

WHEREAS The City of Winnipeg's License and Zoning By-laws are being constantly violated by a growing number of businesses;

AND WHEREAS many of these businesses see the fines imposed as simply the cost of doing business;

AND WHEREAS our enforcement officers lack the authority to effectively close these businesses down immediately and therefore these businesses can operate for months without penalty;

THEREFORE BE IT RESOLVED that The City of Winnipeg request from the Provincial Government the power to impose minimum fines for violations of the License and Zoning By-laws for those businesses who refuse to comply;

AND BE IT ALSO RESOLVED that The City of Winnipeg request from the Provincial Government the power to padlock such businesses by the License and Zoning Departments for those businesses who continually violate License or Zoning orders.

On July 19, 1995, the Executive Policy Committee referred the motion to the Administration for report back to Executive Policy Committee, requesting information as to how the City can implement this legislation if given authority to do so.

Inasmuch as the final report from the Administration has not yet been submitted, the Executive Policy Committee recommends that Council grant an extension of time of 60 days to allow for further consideration of this matter.

Adopted by consent.

Winnipeg 2000 Leaders Committee
File G-8 (Vol. 4)

1138 - 6. On May 9, 1990, Council adopted Clause 1 of the Report of the Executive Policy Committee dated May 9, 1990, appointing a number of persons to the Winnipeg 2000 Leaders Committee and the Leaders Advisory Committee and directed that any new appointment changes be approved by Council.
The Executive Policy Committee has now received additional names for appointment to the Winnipeg 2000 Leaders Committee.

The Executive Policy Committee therefore recommends that the following appointments to the Winnipeg 2000 Leaders Committee be approved by Council, namely:

Ken Cranston, Vice President, The Bank of Nova Scotia
Marion Suski, President, Victoria General Hospital
Ian Sutherland, President & CEO, The North West Company
Bob Silver, President, Western Glove Works Ltd.
Sandy Riley, President & CEO, Investors Financial Services
Raymond McFeetors, President & CEO, Great West Life Assurance Co.
Gary Steiman, President, Gemini Fashions
Tony Knowles, President, Red River Community College
Terry Cristall, Partner, Number Ten Architectural Group
Lynn Raskine-Levine, Managing Partner, KPMG Management Consulting
Doug Harvey, President & General Manager, Mid-Canada Truck Services Ltd.
Gordon B. Webster, Managing Partner, Price Waterhouse
J. A. Ernest Morel, Senior Vice-President, Manitoba and Saskatchewan Division, Bank of Montreal

Adopted by consent.

Proposed Land Exchange with Phillips & Temro Industries Ltd. - 409 Mulvey Avenue, for a St. Boniface Industrial Park Site on the South Side of Paquin Road, East of Beghin Avenue
File FI-2.4.5 (Vol. 16)

1139 - 7. The Committee on Finance and Administration at its meeting held on September 7, 1995 considered an oral report from the Director of the Land and Development Services Department respecting the status of negotiations of a proposed land exchange between the City and Phillips & Temro Industries Ltd. involving City-owned land in the St. Boniface Industrial Park and the Company's land at 409 Mulvey Avenue. The Committee instructed the Director to finalize his negotiations and to report directly to the Board of Commissioners for recommendation to Executive Policy Committee at its meeting to be held on September 20, 1995.

Phillips & Temro Industries Ltd. is located at 409 and 421 Mulvey Avenue and has for many years been manufacturing automotive electrical parts at these locations. The Company was recently purchased by the international "Budd Corporation".

The new ownership is currently undertaking a program of integrating and merging the two companies. As part of this program the Company is planning the termination of manufacturing at the Mulvey Avenue site and the relocation to an alternate site with modern facilities which would enable enhanced efficiencies. The Company has considered a number of alternative locations and appear to have centered on either relocating to the City's St. Boniface Industrial Park or alternately expanding and moving to its existing manufacturing facilities in Minneapolis.

The Company has advised that it is prepared to relocate to the St. Boniface Industrial Park and that it intends to construct a one level manufacturing facility approximately 100,000 to 120,000 square feet in size. This facility would consolidate the manufacturing processes carried out at the Mulvey Avenue site and another plant on Bowman Avenue. The Company currently has approximately 250 Winnipeg based personnel. The Company has advised that it intends on starting construction this fall with occupancy and manufacturing at the St. Boniface Industrial Park location to be one year hence.

Ongoing discussions have resulted in Phillips & Temro Industries Ltd. proposing an exchange of properties with the City in accordance with the following:

a) The City to transfer to Phillips & Temro Lots 22, 23, 28 and 29, Block 6, Plan 13,723 in the St. Boniface Industrial Park. In exchange (as shown on Misc. Plan No. Riel 8577/3) Phillips & Temro shall transfer to the City Lot 2, Plan 2939 and the building on the land known as 409 Mulvey Avenue (excluding all equipment) (as shown on Misc. Plan No. CC 8412/3).

b) Both parcels are to be transferred on an "as is" basis. Each transferee shall indemnify the transferor for any liability of the transferor arising from environmental contamination existing before the closing date on the parcel transferred by the transferor.

   Phillips & Temro has provided the City with a copy of its Environmental Site Assessment dated November, 1994. Notwithstanding the industrial use of the property, the report and subsequent enquiries indicate that there is apparently no undue concern related to contamination and continued use for industrial purposes. Based on these investigations it is currently presumed that the existing soil conditions will not pose problems for the subsequent redevelopment of the property for walkway and parking lot purposes. More soil testing may be required at the time of park development.

   Phillips & Temro has conducted soil testing on the City's site and wish to proceed with this transaction.

c) The date of the satisfaction of the conditions to be October 6, 1995 or such later date as may be agreed upon. The offer of exchange is subject to:

   1. the approval of the Board of Directors of Phillips & Temro Industries Ltd. and its sole shareholders;

   2. the approval of City Council;

   3. Phillips & Temro receiving written confirmation from the Government of Manitoba that Phillips & Temro qualify on terms acceptable to them for the Manitoba Industrial Opportunities Program;

   4. Phillips & Temro satisfying itself that the City-owned property is zoned to permit the contemplated use and size and location of the proposed building(s);

   5. Phillips & Temro and the City reaching agreement on the terms to be incorporated in the formal Exchange Agreement.

d) Phillips & Temro has advised that it is prepared to accept a provision that a building must be constructed on the St. Boniface land within three years. As contemplated by the conditions in the preceding Clause (c), this agreement would be subject to overall approval of the transaction, and to the settlement, in the final legal agreement, of the precise terms of Phillips & Temro's obligation to construct a building.

e) The Date of Possession and Adjustment is on or before October 31, 1995.

f) Phillips & Temro shall pay the land transfer tax with respect to the transfer to it of the St. Boniface land and the City shall pay the land transfer tax with respect to the transfer to it of the Osborne land.

g) Both the City and Phillips & Temro shall collect from the other GST on the sale price of the property acquired by the transferee, unless the transferee is registered under the Excise Tax Act (the 'Act') and no GST is required to be collected by the transferor pursuant to paragraph 221(2) (b) of the Act.

h) Phillips & Temro to lease back the premises at 409 Mulvey Avenue from the City for the rate of one dollar ($1.00) per month with Phillips & Temro being responsible for all taxes and utilities and provide 3rd party liability insurance on terms acceptable to the City in connection with the building and lands. Phillips & Temro to be able to terminate the lease on 30 days notice. The lease to expire the sooner of February 1, 1997, or no later than the 30th day following the issuance of all permits allowing Phillips & Temro to occupy the building that it intends to construct in the St. Boniface Industrial Park.

i) Phillips & Temro have requested that neither the City or Phillips & Temro shall have any obligation to keep the leased premises under repair during the term of the lease or rebuild any damaged structure.

j) The City will deliver vacant possession and will transfer the St. Boniface lands to Phillips & Temro free and clear of any and all encumbrances except for Manitoba Hydro and Manitoba Telephone System Caveat No. 247942.

k) Phillips & Temro will deliver vacant possession of the Mulvey lands to the City subject to the aforementioned lease and will transfer the Mulvey lands to the City free and clear of any and all encumbrances except for Caveat No. 117504.

The Parks and Recreation Department has advised that it requires all of the subject property's riverbank lands for the Churchill Drive Parkway project by way of easement or purchase. This minimal requirement is shown on Misc. Plan No. CC 8412/3.

In addition to the aforementioned requirement, the Department is supportive of acquiring additional lands contiguous to these lands for additional parkway amenities and open space in the McMillan neighbourhood.

The consolidated property would provide an opportunity for establishing a major pedestrian/cyclist/pedestrian vehicle access node to the Churchill Riverbank Parkway. This location is approximately half way between the Norwood Bridge and Churchill Drive Park and is the first direct access link between Osborne Street South and the Red River. By developing a major node at this location, parkway users could access the parkway without having to cross the C.N.R. Main Line. In addition, pedestrian and cyclist access to the pathway could be provided within a non-residential area, thus eliminating potential use conflicts. As well, the extension of City owned land from Jessie Avenue to Mulvey Avenue would provide a logical nodular end to the Mulvey Avenue - Norwood Bridge stretch.

Phillips & Temro Industries have estimated that its realty taxes will increase from the current $40,000.00 per year to approximately $205,000.00 per year for the new facility to be built in the St. Boniface Industrial Park. The Company was originally seeking realty tax concessions as an incentive to relocate to the St. Boniface Industrial Park.

In the opinion of the Land and Development Services Department the proposed exchange is considered fair and equitable based on the present estimated value of the properties and consequently the Department is supportive of the exchange of lands with Phillips & Temro Industries Ltd. as outlined.

The sale proceeds due to the sale of St. Boniface Industrial Park lands are credited to the St. Boniface Industrial Park Revenue Account which is part of the Land Operating Reserve Account.

The Parks and Recreation Department proposes to finance the recovery to the Land Operating Reserve Account on the following basis:

A) the first $250,000.00 will be financed by means of:

   i) cancelling Budget Bureau Certificate No. RB 90-008 (D'Arcy Drive) and applying those funds in the amount of $183,000.00 to this acquisition. Any funds subsequently required for D'Arcy Drive acquisitions will be dealt with on an as required basis.

ii) transferring $60,000.00 from the Winnipeg Ski Club Account No. 6491010704;

iii) transferring $7,000.00 form the Insect Control Grey Street site assembly project Account No. 6491010703;

B) the balance of the acquisition costs would be paid without interest by means of equal annual installments over the next 10 years (or sooner);

C) any net rental revenues generated in the leasing of this property would be credited to the Land Operating Reserve Account and will be credited against the balance owing by the Department.

The Executive Policy Committee recommends:

I. That the proposed land exchange with Phillips & Temro Industries Ltd. as outlined herein be approved;

II. That the Proper Officers of the City be authorized to execute an Exchange Agreement and such other documents as are necessary to implement the foregoing subject to the inclusion of such other terms and conditions as are deemed necessary by the City Solicitor to achieve the intent of Council.

Adopted by consent.

EXECUTIVE POLICY COMMITTEE

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

(Laid over by Council on August 9, 1995)

Moved by Councillor Lazarenko,
Seconded by Councillor Angus,
1140 - WHEREAS City Council is desirous of getting out of the requirement to pay hockey team losses;

THEREFORE BE IT RESOLVED THAT, if the efforts of Spirit of Manitoba are not successful, Council ask outside legal counsel for advice concerning potential litigation on the basis of getting out of the 1991 Agreement.

Moved by Councillor Clement,
That the motion be referred to the Executive Policy Committee.

Carried.

Moved by Councillor Murray,
Seconded by Councillor Thomas,
1141- BE IT RESOLVED that the City prepare an initial plan of the possibility of redeveloping the existing site at Polo Park;

AND BE IT FURTHER RESOLVED that the City immediately research potential options for earliest possible sale of the team to another market should the sale become necessary within the next year;

AND BE IT FURTHER RESOLVED that the City's Law Department clarify the City's legal position on the disbursements of revenue from the sale of the team.

Moved by Councillor Murray,
That the motion be referred to the Executive Policy Committee.

Carried.

Executive Policy Committee - Motions of Which Notice Has Been Given (continued)

Moved by Councillor Murray,
Seconded by Councillor Thomas,
1142- BE IT RESOLVED that appointments by the City of Winnipeg to the Board of Spirit of Manitoba and Facility Co. be citizens who are not members of the civic administration or City Council.

Moved by Councillor Murray,
That the motion be filed.

Carried.

Moved by Councillor Murray,
Seconded by Councillor Thomas,
1143 - BE IT RESOLVED THAT this agreement be understood to require a commitment from the Province of Manitoba.

THAT any legislation brought forward to limit its obligations with regard to the arena project, or any other issue related to the preservation of NHL Hockey including team losses, include same protections for the City.

Carried.

EXECUTIVE POLICY COMMITTEE

MOTIONS

Moved by Her Worship Mayor Thompson,
Seconded by Councillor Fraser,
1144 - WHEREAS on August 6, 1995, Hiroshima marked its 50th anniversary of the atomic bombing of their city;

AND WHEREAS on August 6, 1995, The Honourable Takashi Hiraoka, Mayor of Hiroshima City, in a Peace Declaration resolved “to spare no effort in achieving the abolition of nuclear weapons and the attainment of world peace.”

AND WHEREAS The Honourable Taksasi Hiraoka, Mayor of Hiroshima City has expressed his deepest respect to the City of Winnipeg and the people who are contributing to the realization of world peace, and asks at the same time for the City of Winnipeg to support and assist Hiroshima’s globalization;

THEREFORE BE IT RESOLVED that The City of Winnipeg place on record its support of global security and the abolition of nuclear weapons throughout the world.

Carried.

Executive Policy Committee - Motions (continued)

Moved by Councillor Fraser,
Seconded by Councillor Angus,

1145 - WHEREAS Council on November 16, 1988 adopted a policy for the appointment of citizen members to its Boards and Commissions;

AND WHEREAS Item 9(C) of the Policy requires that all applications from the public to fill vacant citizen member positions must be sent to the City Clerk's Office no later than October 21st in every year;

AND WHEREAS it would be prudent to provide the public with a longer period within which to submit applications;

THEREFORE BE IT RESOLVED that the Policy for the appointment of citizen members to Boards and Commissions be amended by deleting the requirement that applications must be sent to the City Clerk's Office no later than October 21st in every year and substituting the words "the third Friday in November in every year".

Carried.

Moved by Councillor Angus,
Seconded by Councillor Fraser,

1146 - WHEREAS it is desirable for Council to continue the practice it commenced in 1994 of approving its annual budget prior to the fiscal year ending December 31st;

WHEREAS the process of developing the City of Winnipeg's Current Estimates is a lengthy and complex undertaking with input required from not only the civic administration but also the community, including representation at meetings convened by the Community Committees as required under Section 37(1) of the City of Winnipeg Act;

AND WHEREAS during an election year, Council prorogues during the month prior to the civic election;

AND WHEREAS Executive Policy Committee at its meeting held on May 24, 1995, adopted a schedule for the 1996 Current Estimates process as outlined on Appendix "A";

AND WHEREAS the schedule does not provide or allow sufficient time for the Standing Committees to consider and make recommendations on the Current Budget as stipulated in By-law No. 6550/95, the City of Winnipeg's Organizational By-law;

THEREFORE BE IT RESOLVED that in order to ensure adoption of the 1996 Current Estimates - Tax Supported, Utilities and Enterprises, as proposed, the review process normally conducted by the Standing Committees on Current and Capital Budgets, be temporarily suspended for this year only and By-law No. 6550/95 be amended accordingly.

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

Executive Policy Committee - Motions (continued)

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

1147 - WHEREAS the City is faced with fiscal restraint and a Council directive to decrease the amount of capital borrowing;

AND WHEREAS all capital borrowing authority is approved by Council prior to the actual expenditure;

AND WHEREAS surplus borrowing authority arises due to under expenditure or cancellation of projects;

AND WHEREAS this unused capital borrowing authority is often appropriated for other projects, which may not have been priorized by Council in the 5-year Capital Program;

AND WHEREAS in the event of special or emergency circumstances which give rise to projects which cannot be delayed until the following year's annual capital budget, a supplemental capital budget could be approved;

THEREFORE BE IT RESOLVED that the practise of continuing unused capital borrowing authority be terminated and that no surplus borrowing authority be transferred to any other project.

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

Moved by Councillor Fraser,
Seconded by Councillor Clement,

1148 - WHEREAS The City of Winnipeg and DBF Ltd. entered into a Public-Private Partnership to construct the Charleswood Bridge;

AND WHEREAS the Charleswood Bridge is near completion;

AND WHEREAS DBF Ltd. has indicated that sub-section 58(2) of The Real Property Act impairs its ability to obtain long term financing of its costs of construction, in that it prevents a leasehold title from including a public highway where title is in the name of a private owner;

Carried.

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

EXECUTIVE POLICY COMMITTEE

CONSIDERATION OF BY-LAWS

1149 - On motion of Her Worship Mayor Thompson, By-law No. 6688/95, a By-law of The City of Winnipeg to designate a Business Improvement Zone to be known as the "Academy Road Business Improvement Zone" and to establish a management board for the zone 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-7.11 (Vol. 1)

On motion of Her Worship Mayor Thompson, the rule was suspended and By-law No. 6420/94, a By-law of The City of Winnipeg relating to Access to Information, 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 GL-5.8 (Vol. 10)

On motion of Her Worship Mayor Thompson, the rule was suspended and By-law No. 6631/95, a By-law of The City of Winnipeg to amend By-law No. 5915/92, a By-law establishing Plan Winnipeg, being a statement of the City's policy and general proposals in respect of development or use of the land in the City, was read a second time. File EP-1.1 (PW 1/92) (Vol. 10)

Her Worship Mayor Thompson moved that this constitute the second reading of By-law No. 6631/95, which motion was carried.