REPORT OF THE

EXECUTIVE POLICY COMMITTEE

DATED AUGUST 31, 1994

On motion of Her Worship Mayor Thompson, the Report of the Executive Policy Committee, dated August 31, 1994, 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 Eadie requested that Clause 1 be pulled from the Consent Agenda.

The Consent Agenda, Clauses 2,3,4,5,6 and 7 was put and declared carried.

Her Worship The Mayor and Councillors:

Revisions to the Procedure for Street, Lane and Walkway Openings and Closures
File SC-3.13 (Vol. 13)

988 - 1. The Executive Policy Committee has been advised that in order to reduce administrative costs and to better serve the public, the current procedure for street, lane and walkway openings and closings should be amended.

For the clarification of this report, a flow chart illustrating the existing opening and closing procedure is as outlined on Appendix "A". (For the purpose of this report, street, lane and walkway will be referred to as "street".)

The existing procedure will help explain the rationale and importance of each of the steps within the present process:

1. The Land Surveys and Real Estate Department receives the initial opening or closing request generated by either the public or other city departments and is responsible for coordinating the entire process.

2. Following field inspection and sketch preparation, the proposed opening or closing is forwarded along with the Director of Land Surveys and Real Estate's comments to the Planning Department for circulation to utilities and other city departments for report to Committees.

3. The circulation of departments and utilities is necessary to determine any need for continued ownership of the land or the possible need for modification of engineering details or easements for existing or proposed services.

4. The Community Committee receives the proposed opening or closing after circulation so that it can assess the full consequence of the opening or closing and then makes its recommendation for the consideration of the Committee on Planning and Community Services.

5. After approval is received from the Committee on Planning and Community Services, the proposed closing is referred back to the Director of Land Surveys and Real Estate to negotiate terms and conditions with the applicant[s], i.e. land cost, responsibilities for relocations, easement agreements, etc.

6. In the case of closings, the terms and conditions are then forwarded to Committees for approval; Committee on Finance and Administration for approval of financial details and to the Committee on Works and Operations for instruction to have the City Solicitor prepare the necessary by-law. In the case of proposed openings, after approval is received from the Committee on Planning and Community Services, the opening is sent directly by the Director of Land Surveys and Real Estate to the Committee on Works and Operations, if the land has been acquired for that purpose.

7. After Committees' approval, the Director of Land Surveys and Real Estate and the City Solicitor prepares the by-law and plan preparation for submission to Council.

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8. Under The City of Winnipeg Act, Council must give three readings to the street opening and/or closing by-laws. In the case of closings, Council gives first reading to the by-law at one meeting and second and third readings generally at the next ensuing Council meeting. The practice has been to post the proposed closings between the two Council meetings, allowing persons who may object to the closing to appear at Council to state their case. Posting is not required by the Act in the case of openings. A street opening by-law receives all three readings at one Council.

The current procedure as outlined on Appendix "A" is a protracted one that has emerged to protect both the City's and the applicant's best interests.

The circulation aspect must take precedence over other procedures. It is critical that existing utilities within rights-of-way be identified to allow for easement considerations or the possible re-routing of facilities.

It should be noted that during the period of time involved in negotiating with the applicant, delays are occasionally encountered due to the applicant not proceeding expediently. This lengthens the process unpredictably.

In the interest of continuous improvement, The Board of Commissioners at its meeting held on June 16, 1994, approved the following changes to the process, conditional on the approval by Council:

1. Department responsible for the coordinating of processing applications

Street openings and closings are in fact divisions of land and should, therefore, properly be processed in a consistent fashion with other applications to subdivide, which is through the Planning Department. In the present process, applications have come to the Director of Land Surveys and Real Estate who must forward same for circulation to the Director of Planning. This proposed change has been agreed to by both departments.

Applications for street openings and closings in the new process will be coordinated and processed through the Director of Planning.

2. Community Committee Involvement

Including the Community Committee in the circulation to the various city departments and utilities saves approximately one month of time compared to the present practice where the Community Committee deals with the matter after the circulation has taken place. It is recognized that there may be rare cases where the Community Committee would benefit from the feedback received from the circulation. In such cases, the Committee on Planning and Community Services could refer the matter back to the Community Committee for review. The normal role of the Community Committee to review the overall impact of the application to the community would not be detracted by this consideration.

In the new process, the Community Committee will be included in the circulation by the Director of Planning to the various utilities and City departments, rather than considering the application after the circulation has taken place.

3. Scheduling of posting of notices of proposed closings

Serving notice of the proposed closings at this earlier stage in the process, by way of posting, will provide an opportunity for persons who have questions or concerns, to have them addressed by the Committee on Planning and Community Services. The proposed procedure is as outlined on Appendix "B". It may be that this Committee, in some unusual cases, will refer the matter back to the Community Committee. This proposed change to the process will save considerable effort, time and cost by flagging a potential problem of a closing early in the process.

The practice of posting a proposed closing in the early stages of the closing process has been used successfully on the closing of walkways since 1986. In the closing of walkways, the regular posting later in the process was also required to comply with the city-accepted practice for closings. With the new procedures, the second posting for the closing of walkways will be eliminated. Walkway closings and openings are treated in the same category as the openings and closings of streets and lanes.

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The posting of proposed closings in the new process will be done prior to the Committee on Planning and Community Services considering the application in order that the Committee can deal with any potential concerns.

4. The role of the Works and Operations Committee

The various departments forming part of the Works and Operations Division are involved early on in the process at the time of the circulation. Any issues that may be of concern to those departments are to be addressed at that time, which is in keeping with the present procedure.

The present role of the Committee on Works and Operations respecting openings and closings is essentially providing the City Solicitor with the authority to prepare the necessary by-law for Council to effect the opening or closing. It is reasonable to have this role carried out by the Committee on Planning and Community Services where upon approval of the proposed opening and closing, direction can be included for the City Solicitor to prepare the necessary by-law to go to Council.

5. Scheduling Council Readings of Street Closing By-laws

One Council meeting is considered to be sufficient for the passing of a by-law for street closure rather than two meetings, which is the present practice. The proposed closing is posted early in the new procedure and persons who may have questions or objections will have had an opportunity to be heard at the Committee on Planning and Community Services. If necessary, this Committee can refer the matter to the Community Committee for additional political involvement.

Should there be problems still unresolved and the by-law goes to Council for approval, Council will hear the matter and may choose not to enact the by-law. This proposed change will save considerable time while still protecting the public's rights.

6. Establishing an application fee

In keeping with city policy to charge application fees for many of the services provided, an application fee should be charged for street openings and closings to discourage frivolous requests. It is not uncommon for an applicant to abandon or cancel the application in which case the city will be compensated for at least part of the incurred costs.

It is recognized that the new process will still be protracted even with improvements having been made, due to the many technical and legal considerations, rights, by-laws and statutes associated with lane and street closings. However, this is unavoidable to ensure adequate department and Committee consideration and is in the best interests of the public.

The new process should ensure that public and political input can be provided as necessary to protect affected property owners' rights. The changes illustrating the revised flow chart are outlined on Appendix "B" and should shorten the process by two (2) months.

The Executive Policy Committee recommends:

I. That Appendix "A" to By-law No. 4444/86 be amended by removing the delegation of authority to the Committee on Works and Operations to deal with street, lane and walkway closings and openings and delegating same to the Committee on Planning and Community Services.

II. That when an opening or closing by-law is submitted to Council, same be given all three readings at the same meeting.

III. That an application fee of $250.00 be established for applications for street, lane and walkway openings and closings and be reviewed annually by The Board of Commissioners as part of its annual fee reviews.

Copy of attachments referred to in the above clause are on file in the office of the City Clerk.

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

In amendment,

Moved by Councillor Eadie,
Seconded by Councillor Fraser,
That Recommendation II be amended by deleting all the words after the word "Council", and substituting therefore the following:

"said by-law may be given all three readings at the same meeting."

The amendment was put and declared carried.

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

1995 Fees and Charges - City Clerk's Department
Files FE(1994) (Vol. 2) & GK (Vol. 12)

989 - 2. Council, on January 22, 1993, directed that all fees and charges for the City be reviewed every three years, and that said fees and charges increase automatically annually, by the rate of inflation, unless a review indicated otherwise.

The Committee on Finance and Administration, during its review of the 1994 Current Estimates on January 25, 1994, requested that the City Clerk report on revenue options for the City Clerk's Department.

On May 2, 1994, the Committee on Finance and Administration considered a report on revenue options for the City Clerk's Department, and directed that the City Clerk examine the fees currently set out in the Fees and Charges Manual, with a view to reflecting present day costs, and that the necessary arrangements be made for the sale of souvenirs at the City Hall Information Kiosk.

INFORMATIONAL PRODUCTS

a) Subscriptions for Agendas, Minutes, Hansard

A survey of comparable Canadian cities, as outlined in Appendix "B", revealed that the majority of cities have in place annual subscription fees for agendas and minutes of Council and Standing Committees. In most cities, agendas are made available free of charge to Council members, other Civic Departments and the Media, while outside agencies are required to pay subscription fees.

The City Clerk's Department currently prints over 150 copies of the Council agenda for distribution. In addition to providing copies internally to all Members of Council, the Board of Commissioners and Civic Departments, and to members of the Media, the Department provides free of charge copies to the following agencies/companies: Provincial Department of Urban Affairs, Winnipeg Chamber of Commerce, Social Planning Council of Winnipeg, major development companies (Genstar, Ladco, Qualico) and consulting firms (MR Consultants). The Department also ensures a limited number of extra copies are produced and made available to the public upon request.

The proposed rates for annual subscriptions for agendas would reflect partial recovery of reproduction costs and would be implemented for external clients of the City (outside agencies). Media organizations would continue to receive an annual subscription for agendas on a gratuitous basis. The Department would continue to make available to the public free of charge a limited number of copies of individual meeting agendas at the time of a meeting.

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Following an assessment of the costs associated with reproduction of Council, Standing, Ad Hoc and Special Committees agendas and/or minutes, it is proposed that the following annual subscription fees be implemented:

Annual Subscription - Agenda Council	$120.00
Executive Policy Committee/Standing Committees	75.00
Community Committees	40.00
Annual Subscription - Council Minutes or Hansard	$120.00
Council - Agenda, Minutes and Hansard	$300.00 for complete set

Each client would be responsible for making the necessary arrangements for pick-up and/or delivery of the subscription document, inasmuch as the proposed costs do not include provision for same.

With respect to the sale of individual Council minutes and/or Hansard documents, the Department proposes to charge a unit price of $5.00 for printed copies, unless the unit price exceeds photocopying charges, at which time the lesser charge for photocopying would apply. Photocopying charges would also apply for copies of an extract from any minute or Hansard document.

b) By-Laws

The City Clerk's Department currently assesses photocopying fees for reproduction of by-laws or portions thereof, in accordance with the Fees and Charges Manual - October 1993. While the Department can provide copies of any City of Winnipeg by-law, other Departments also make available to the general public, copies of by-laws within their jurisdiction, either in booklet form or by photocopy.

Inasmuch as photocopying rates are set to reflect cost-recovery, the Department proposes to continue charging for the reproduction of by-laws using Departmental photocopying rates.

The City Clerk's Department is currently working with the Law Department to produce a consolidated by-law database, which would provide clients with up-to-date amended by-laws in a user-friendly electronic format. In addition, the Department has also entered into discussions with the Legal Data Resources Corporation on electronic access to documents such as by-laws, agendas, minutes and Hansard, and on the sale of such information. All access arrangements to the database, including rates charged therefor, would be outlined through an Electronic Access Information Agreement. Similar to that, on January 26, 1994, Council approved a contract to provide the Winnipeg Real Estate Board with electronic access to the public tax roll, which is expected to generate approximately $16,800 in 1994.

c) Photocopying

Current photocopying fees were established using the guidelines outlined in the Development Fees By-law No. 5675/91. In accordance with the Fees and Charges policy, these fees have been increased on an annual basis by the rate of inflation, and are currently 0.65 per page for 1 to 10 pages and 0.35 for each page thereafter.

A review of photocopying fees charged by other Canadian municipalities revealed a diversity of fees, varying from 0.10 to 1.00 per page. Some Canadian municipalities charged a flat rate, whereas some charged a minimum fee and/or a higher amount for the first page (or first 10 pages). With respect to other Civic Departments, charges varied from 0.30 to 1.00 per page, dependent on the number of photocopies required.

In order to ensure at least a partial recovery of costs associated with the photocopying of materials, and to facilitate the calculation of fees by both the general public and the staff, the Department proposes standardizing the photocopying fee to a flat rate of 0.50 per page. This rate change should have a neutralizing effect, as the current rates are higher for the first 10 pages, and lower for each page thereafter.

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d) Municipal Manual

Historically, the Municipal Manual has been distributed on a gratuitous basis to a wide variety of organizations/individuals. In 1993, the City Clerk's Department printed 2500 copies of the Municipal Manual, which distribution included all municipal libraries, all Winnipeg high schools, universities and colleges, Federal and Provincial elected officials representing Winnipeg, media organizations, and private companies/organizations (ie. Forks Renewal Corporation, Winnipeg Chamber of Commerce, Winnipeg 2000). The Municipal Manual is also available over the counter from the City Clerk's Department.

In response to a survey on the 1993 Municipal Manual, most individuals indicated they would be willing to pay recovery-cost fees for future editions.

Upon examining the costs associated with the reproduction and distribution of this document, and acknowledging budgetary constraints, the Department proposes a $3.00 fee for the Municipal Manual (allowing for partial recovery of printing and mailing costs), which would be charged to outside organizations/individuals.

e) Assessment Roll Microfiche

The City Clerk's Department has historically been responsible for the management and distribution of both the Assessment and Tax Roll microfiches. In 1993, the sale of microfiches generated revenues of $4,351.90. It should be noted that, in 1994, the Tax Branch has discontinued the sale of the Tax Roll on microfiche, due to the availability of electronic access to the Roll. This will, therefore, decrease the amount of revenue generated by the sale of microfiche. The Assessment Department has indicated that it will continue to produce the Assessment Roll on microfiche for several years. Fees for the purchase of the microfiche (including the index and delivery of the fiche) have been increased by the rate of inflation (1.5%) for a total cost of $271.00 per set. It is projected that revenues from the sale of Assessment Roll microfiches will exceed $2,500.00 in 1994.

OTHER SERVICES

a) Research Services

Subsection 81.1 of *The City of Winnipeg Act* which provides for the enactment of an Access to Information by-law, reads as follows:

"81.1 Subject to sections 81.2 to 81.8, council shall pass a by-law...

(d) setting fees to be paid by an applicant to cover the whole or part of the cost incurred by the city in responding to the application for access."

The proposed Access to Information By-law outlines the guidelines to be followed in establishing costs of inspection and copying, including payment by the applicant of reasonable costs of reproduction and staff time.

To allow for partial cost recovery, the City Clerk's Department proposes the establishment of a research services fee similar to that assessed for transcription, being the hourly wage of one employee (Clerk "A") for the amount of staff time required for the research. Photocopying charges would apply to all material compiled.

b) Viewing and Reproduction of Video cassettes

In a report to the Commissioner of Finance and Administration, dated November 18, 1993, with respect to Committee meeting videotaping, the Department outlined proposed fees and
charges for the viewing and reproduction of video cassettes. It is recommended that no fee be charged for the viewing of tapes, however a fixed fee of $15.00 would be assessed for the copying of a videocassette, which would include the cost of the videocassette and would allow for partial cost recovery of staff time.

c) Certification of Documents

The City Clerk's Department currently charges a fee for the certification of documents, to ensure the admissibility of by-laws, minutes and other documents in court. Other Canadian municipalities have indicated a charge for certification. It is therefore recommended that the fee for certifying documents increase only by the rate of inflation, namely, to $2.25.

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SALE OF SOUVENIRS

On May 2, 1994, the Committee on Finance and Administration authorized the sale of souvenirs at the City Hall Information Kiosk. Souvenir items have been obtained on consignment from Tourism Winnipeg, and are being sold for retail prices as established by Tourism Winnipeg as outlined on Schedule 1 to Appendix "A". The City Clerk's Department is now pursuing the sale of other souvenir items, such as maps and books on Winnipeg, in order to enhance its selection.

The distribution of City of Winnipeg lapel (flag) pins is carried out in accordance with the City Policy on Grants (C301). Policy guidelines provide that a maximum of 10 pins, free of charge, be allocated to persons on a walk-in basis, with the option to purchase additional pins at a cost of $0.40 per pin (including applicable taxes). Furthermore, the policy states that organizations/individuals may request pins free of charge, in excess of 10, by completing the appropriate application form for review by the City Clerk's Department to determine if the application is in compliance with the criteria contained within the Special Grants Policy and that a maximum number be established not to exceed the number of delegates in attendance at the event, which event must be held in Winnipeg.

CIVIC CHARITIES ENDORSEMENT BUREAU

The Civic Charities Endorsement Bureau is established and governed by Section 409 of *The City of Winnipeg Act*, By-law No. 350/73 and amendments thereto, and *The Charities Endorsement Act* of Manitoba. The purpose of the Bureau is to "examine into the character and bona fides of all charitable concerns seeking aid from the City or residents". Permits are issued authorizing fundraising activities described in the application for the permit, in keeping with the legislation and the requirements of the By-law.

On July 6, 1983, Council passed By-law No. 3515/83, amending the fees and charges for Civic Charities permits and tag days. This amendment, effective July 11, 1983, increased the regular permit fee from $2.00 to $5.00 and the fees for Tag Dags from $5.00 to $20.00.

Actual revenues for 1993 and projected revenues for 1994 are as follows:

Year	Regular Permits $5.00 fee	Tag Day Permits $20.00 fee	Total Revenue
Actual 1993	$2,340 (468)	$1,080 (54)	$3,420
Projected 1994	$2,500 (500)	$1,200 (60)	$3,700

Regular Permits can be used for one or more fundraising events throughout a year, and Tag Day Permits, while only used for one event, may span a period of one, two or three days.

Based on the 1983 rate, the total revenue generated in 1993 from the issuance of Civic Charities Endorsement Bureau permits was $3,420.00 The operating costs of the Bureau in the same year were approximately $40,000.00, comprising of salaries and administrative supplies.

Given that the existing permit fees assessed by the Civic Charities Endorsement Bureau have not been increased for a considerable period of time, and all costs associated with the operation of the Bureau have increased substantially since the last increase in 1983, an increase in permit fees would seem warranted. With a multi-year phased-in increase, charitable organizations would be aware of approved fees and charges which would apply in the following calendar year.

Based on partial cost recovery for the operational costs of the Bureau, the City Clerk's Department proposes to increase regular permit fees to $10.00 and tag day permit fees to $25.00 for the upcoming 1995 budget year, which would generate estimated revenues of $6,500.00.

The following tables provide proposed multi-year phased-in increases, along with estimated revenues for the years 1994 - 1998. Estimates are based on the sale of 500 regular permits and 60 tag day permits per year.

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Regular Permits

Year	Permit Fee	Estimated Revenue
1994	$5.00	$2,340.00
1995	$10.00	$5,000.00
1996	$15.00	$7,500.00
1997	$20.00	$10,000.00
1998	$25.00	$12,500.00

Tag Day Permits

Year	Permit Fee	Estimated Revenue
1994	$20.00	$1,200.00
1995	$25.00	$1,500.00
1996	$30.00	$1,800.00
1997	$35.00	$2,100.00
1998	$40.00	$2,400.00

In adopting these fee increases, it is anticipated that the City Clerk's Department could recover an estimated 33% of Bureau operating costs in the year 1998.

The Committee on Finance and Administration on August 29, 1994 considered and concurred in the proposed 1995 Fees and Charges for the City Clerk's Department.

The Executive Policy Committee recommends:

I. That the proposed 1995 Fees and Charges for the City Clerk's Department, as outlined in Appendix "A", be adopted.

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

A copy of Appendix "B" is on file in the office of the City Clerk.

Adopted by consent.

(See Minute No. 995 for attachment)

Funding Agreement - Rossbrook House
File PR-2.7 (Vol. 2)

990 - 3. The Executive Policy Committee has been advised that the current funding agreement between the City of Winnipeg and Rossbrook House expires on January 1, 1995. The organization has requested a renewal of the agreement.

Since 1980, the City has provided funding to Rossbrook House, Inc. to operate a facility which provides 24-hour temporary shelter, recreation and educational programs for disadvantaged children and youth. The current funding agreement encompassed funding in the amount of $160,000.00 in 1990 and the same amount plus cost-of-living adjustments in each subsequent year of the agreement. In 1994, the City provided Rossbrook House with $184,223.00 in support.

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With the rising concern over youth violence, the City's continued support for Rossbrook House is even more important today then it was back in 1980. Rossbrook's mission is to provide a positive alternative to the destructive environment of the street for at-risk children and youth. Their target group is core area aboriginal children and youth ages 6 to 24. However, the program includes other needy young people as well.

Rossbrook House operates a loosely-structured drop-in centre from 9:00 a.m. until 1:00 a.m. weekdays and 24 hours a day on weekends and school holidays. They offer recreation, sports, cultural, social, alternative education and employment training programs. Most important, Rossbrook provides temporary emergency shelter for youth who can't go home at night. A more detailed description of Rossbrook's programs and services is outlined in Appendix "A".

Approximately 4,100 children and youth attend Rossbrook House each year. During 1993, there were 137,739 visits to the centre at 658 Ross Avenue with each visit constituting a stay of several hours or more as outlined in Appendix "B". Over 90% of the children and youth attending Rossbrook House are aboriginal. Virtually all of the children are poor and many go to Rossbrook House to escape difficult, sometimes dangerous, situations at home. About 25% of the participants are between 6 and 11 years of age. Forty percent (40%) are between the ages of 12-17; this group is seen as the most vulnerable to gang involvement. The remaining 35% of the participants are young adults between the ages of 18-24.

Rossbrook House has a strong, very active Board of Directors and a dedicated executive. It appears to be very well-managed. Most of the staff are former "Rossbrookers" who know and understand the environment the kids live in. The Province of Manitoba, the United Way and The City of Winnipeg are the core funders with additional support from fund-raising activities and short-term grants. The most recent audited financial statements are outlined in Appendix "C".

The Executive Policy Committee recommends:

I. That The City of Winnipeg renew its funding agreement with Rossbrook House for a period of five years until December 31, 1999 subject to the existing terms and conditions, together with a cost of living adjustment.

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

Copies of Appendices "A", "B", and "C" are on file in the office of the City Clerk.

Adopted by consent.

Amendments to The City of Winnipeg Act
File GL-5.1 (Vol. 42)

991 - 4. On July 26, 1994, the Minister of Urban Affairs advised Her Worship the Mayor that if Council is seeking any amendments to The City of Winnipeg Act, same should be forwarded to her for consideration no later than September 23, 1994.

Over the last number of years, Council has submitted to the Province of Manitoba various requests for amendments to The City of Winnipeg Act, to improve, in its opinion, the operation of the City. Some of these amendments date back to 1985. For your information, all requests submitted and not dealt with by the Province of Manitoba are outlined in Appendix "A".

In communication dated July 26, 1994, the Minister advises that she will be considering the City's earlier requested amendments to Part 20 [Planning and Development] of The City of Winnipeg Act as outlined Appendix "C".

The Minister also advises that she will consider the City's request for tax relief for heritage buildings as outlined in Appendix "D".

The Minister further advises that a review of Part 13 [Health and Sanitation], which began last year in consultation with City staff, is nearing completion. Outstanding requests to Part 13, is outlined in Appendix "E".

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Furthermore, the Minister advises that her department will soon begin a review of Part 10 [Local Improvements] of the Act and that the requests previously submitted by the City will be considered part of the review. The Deputy City Treasurer has appointed a contact person to work with Provincial representatives in this connection. Previously approved requests to Part 10, are outlined in Appendix "F".

On July 29, 1994, on receipt of the Minister's communication, the Chief Commissioner forwarded same to all department heads and requested them to submit their requests for amendments at the earliest opportunity. The requests received are outlined in Appendix "B".

The Executive Policy Committee recommends:

I. That the OUTSTANDING requests for amendments to The City of Winnipeg Act as outlined on Appendix "A" be re-submitted to the Province of Manitoba for approval.

II. That the PROPOSED amendments to The City of Winnipeg Act as outlined on Appendix "B" be submitted to the Province of Manitoba for approval.

III. That the PROPOSED amendments to The Manitoba Public Health Act be submitted to the Province of Manitoba for approval:

- Repeal Sections 17(1), (2), (3) and (4) thereof.

- Delete the word "unoccupied" in Section 19(d) thereof and substitute therefor the word "occupied".

- Delete the symbol and figures "$5,000.00" in Section 33(1) thereof and substituting therefor the symbol and figures "$50,000.00".

- Add the following Section 39(1.1) thereto:

  "39(1.1) A judge or magistrate imposing a penalty under this section may, in addition to imposing a penalty, order the convicted person to comply with the relevant provision, order or direction."

IV. That Section 41 of The City of Winnipeg Act be amended to allow Community Committees who request the right to establish a Residents' Advisory Group to do so by passing a resolution at Community Committee and sending it to Council.

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

Adopted by consent.

Revision to Tuxedo Community Centre Project Description to the "Winnipeg Community Initiatives" - Canada/Manitoba/ City of Winnipeg Infrastructure Works Program
File S-7 (Vol. 1)

992 - 5. Council at its meeting on April 14, 1994 adopted that projects in the total amount of $90,453,500.00 be approved as the City of Winnipeg's Program for inclusion in the Canada/Manitoba Infrastructure Works Program.

Included in the approved program was $4,000,000.00 for City of Winnipeg Parks and Recreation Department Projects in the "Winnipeg Community Initiatives". Council at its meeting of July 20, 1994 adopted a detailed priority project list.

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Included in this detailed project list was a project for the Tuxedo Community Centre for "hockey pen replacements". In fact, the project program is for "the retrofit of the existing Community Centre from a combination hockey/skate change facility to a pre-school program activity centre". It is recommended that the program for Tuxedo Community Centre be changed accordingly.

The Executive Policy Committee recommends:

1. That the program for the Tuxedo Community Centre be revised to read "for the retrofit of the existing Community Centre from a combination hockey/skate change facility to a pre-school program activity centre".

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

Adopted by consent.

Expenditure of Funds from Land Dedication Reserve - Windsor Community Centre File EP-2 (Vol. 22)

993 - 6. On January 19, March 14, and again on June 15, 1994, the Riel Community Committee recommended that funds in the amount of $150,000.00 be allocated from the Riel Land Dedication Reserve Fund to supplement funding applied for under the Tri Parte Infrastructure Works Program in order to complete the Windsor Community Centre grounds redevelopment.

On July 20, 1994, Council adopted Clause 3 of the Report of the Executive Policy Committee dated July 20, 1994, approving the Infrastructure Works Program, part of which was the allocation of $100,000.00 to the Windsor Community Club for athletic field/sport facilities renovations and the installation of playground apparatus.

The Executive Policy Committee concurs in the above and recommends that funds in the amount of $150,000.00 be allocated from the Riel Land Dedication Reserve Fund to supplement the $100,000.00 allocated under the Infrastructure Works Program for the project.

Adopted by consent.

Contract Renewal for the Coordinator – Community and Race Relations Committee File CR (Vol. 8)

994 - 7. In June of 1986, the former Mayor's Advisory Committee on Race Relations was changed to the Community and Race Relations Committee, Chaired by the Mayor. The position of Coordinator was created within the Mayor's Office.

In October of 1991, the reporting relationship of the Coordinator was revised to the Community and Race Relations Committee, through the Chair.

Mr. Harold Rampersad was appointed to the position of Coordinator on February 9, 1987, on a contract basis, for two years. His contract was subsequently extended for 18 months, then one year, and then three years.

On March 16, 1994, the Executive Policy Committee considered a communication from the Chairperson, Community and Race Relations Committee, dated March 10, 1994, advising that the contract with the Coordinator, Community and Race Relations Committee, expires on August 17, 1994, and that the Community and Race Relations Committee recommended a one-year extension. Subsequently, your Executive Policy Committee referred the matter to the Chief Commissioner for report.

The recent report entitled "A New Direction for Civic Administration" contemplates that one management position will be assigned to the Community and Race Relations Committee.

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The Executive Policy Committee recommends:

I. That the employment contract for Mr. Harold Rampersad, Coordinator, Community and Race Relations Committee, be extended from August 17, 1994, on a month-to-month basis until the review of the structure of the Community and Race Relations Committee has been completed.

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

Adopted by consent.

995 -
August 31, 1994

Appendix "A" referred to in Clause 2 of the Report of the Executive Policy Committee dated

CITY CLERK'S

DESCRIPTION	CURRENT 1994 FEE	PROPOSED 1995 FEE	UNIT
BY-LAWS (see PHOTOCOPYING)			
CERTIFICATION OF DOCUMENTS	2.20	2.25	per seal
CIVIC CHARITIES PERMITS			
Regular Permits	5.00	10.00	per permit
Tag Day Permits	20.00	25.00	per permit
HANSARD			
Subscription (see SUBSCRIPTION - MINUTES/HANSARD)			
Individual Meeting			
Extract (see PHOTOCOPYING)		5.00*	per unit
MICROFICHE			
Complete Assessment Roll	200.00	205.00	per roll
Delivery Charge	5.00	5.00	per delivery
Index (Fiche)	60.00	61.00	per index
MINUTES			
Subscription (see SUBSCRIPTION - MINUTES/HANSARD)			
Individual Meeting			
Extract (see PHOTOCOPYING)		5.00*	per unit
MUNICIPAL MANUAL		3.00	
PHOTOCOPYING			
	0.65 (1-10 pages)		
	0.35 (in excess of 10)	0.50	per page

* In the event that the unit price exceeds photocopying charges, the lesser charge for photocopying would apply.

Appendix "A" referred to in Clause 2 of the Report of the Executive Policy Committee dated August 31, 1994 (continued)

DESCRIPTION	CURRENT 1994 FEE	PROPOSED 1995 FEE	UNIT
RESEARCH SERVICES			
Cost recovery - hourly wage of 1 employee (Clerk A) for the duration of the transcript time (1994 rate - $9.81 per hour)			
SOUVENIRS			
(see Schedule 1 to Appendix "A")			
STREET INDEXES	*30.75*	*30.75*	*per index*
SUBSCRIPTION - AGENDAS			
Council		*120.00*	
Executive Policy Committee		*75.00*	
Standing Committees		*75.00*	
Community Committees		*40.00*	
SUBSCRIPTION - MINUTES / HANSARD			
Council		*120.00*	
SUBSCRIPTION - COUNCIL PACKAGE			
Complete Set of Agenda, Minutes and Hansard		*300.00*	
TRANSCRIPTS			
Cost recovery - hourly wage of 1 employee (Clerk A) for the duration of the transcript time (1994 rate - $9.81 per hour)			
VIDEOCASSETTES, REPRODUCTION OF		*15.00*	*per videocassette*

SCHEDULE 1 TO APPENDIX "A"

SOUVENIR ITEMS
CITY HALL INFORMATION KIOSK

ITEM	PRICE*
Bookmark	1.50
Greeting Card	0.88
Lapel Pin (City Flag)	0.35
Lapel Pin (One Great City)	2.99
Key Chain	1.99
Magnet	1.25
Memo Clip	3.00
Mug	4.99
Neck Pen	3.50
Playing Cards	3.50
Poster	4.38
Ruler	1.99
Spoon (Chrome & Canada Shank)	4.00
Spoon (Loonie)	5.50
Spoon (Charm)	5.00
T-Shirt	14.00

* G.S.T. and P.S.T. not included.

996 - August 31, 1994

Appendix "A" referred to in Clause 4 of the Report of the Executive Policy Committee dated

PROPOSED AMENDMENTS TO THE CITY OF WINNIPEG ACT

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Repeal Section 89(1)	The City has requested certain amendments to Section 149 which would authorize Council to establish, by by-law, minimum and maximum fines Repealing this section would be in keeping with the above request.	March 1, 1989	March 13, 1989 July 3, 1992	
Repeal Sections 149(1) and 149(2) to (5) inclusive and replace with the following: Offences and penalties 149(1) In this section "by-law" includes any regulation, resolution, order, plan or any provision of a zoning agreement, enacted or authorized pursuant to this Act or which comes within the meaning of Subsection 674(3). 149(2) Any person who contravenes or disobeys, or refuses or neglects to obey, any provision of this Act or of any by-law is guilty of an offence and liable, on summary conviction: a) to the penalty, if any, specified in this Act for that offence; or b) to the maximum penalty specified in the by-law, or in another by-law providing for a maximum penalty with respect to the contravention of that by-law or that provision of this Act; or c) if no penalty is provided for: (i) to a fine of not more than $5,000.00 in the case of an individual or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment; or (ii) to a fine of not more than $20,000.00 in the case of a corporation.	The proposed amendments would authorize Council to establish, by by-law, minimum and maximum fines ($5,000.00 for individuals and $20,000.00 for a corporation).	March 8, 1989	March 13, 1989 July 3, 1992	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
149(3) Council may enact a general penalty by-law for a contravention of any by-law or of any provision of this Act or of any number of specified by-laws and may impose a maximum penalty, exclusive of costs, as set out in above clause 2(b) 149(4) Council may, either in a general penalty by-law or in a penalty provision applicable to the contravention of a particular provision of a by-law, or of any provision of this Act, provide for: (a) a minimum fine which shall be imposed by a court on a conviction for a contravention of the by-law or the Act; (b) minimum and maximum fines applicable to first, second or subsequent convictions; (c) a minimum daily fine not exceeding $500.00 for every day that the offence continues after conviction; (d) any combination of fines authorized by this subsection; (e) a minimum period of imprisonment, which period may vary for 1st, 2nd and subsequent offences but shall not exceed 6 months in respect of one offence.				
149(5) When a minimum daily fine is provided for in accordance with clause (4)(c), the total of the accumulated daily fines is not limited by the maximum imposed in accordance with clause (2)(c).				

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
149(6) The judge imposing a penalty upon any person under subsections (2) or (3) may, in addition order the person to comply with the provisions of the by-law or the Act which were contravened. Add the following new sections: When taxes due 209(1) Subject to subsection (2), taxes levied for any year shall be deemed to have been imposed on January 1 in that year; but not to be due and payable until December 31 in that year. Fixing of due date 209(2) Council may, by by-law, provide that the taxes levied for any year shall be deemed to be due and payable on any day before December 31 in that year that is fixed in the by-law; and, subject to subsection (4), they shall be due and payable accordingly. When taxes payable at par 209(3) Subject to subsection (5), taxes shall be payable at par (a) at any time before December 31 in the year for which they are levied; or (b) where a by-law is passed under subsection (2), at any time on or before the date fixed in the by-law as the date on which the taxes are due and payable.	Prior to The City of Winnipeg, the provisions of The Municipal Act pertaining to tax collection were applicable to the former City of Winnipeg and area municipalities. On amalgamation, The Municipal Act was amended to provide that certain of its provisions (including that conferring municipal authority to fix the date that taxes were due and establish a penalty rate on arrears, provide for prepayment discounts and instalment payments) expressly applied to The City of Winnipeg Act. At that time, certain complementary provisions dealing with the same or similar subject matters were also included within The City of Winnipeg Act. The provisions of The Municipal Act and The City of Winnipeg Act relating to tax collection have been amended on numerous occasions since amalgamation and, in several instances, specific amendments to The City of Winnipeg Act have made the provisions of The Municipal Act either redundant or inapplicable. The amendments proposed for Sections 209, 210, 211 and 225 will remove the provisions of The Municipal Act regarding tax collection from The City of Winnipeg Act and to bring forward all relevant provisions to The City of Winnipeg Act.	April 17, 1991	April 19, 1991	Bill 17 - 1994 Bill 17 - 1994

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Payment by instalments 209(4) Council may, by by-law, provide that taxes may be paid by such instalments as are stated in the by-law, at times on or before December 31 of the year for which they are levied and it may, in fixing the amounts of the instalments, provide that each instalment may consist of the whole or any portion of the taxes imposed for any one or more particular purposes or any portion of the taxes imposed in the preceding year for any one or more particular purposes, or any combination thereof, as specified in the by-law. Add the following new sections: Addition of penalties 210(1) Council may, by by-law, provide for the addition of penalties to taxes remaining due and unpaid at such time or times during the year in which the taxes are levied and at such rates as council may provide by by-law and the by-law shall remain in force until it is repealed or amended. Penalty added to taxes 210(2) The penalties imposed under the provisions of this section at the end of the year in which they are levied form a part of the unpaid taxes and shall be compounded and transferred to the tax roll for the next succeeding year as tax arrears. Compounding in succeeding years 210(3) In like manner at the end of each year thereafter, until the taxes and penalties are paid or the land is sold for taxes, the penalties shall be compounded and added to the amount compounded on the last previous year end and the penalty shall, as hereinbefore provided, be computed on the total amount as so compounded.	Prior to The City of Winnipeg, the provisions of The Municipal Act pertaining to tax collection were applicable to the former City of Winnipeg and area municipalities. On amalgamation, The Municipal Act was amended to provide that certain of its provisions (including that conferring municipal authority to fix the date that taxes were due and establish a penalty rate on arrears, provide for prepayment discounts and instalment payments) expressly applied to The City of Winnipeg Act. At that time, certain complementary matters were also included within The City of Winnipeg Act. The provisions of The Municipal Act and The City of Winnipeg Act relating to tax collection have been amended on numerous occasions since amalgamation and, in several instances, specific amendments to The City of Winnipeg Act have made the provisions of The Municipal Act either redundant or inapplicable. The amendments proposed for Sections 209, 210, 211 and 225 will remove the provisions of The Municipal Act regarding tax collection from The City of Winnipeg Act and to bring forward all relevant provisions to The City of Winnipeg Act.	April 17, 1991	April 19, 1991	Bill 68 - 1991 Bill 17 - 1994

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Further tax notices 211(7) Where (a) on December 31 of the year for which taxes are levied; or (b) on such other date in that year as is fixed in a by-law passed under subsection 209(2); the taxes levied for that year remain unpaid, the tax collector may, on such subsequent dates as are fixed by by-law, mail to each person whose name appears on the roll, or his agent, counterparts of the notice, statement, and demand for payment of taxes. Repeal Sections 209, 210, 212(1), 212(2) and (212)(3)	Prior to The City of Winnipeg, the provisions of The Municipal Act pertaining to tax collection were applicable to the former City of Winnipeg and area municipalities. On amalgamation, The Municipal Act was amended to provide that certain of its provisions (including that conferring municipal authority to fix the date that taxes were due and establish a penalty rate on arrears, provide for prepayment discounts and instalment payments) expressly applied to The City of Winnipeg Act. At that time, certain complementary provisions dealing with the same or similar subject matters were also included within The City of Winnipeg Act. The provisions of The Municipal Act and The City of Winnipeg Act relating to tax collection have been amended on numerous occasions since amalgamation and, in several instances, specific amendments to The City of Winnipeg Act have made the provisions of The Municipal Act either redundant or inapplicable. The amendments proposed for Sections 209, 210, 211 and 225 will remove the provisions of The Municipal Act regarding tax collection from The City of Winnipeg Act and to bring forward all relevant	April 17, 1991	April 19, 1991	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Renumber Section 212(4) to 210(4). Renumber Section 212(5) to 210(5). Renumber Section 211 to 212.	provisions to the City of Winnipeg Act			
Amend Section 217 to read as follows: Lien for business tax 217(1) The City shall have a first lien or charge for (a) business tax; and (b) tax levied upon or in respect of a leasehold interest in land of an occupier; upon all the personal property referred to in subsection (3) which lien or charge shall automatically arise upon entry of the amount of such taxes upon the tax roll by the tax collector and which shall take priority over every other lien or claim. Distress and Sale 217(2) The City may collect the tax, in respect of which a lien is given by this section, with costs, by distress or sale of the property referred to in subsection (3) wherever the same may be found. Property subject to seizure. 217(3) The property upon which the city shall have a lien or charge pursuant to subsection b(1) shall be (a) the goods and chattels or the interest therein of the person taxed; (b) the interest of the person taxed in any goods and chattels in his possession under a contract for purchase, or by which he may or is to become the owner thereof upon the performance of a condition; and (c) any goods and chattels in the possession of the person taxed where title or right to them is claimed by another person; (i) by virtue of execution or attachment against the	The proposed amendment would empower the City to: (a) distrain goods which have been pledged by the taxpayer under a registered security agreement while the business continues in operation; (b) seize goods pledged under a security agreement after the secured creditor has realized upon its security and placed a receiver in possession of the goods or, alternately, to give notice to the receiver requiring payment of the outstanding taxes; and (c) give notice to a receiver who has liquidated the business assets requiring payment of outstanding business taxes from the proceeds of sale in priority to the claims of secured creditors.	September 27/89	October 3/89	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
person taxed, (ii) by purchase or gift from the person taxed, where absolute, conditional or in trust; or (iii) by transfer, assignment or security interest from the person taxed, whether absolute, conditional or in trust, and whether by way of chattel mortgage, pledge, debenture, purchase money security interest, equipment trust, specific, fixed or floating charge, or otherwise. Sale of business 217(4) Where the person taxed sells the business in respect of which the tax was levied, all the personal property passing by the sale continues, as against the immediate purchaser, to be subject to a lien or charge for any unpaid tax and is liable to seizure and sale therefor. Transfer of possession 217(5) Where a person claiming title or right to goods and chattels referred to subsection (3) takes possession of such goods and chattels, and immediately prior to such possession being taken there existed a lien or charge for unpaid tax pursuant to subsection (1), all property passing to that person continues, as against that person, to be subject to the lien or charge for any unpaid tax, and remains liable to seizure and sale therefor.				

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Amend Section 218 to read as follows: Sheriff, receiver, trustee etc. to pay taxes on notice 218 When personal property subject to a lien for taxes or liable to be seized for taxes as in this Part provided, is under execution or attachment or has been seized by the sheriff or a bailiff of the Court of Queen's Bench or by a landlord or landlord's bailiff or by a person who has taken possession of the property by virtue of default under a security agreement or by any other person or is claimed by or is in possession of any receiver of assignee for the benefit of creditors or trustee in bankruptcy, or is claimed by or is in the possession of a company in respect of which a liquidator has been appointed or where such property has been converted into cash and is undistributed, it shall be sufficient for the tax collector to give the sheriff, bailiff, landlord, receiver, assignee, trustee or liquidator or other person notice of the amount of tax due, and in such case, notwithstanding the provisions of any other Act, the sheriff, bailiff, landlord, receiver, assignee, trustee, liquidator or other person shall pay the amount of the same to the tax collector in preference and priority to any other and all other fees, charges, liens, and claims whatsoever, including his own claim; except that in the case of a seizure by a landlord's bailiff, the legal fees of such bailiff, based on a seizure for an amount equal to the amount of the tax may be deducted.	The proposed amendment would empower the City to: (a) distrain goods which have been pledged by the taxpayer under a registered security agreement while the business continues in operation; (b) seize goods pledged under a security agreement after the secured creditor has realized upon its security and placed a receiver in possession of the goods or, alternately, to give notice to the receiver requiring payment of the outstanding taxes; and (c) give notice to a receiver who has liquidated the business assets requiring payment of outstanding business taxes from the proceeds of sale in priority to the claims of secured creditors.	September 27/89	October 3/89	
Amend Section 227(5) to read as follows: Levy to be made by collector or his appointee. 227(5) The levy mentioned herein shall be made by the collector of taxes, or the deputy collector of taxes, or a person appointed by either of them, and he may levy not only for the taxes and arrears but also for reasonable costs of seizure and sale. Distress Act regulation not applicable. 227(5.1) The tariff of fees established by regulations passed pursuant to The Distress Act does not apply to a seizure made under this Act.	The amendment would permit the City to recover all reasonable costs incurred in issuing distress warrants rather than being restricted to the tariff prescribed by regulations enacted under The Distress Act and would allow the City to continue to completely recover legitimate bailiff costs from defaulting taxpayers and would avoid the possible need for the City to supplement such amounts at public expense.	September 27/89	October 3/89	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
245(3) "Treasurer shall demand all arrears subsequent to tax sale. The treasurer shall demand, before giving a certificate of redemption from such parties so redeeming, all arrears of taxes on said lands subsequent to the taxes for which such lands were sold."	This will make the heading conform to the mandatory requirement of the Section.	October 6, 1982	October 7, 1982 October 26, 1983	
That the amendment to The City of Winnipeg Act include a clause which allows The City of Winnipeg the discretion to establish its own date for the year end of its financial year. Section 339	Self-explanatory.	April 17, 1991 January 22, 1992	June 12, 1991 January 29, 1992	
Repeal Section 405(4). Renumber Section 405(5) to 405(4).	The provisions of Section 405(5) are general enough to cover the matter of eavestroughs.	April 17, 1991	April 19, 1991 July 3, 1992	
Amend Subsection 439(1) to read as follows: Unsanitary buildings or terraces 439(1) If the health officer, upon due examination, is satisfied that a building, terrace, or land does not comply with the provisions of the Public Health Act or the regulations passed thereunder, or any by-law of the city, he may issue a notice addressed to the owner of the premises or terrace or the agent or person in charge thereof. (a) requiring the premises or terrace to be put into a condition that will comply with that Act and the regulations thereunder, or the by-law, to the satisfaction of the health officer; or (b) if the premises or terrace are unsanitary or out of repair to such a degree as to be unfit for human habitation, requiring the premises or terrace to be put into a condition that will comply with that Act and the regulations thereunder to the satisfaction of the health officer, or requiring the occupants to vacate the premises or terrace within such time as the health officer may deem reasonable.	This amendment would replace provision for Application for Order of Substitutional Service with authority to post notices upon property affected.	Sept. 27, 1989	January 2, 1990 July 3, 1992	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Repeal Subsection 439(9) and substitute the following therefor: 439(9) A notice issued under subsection (1) or (7) may be personally served upon the owner of the building, terrace or land, or the agent or person in charge thereof, or may be sent by registered mail to the last known address of such person as shown on the latest revised assessment roll of the City or be the records of the land tides office.	These amendments would provide for external application of notices by the Medical Health Officer to the City By-laws and includes a new provision to allow notices to be registered against titles to land.	Sept. 27, 1989	January 2, 1990 July 3, 1992	
439(10) Where the health officer is unable to effect service of a notice issued under subsection (1) or (7), he may cause the notice to be affixed in a conspicuous place on the building, terrace or land and the affixing of such notice shall be deemed to be sufficient service of the notice upon the owner of the building, terrace or land, or the agent or person in charge thereof. 439(11) The health officer may register a notice issued under subsection (1) or (7) in the land tides office together with a form approved by the district registrar containing the legal description of the land upon which the building or terrace is located, or of the land affected, and upon such registration the district registrar shall make an entry of the registration in the abstract of title under their old system or on the title under the new system, as the case may require. 439(12) Any person acquiring any subsequent interest in land affected by a registration made under subsection (11) shall be deemed to have been served with the notice on the day on which the notice was registered and any subsequent transfer of the land shall be subject to such registration. 439(13) Where a notice registered under subsection (11) has been complied with to the satisfaction of the health officer, the health officer shall forthwith register in the land tides office a certificate which shall operate as a discharge of the notice. Renumber Subsection 439(10) to 439(14).				

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Add to Section 442 the following: (b) Prohibiting the removal and disposal of solid wastes and refuse beyond the boundaries of the City without the consent of the City.	The City requires discretionary power to control waste flowing outside the City. The purpose of this power is for the City to be able to control waste flow according to the master plan for the City. The master plan has been developed so as to provide the most cost effective and environmentally sound system for the entire city. The City is charged with providing for waste disposal within its boundaries, and facilities to enable this are designed based on the waste generated within the City. If significant quantities of waste were diverted to outside of the City, the facilities will be underutilized and the objective of the master plan would not be met.	April 17, 1991	April 19, 1991 July 3, 1992	
Repeal Section 459.	The City has requested certain amendments to Section 149 which would authorize Council to establish, by by-law, minimum and maximum fines. Repealing this section would be in keeping with the above request.	March 1, 1989	March 13, 1989 July 3, 1992	
Repeal Sections 463(3), 463(4), 463(5) and 463(6).	The City has requested certain amendments to Section 149 which would authorize Council to establish, by by-law, minimum and maximum fines. Repealing this section would be in keeping with the above request.	March 1, 1989	March 13, 1989 July 3, 1992	
Repeal Section 514 (6).	The City has requested certain amendments to Section 149 which would authorize Council to establish, by by-law, minimum and maximum fines. Repealing this section would be in keeping with the above request.	March 1, 1989	March 13, 1989 July 3, 1992	
524(1) (s) (s) To provide that any persons delivering any commodity to a purchaser within the City shall be deemed to be dealing in such commodity in the city.	Currently, except for the possible indirect implications of the "producers' market" license, no farmers/market gardeners require a Winnipeg license to sell their own produce out of temporary or mobile facilities in the City. This amendment provides that, such "out-of-town" farmers/market gardeners could be required by a by-law amendment to obtain either a Transient Traders' License or a Hawkers License to sell their own produce in Winnipeg.	October 19, 1993	October 26, 1983 July 3, 1992	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Repeal Section 529(1)(b).	The City has requested certain amendments to Section 149 which would authorize Council to establish, by by-law, minimum and maximum fines. Repealing this section would be in keeping with the above request.	March 1, 1989	March 13, 1989 July 3, 1992	
Repeal Section 535(7).	The City has requested certain amendments to Section 149 which would authorize Council to establish, by by-law, minimum and maximum fines. Repealing this section would be in keeping with the above request.	March 1, 1989	March 13, 1989 July 3, 1992	
Repeal Section 542.	The present Section 416 of the Act is an exact duplicate of this Section.	April 17, 1991	April 19, 1991 July 3, 1992	
Repeal Section 564.	The City has requested certain amendments to Section 149 which would authorize Council to establish, by by-law, minimum and maximum fines. Repealing this section would be in keeping with the above request.	March 1, 1989	March 13, 1989 July 3, 1992	
Repeal Section 565.	The City has requested certain amendments to Section 149 which would authorize Council to establish, by by-law, minimum and maximum fines. Repealing this section would be in keeping with the above request.	March 1, 1989	March 13, 1989 July 3, 1992	
Repeal Section 566.	The City has requested certain amendments to Section 149 which would authorize Council to establish, by by-law, minimum and maximum fines. Repealing this section would be in keeping with the above request.	March 1, 1989	March 13, 1989 July 3, 1992	
That The City of Winnipeg Act be amended to allow Council, by by-law, to levy frontage charges or to impose per household and/or lot charges for specified purposes and that Council only consider such charges in the context of an overall revenue strategy or fair taxation policy.		April 28, 1993	May 3, 1993	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Amendments to existing legislation to permit non-profit cultural organizations to be classified, for tax purposes, under an entirely new classification for non-profit cultural centres owned by non-profit organizations.	To provide a method by which the City would recover some of its losses due to the Provincial Government's decisions to exempt certain cultural organizations from payment of municipal taxes.	October 14, 1992	October 21, 1992	
That the Province of Manitoba adopt an appropriate statute that would provide for a general immunity privilege to members of municipal councils. In the case of The City of Winnipeg, this privilege should apply to the Council Chamber, Standing Committees, and Community Committees.	Members of the Senate and House of Commons of Canada, and members of Provincial Legislatures are granted immunity from any lawsuit which may arise from statements made by members in their respective Legislative Chambers. Similar immunity is not provided to members of municipal councils.	September 9, 1987	September 15, 1987	

Appendix "B" referred to in Clause 4 of the Report of the Executive Policy Committee dated August 31,1994

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Amendments to Section 41 which will permit the establishment of Resident's Advisory Groups in one or more of the committees. That Section 41 of The City of Winnipeg Act be amended as follows: 1. By deleting subsection (1) and substituting the following therefor: "41(1) A Residents' Advisory Group shall be elected at each community conference referred to subsection 37(1) held by a community committee, referred to in a by-law under subsection (7), by residents of the community who are present at the meeting." 2. By deleting the words "each community committee" in subsection (7) and substituting therefor the words: "for one or more community committees". 3. By adding the following words to subsection (8) after the word "groups": "referred to in a by-law under subsection (7).	The community committees requesting the right for a Residents' Advisory Group to be established would do so by passing a resolution at community committee and sending it to Council.			
Amend Section 418(1) by deleting Clause (h) therefrom and substituting therefor the following: - "(h) for prohibiting or regulating the firing of, sale or use of guns, pellet guns, air guns, B.B. guns or other firearms not regulated by the Criminal Code and the firing or setting off of fire balls, squibs, crackers or fireworks, and for prohibiting the sale within the city of fireworks to any person;"	Pellet weapons are not considered firearms as defined by the Criminal Code of Canada. They lack the muzzle velocity to be considered firearms. Prohibiting them, or regulating the firing of same, will assist in solving the problem of young people misusing pellet weapons. If this amendment is made to the Act, then the City, under By-law 2890/81 can prohibit persons under the age of 18 to purchase a pellet weapon or to convey a pellet weapon with a round in the chamber anywhere within in The City of Winnipeg.			

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Amend Section 433(1) by deleting the word "regulations" and substituting therefor the word "by-laws". Amend Section 433(1) by adding at the end thereof the following clause (c): - "(c) to establish fees for the issuance of various annual health permits or licenses and operational permits or licenses". Amend Section 433(2) by deleting the word "regulations" in the heading thereof and substituting the word "by-laws" and by also deleting the word "regulations" from the first line of the subsection and substituting therefor the word "by-laws". Amend Section 433(2) by adding at the end thereof the following new clause (h): - "(h) to regulate various trades, occupations and facilities through mandatory training and certification programs."	The word "regulations" is often used interchangeably throughout the text with "by-laws". The City has the power to pass by-laws but the word "regulations" is usually utilized at the Provincial and Federal levels. At the present time there is no provision for the City to charge fees for the issuance of health permits or operational permits and licenses. At the present time there is no provision for the City to charge fees for the issuance of health permits or operational permits and licenses.			
Amend Section 433(2) by adding at the end thereof the following new clause (i): - "(i) to order the abatement, correction, stoppage, or cease and desist of any practice, condition, matter or thing, as may be deemed necessary for the prevention of insanitary conditions, or otherwise for the protection of the public health". Amend Section 433(2) by adding at the end thereof a new clause (j) as follows: - "(j) to allow and provide for the seizure and destruction or other disposal of any equipment, articles or materials, to prevent any person from selling or having in his possession any objects, equipment, articles or materials used, or capable of being used, in any activity including, but not limited to tattooing, which are found on inspection to be in any condition making them improper or unfit for such use or are or may be used in a prohibited activity or are or may be used in any activity requiring approval by the medical officer of health or designate."			

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Amend Section 437(1) by deleting clauses (b), (c), (e), (f), (g), and (h) and by re-lettering the present clause (d) to (b). Amend Section 437(3) by deleting clauses (a), (c) and (d) and re-lettering the present clause (b) to (a). Delete Section 437(5). Amend Section 437.1(2) as follows: - add the words "or building" after the word "dwelling" in the second line of clause (a); - add the words "or building" after the word "dwelling" in the second line of clause (b); - add the words "or building" after the word "dwelling" in the second line of clause (c). Amend 439(4) by deleting the symbols and figures "50." and "100." in the last line thereof and substituting therefor the symbols and figures "100." and "500.". Amend 439(5) by adding at the end thereof the following new clause (c): - "(c) the premises or terrace are occupied and the conditions within are grossly insanitary such that, in the opinion of and at the discretion of the medical officer of health, immediate termination of occupancy is warranted."				

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Amend Section 439(6) by deleting the symbol and figures "1.50" in the fifth line thereof and substituting the symbol and figures "200.00," therefor. Amend Section 444 by adding the following two definitions: - "'engineer' means the Commissioner of Works and Operations or his designate". - "'hazardous waste' means a substance or group of substances so designated by the engineer or conforming to the criteria set out in the Manitoba Department of Environment Regulation 282/87 Classification Criteria for Products, Substances and Organisms under the Dangerous Goods Handling and Organisms." Amend Section 450 by adding the words "or is a hazardous waste" at the end of clause (c) thereof.				

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Delete Sections 579(1) and (2) and renumbering the present Sections 579(3), (4), and (5) to (1), (2) and (3).	The need to consult before first reading of the Plan Winnipeg By-law causes several problems. Firstly, the intent of the consultation, namely how extensive the consultation should be and to satisfy the requirements of the Act, is subjective and open to interpretation. Secondly, the process requires that the Executive Policy Committee hold a public meeting prior to first reading. In effect this consultation "mirrors" a public hearing. The public attending such a meeting cannot differentiate between the two procedures [consultation versus public hearing on a by-law]. The provision confuses the public and does nothing to improve the approval or amending process.			
Repeal Section 683(2) and substitute therefor the following: "Notwithstanding any other provision of this or any other act, the areas of The City of Winnipeg that are not under the responsibility of The City of Winnipeg shall be the responsibility of the Province of Manitoba."				

Appendix "C" referred to in Clause 4 of the Report of the Executive Policy Committee dated August 31, 1994

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Amend Part XX whereby the definition of "development" be amended to include the word "structure". (Note: The definition of "structure" to exclude non-permanent signs).	Under the present definition of "development" it is not clear whether or not it would pertain to certain structures, for example, signs, which should be considered as development and be subject to the development permit process.	Sept. 28, 1993	October 25, 1993	
That authority from the Province of Manitoba be requested to enable City Council to determine which Board or Committee shall hear variances and related short-form subdivision applications.	Under previous provisions of The City of Winnipeg Act, variance applications associated with a short-form subdivision application were heard by the relevant Community Committee concurrent with consideration of the short-form subdivision application. (It should be noted that short-form subdivision applications are referred to Community Committee as a matter of consideration only; authority for approval lies with the "Designated Committee", i.e. Committee on Planning and Community Services, unless delegated to the administration, where possible.) Existing regulations now require the necessary variance to be heard by the Board of Adjustment, after which the short-form subdivision application is referred to the Community Committee for their consideration. This has resulted in an increase in the approval process of several weeks.	Sept. 28, 1993	October 25, 1993	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
That a section be reinstituted in The City of Winnipeg Act whereby a designated Committee of Council may determine that an application is beyond the jurisdiction of a hearing body to be heard as a variance and refuse it.	Previously, The Act allowed for the Designated Committee (Committee on Planning and Community Services) to decide that a proposed application was beyond the jurisdiction of a hearing body to be heard as a variance and prohibit it from proceeding except as a rezoning application. This would allow the City to ensure that certain kinds of applications that more properly should proceed as a rezoning would do so (e.g. a three-fold increase in permitted density, or the establishment of an autobody shop in a residentially-zoned neighbourhood). This screening mechanism has been deleted. As such, the City is lawfully obligated to process any variance application received to a public hearing. This has resulted in some applications being heard by the Board of Adjustment as variances which previously would have typically been heard by a Community Committee as a rezoning; for example, the establishment of a boarding house in a low-density residential neighbourhood. It is necessary to have this mechanism replaced in the legislation. Not only is it necessary to curb abuses, but it would also allow for the discriminate utilization of the variance process to approve certain changes in use as described above. As with section 608(4), reasons for the deletion of this section have never been made clear.	Sept. 28, 1993	October 25, 1993	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Amend Section 608(3) to merely require that conditions not be imposed without first giving the applicant adequate opportunity to make representation.	Under this section, the Designated Administrator cannot include conditions in a variance order without first conducting a "hearing" and giving the applicant notice of the date, time and place of the hearing, at which time the applicant may appear and make representations. The intended nature of this "hearing" has never been clear. In addition, it is cumbersome and inefficient to schedule a formal kind of hearing with an applicant in order, to discuss every condition to a variance order, most of which are minor in nature. It should be noted, moreover, that it is the policy of the District Planning Branch to contact every applicant whose application is to be approved (or rejected) administratively, even where no conditions are to be imposed.			
That Section 608(4) be deleted and the definition of variance be amended so as to remove the restrictions on the approval of changes in use by variance on residential properties only.	Presently, any change of use can only be approved by variance order for a maximum of five years. (In fact, the total of all changes in use by variance order cannot exceed five years on any given property.) Initial changes to Part XX in 1991 prohibited use variances entirely. In response to expected negative effects, the prohibition was modified to allow for temporary variances by use. While this was somewhat of an improvement, it was still causing some problems for applicants. In some situations, substantial investment had been necessary with no guarantee that any further approval would be forthcoming after the five year period. Any use that is approved for a temporary period of time can only lawfully remain in existence longer than five years if either a subsequent rezoning application is approved or zoning by-law amendments are made, neither of which, under certain circumstances, might be appropriate.	Sept. 28, 1993	October 25, 1993	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
That Section 629(2) be amended so as to allow a designated Committee of Council to refuse an application from proceeding to a public hearing if it is determined by that Committee that it is the same or substantially the same as an application that was rejected within one year of the date of the new application.	Under Section 629(2), an application can be refused if, in the opinion of a Committee of Council or the Board of Adjustment, it is the same or substantially the same as an application that was rejected within one year of the date of the new application. While this is of significant benefit, it is not entirely clear that the application can be refused in the sense of not sending it to a public hearing as opposed to refusing it after a public hearing on the grounds that it is a repeat application. This room for doubt should be eliminated.	Sept. 28, 1993	October 25, 1993	
That section 630 be amended so as to allow a designated Committee of Council to refuse an application from going to a public hearing if it is determined by that Committee that the subject application does not comply with Plan Winnipeg or a relevant secondary plan.	Section 630 states that an application for a development by-law or approval of a plan of subdivision that does not conform with Plan Winnipeg or a secondary plan for the area in which the land or building is located shall be rejected. However, it does not say who shall determine non-conformity and who shall refuse the application.	Sept. 28, 1993	October 25, 1993	
That Section 641(1) be amended so as to allow Zoning Agreement Amendments to be combined with any other application that requires a public notice and hearing when they relate to the same proposed development.	Under Section 641(1), it is possible to combine a number of applications that might be required for a single proposed development so that there is only one public hearing body. The exception, however, is a Zoning Agreement Amendment. The Act, specifically, has been and is silent on the process required to amend a zoning agreement. By convention, they have been processed in a manner identical to that required to approve the rezoning and subject agreement in the first place. As a result, it is necessary to send a Zoning Agreement Amendment and, say, a conditional use, to separate hearing bodies even though they are related to the same development proposal.	Sept. 28, 1993	October 25, 1993	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
That Section 643(3) be amended as follows: A. By deleting the requirement for giving notice by mail of a variance decision to adjoining land owners by a designed city administrator, B. That the limit on variances approved by the designated city administrator which do not require notice to be given to anyone except the applicant be changed to 5% of the requirement set out in the development by-law or, where applicable, one (1) foot, whichever is greater.	Under Section 643(3), when the Designated City Administrator makes a decision on variance application (excepting those under 5%), notice of the decision must be given by mail to both the applicant as well as to the owners of adjoining lands. In addition, under the City's by-law setting procedures under Part XX, notice is required to be given by posting the lands for 14 days. This dual requirement is both unnecessary and inequitable, in that notice by mail to adjoining property owners is not required for any other conditional use or variance decision made by a Committee of Council or Board of Adjustment. Experience with public hearing notices since 1972 indicates that posting of properties is an appropriate and sufficient method of giving notice. It should also be noted that the requirement for notice by mail, including necessary title search, is very time-consuming and requires the deployment of administrative resources far in excess of any benefit gained. Under Section 643(5), it is only necessary to give notice of a decision to persons other than the applicant on a variance application made by the designated city administrator if the variance exceeds 5% of the requirement set out in the development by-law.	Sept. 28, 1993	October 25, 1993	
	This process allows for the administrative approval of very minor variances in a manner similar to the former "tolerance" procedure. It is suggested, however, that the limitation be raised to 5% of the by-law requirement or 1 foot of required yard (if relevant), whichever is greater. This would allow granting of side yard variances up to one foot, which was the former limit of "tolerance", without the need of a 14 day posting period. Experience with several thousand such "tolerances" over many years has shown no resulting problems.			

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Amend Section 652 to confirm the power to terminate or amend variance and conditional use orders by either of a subsequent variance or conditional use order.	Variance and conditional use orders are presently terminated or amended by any one of a subsequent development (zoning) by-law, variance order or conditional use order. In the case of orders they can only be made on application by the owner. Amendment or termination of an earlier order can only be included as a condition necessary to avoid adverse effects from the subsequent order - not out of some unrelated desire to amend or terminate existing rights. These amendments to the Act would not change this but would only spell out what must now be inferred.	December 16, 1992	January 6, 1993	
Amend Section 654 by deleting the new provisions enacted in 1991 declaring every "resolution, decision, determination and procedure" under Part 20 of the Act, to be binding upon the City and all persons.	The pre-1991 provision of the Act made the city, as well as other corporate and natural persons, subject to city plans, by-laws and orders. The obvious intent was that the City be bound by its own legislation - plans, by-laws and orders. The intent and effect of including "decisions" was unclear but did not produce any actual problems. The 1991 amendment rendering every resolution, determination and procedure (as well as decision) made under Part 20 binding on the City and everyone else increases the potential for confusion and unnecessary litigation.	December 16, 1992	January 6, 1993	

Appendix "D" referred to in Clause 4 of the Report of the Executive Policy Committee dated August 31, 1994

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
That The City of Winnipeg Act be amended to enable it to exempt a portion all of the property taxes to historical buildings based on eligible conservation work.	The City of Winnipeg Act neither specifically provides for grants nor tax credits under Sections 138 and 242. If the City were to implement a program of grants or tax credits for eligible conservation work, The City of Winnipeg Act must be amended in order that it provides that specific power to the City.	December 15, 1993	December 20, 1993	
That The City of Winnipeg Act be amended to enable it to provide grants [performance and discretionary] for buildings on the "Buildings Conservation List".	The Province of Manitoba currently has a grant program for Municipally Designated Buildings with a budget of $600,000 for all of Manitoba. Since 1986, building owners in Winnipeg have received over $1 million for rehabilitation projects. The City of Winnipeg does not have the legal basis to provide grants to owners of historical buildings under the existing terms of The City of Winnipeg Act. If the City of Winnipeg were to develop a Discretionary Grant program for heritage conservation, it could supplement a Performance Grant and/or Tax Relief in response to exceptional priority cases, as determined by need and the significance of the heritage property.	December 15, 1993	December 20, 1993	

Appendix "E" referred to in Clause 4 of the Report of the Executive Policy Committee dated August 31, 1994

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Amend Subsection 439(1) to read as follows: Unsanitary buildings or terraces 439(1) If the health officer, upon due examination, is satisfied that a building, terrace, or land does not comply with the provisions of the Public Health Act or the regulations passed thereunder, or any by-law of the city, he may issue a notice addressed to the owner of the premises or terrace or the agent or person in charge thereof: (a) requiring the premises or terrace to be put into a condition that will comply with that Act and the regulations thereunder, or the by-law, to the satisfaction of the health officer; or (b) if the premises or terrace are unsanitary or out of repair to such a degree as to be unfit for human habitation, requiring the premises or terrace to be put into a condition that will comply with that Act and the regulations thereunder to the satisfaction of the health officer, or requiring the occupants to vacate the premises or terrace within such time as the health officer may deem reasonable.	This amendment would replace provision for Application for Order of Substitutional Service with authority to post notices upon property affected.	Sept. 27, 1989	January 2, 1990 July 3, 1992	
Repeal Subsection 439(9) and substitute the following therefor: 439(9) A notice issued under subsection (1) or (7) may be personally served upon the owner of the building, terrace or land, or the agent or person in charge thereof, or may be sent by registered mail to the last known address of such person as shown on the latest revised assessment roll of the City or be the records of the land titles office.	These amendments would provide for external application of notices by the Medical Health Officer to the City By-laws and includes a new provision to allow notices to be registered against titles to land.	September 27/89	January 2, 1990 July 3, 1992	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
439(10) Where the health officer is unable to effect service of a notice issued under subsection (1) or (7), he may cause the notice to be affixed in a conspicuous place on the building, terrace or land and the affixing of such notice shall be deemed to be sufficient service of the notice upon the owner of the building, terrace or land, or the agent or person in charge thereof. 439(11) The health officer may register a notice issued under subsection (1) or (7) in the land titles office together with a form approved by the district registrar containing the legal description of the land upon which the building or terrace is located, or of the land affected, and upon such registration, the district registrar shall make an entry of the registration in the abstract of title under their old system or on the title under the new system, as the case may require. 439(12) Any person acquiring any subsequent interest in land affected by a registration made under subsection (11) shall be deemed to have been served with the notice on the day on which the notice was registered and any subsequent transfer of the land shall be subject to such registration.				
439(13) Where a notice registered under subsection (11) has been complied with to the satisfaction of the health officer, the health officer shall forthwith register in the land titles office a certificate which shall operate as a discharge of the notice. Renumber Subsection 439(10 to 439(14).				
Add to Section 442 the following: (h) Prohibiting the removal and disposal of solid wastes and refuse beyond the boundaries of the City without the consent of the City.	The City requires discretionary power to control waste flowing outside the City. The purpose of this power is for the City to be able to control waste flow according to the master plan for the City. The master plan has been developed so as to provide the most cost effective and environmentally sound system for the entire city. The City is charged with providing for waste disposal within its boundaries, and facilities to enable this are designed based on the waste generated within the City. If significant quantities of waste were diverted to outside of the City, the facilities will be underutilized and the objective of the master plan would not be met.	April 17, 1991	April 19, 1991 July 3, 1992	

Appendix "F" referred to in Clause 4 of the Report of the Executive Policy Committee dated August 31, 1994

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Section 342(1) be amended by adding at the end thereof the following: 342(1) provided that (i) where land fronts on an area of a street lit by new lighting facilities it shall be deemed to be directly opposite some portion of that work, and (ii) where new land drainage pipes are installed or are to be installed whether as a trunk storm water drainage system or a lateral system or a combination of both as one system all land fronting on a street drained into that system or combined system, whether directly by catch basins into any such pipe or via one or more of existing or new ditches, street surfaces or retention ponds, shall be deemed to be directly opposite some portion of the total work and in the case of such a combined system directly opposite some portion of both the trunk system and the lateral system, whether they are constructed as one local improvement or as two or more related improvements under separate by-laws, including any separate trunk system assessment pursuant to Section 355(2).	Construction of a large area land drainage system as a local improvement or improvements is likely to involve construction of a trunk system pursuant to Section 355(2), at a uniform rate within a trunk district, plus a lateral system, under separate by-law, at the applicable City-wide frontage rate. Although legally separate for purposes of advertising, voting and assessment, trunk pipes running to a river and street surfaces, ditches, retention ponds and lateral pipes carrying water to the trunk, function as one system. Pursuant to Section 370 (4), owners whose land is said to benefit, but does not front on any part of the system, plus owners who have corner lots or irregular lots, etc., have a right to complain against the assessments. The proceedings should not, however, be confused by the service of notice upon owners who front directly on a trunk pipe but not a lateral pipe, or vice versa; or front on a surfaced street with gutters, or in absence of same, a ditch. The obvious benefit lies in having storm water running from the owner's land picked up by some part of the total system, just as the benefit from street lighting lies in being within the lighting area, regardless of whether the lamp post is in front of the owner's lot or the neighbour's lot. If notices are served on owners who front a gutter or ditch, and obviously receive the same benefit as neighbours who front a pipe and, therefore, get no notice, the public will be confused as to the purpose of the complaint process.	March 27, 1985	April 1, 1985 July 3, 1992	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
That the following new sections be added: 346.1(1) In this section. "Land Benefitted" means all those lands within a local improvement district whether singularly or collectively as the context requires. "Local Improvement" for local improvement district purposes shall include any of those improvements described in Section 343(1) and the cost of providing telephone services, electric power services, traffic signals and railway crossing facilities. PETITION FOR FORMATION OF LOCAL IMPROVEMENT DISTRICT 346.1(2) Council may, in its discretion, by by-law, create the lands comprised within an area as a local improvement district where the owner or owners of land within the area of a proposed district, whose name or names appear on the latest revised assessment roll as such owner or owners, and also including persons (whose names are entered), under Section 208 on the current tax roll (as owners of land), and who represent at least one-half of the value of that land, as shown on the latest revised assessment roll, petition Council.	The proposed amendments would provide for the creation of local improvement districts wherein all costs of municipal services for a specified area could be recovered through local improvement assessments in accordance with The City of Winnipeg Act against all those lands benefitting. The basis of these amendments is to provide for full cost recovery from a developing area rather than the City-at-large paying a portion of costs as it currently exists with the Local Improvements By-law. For comparison purposes this would be similar to what a Developer must do in terms of a Development Agreement, i.e. recover all costs from the area being developed. In the City of Winnipeg Act, Section 346(2), Special Assessment for Trunk Storm Sewers, there is provision for creating a special assessment for lands determined to be benefitting from a trunk storm water drainage system. In somewhat similar fashion, the proposed amendments would extend the powers of the City to enable creation of local improvement districts that would provide for a full range of municipal services within the boundaries of a district and provide for a full cost recovery from the lands benefitting.	November 17/93	November 19/93	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
VERIFICATION OF PETITION 346.1(3) The petition and the signatures there to shall be verified by the City Treasurer and the petition shall contain a description of the proposed district improvements, estimated cost, lands to be charged and method and rate of taxation. **CONTENTS OF PETITION** 346.1(4) Such petition shall describe: (a) the area of the proposed local improvement district; (b) the proposed local improvements to be installed or constructed; (c) the estimated cost of the proposed local improvements; (d) the lands against which the cost in whole or part shall be charged, and (e) the method and rate of taxation to be applied against the lands benefitted by the local improvements to be installed or constructed.	The process to create a local improvement district is contingent on landowners petitioning Council for the improvements. It is envisioned that landowners may approach an Operations Department office to formulate a district servicing concept before appearing at the Committee on Works and Operations. The necessary formal petition would be prepared by the Finance Department with engineering and planning details provided by other departments upon receipt of instructions from the Committee on Works and Operations. It would be essential at this stage that all required services within as well as outside the proposed district boundaries be determined and be consistent with current development agreement parameters. It is envisioned that the Committee on Works and Operations would be approached by a delegation or requested by a Community Committee to consider and support creation of the local improvement district. Upon preparation of the formal petition, the interested landowners would then endeavour to secure sufficient support of landowners representing at least one-half of the value of the lands within the proposed district, and upon doing so would then present the petition to Council. It is necessary that the petition be sufficient and be so verified by the City Treasurer before being presented to Council. Council, upon receipt of such a petition, would refer it back to the appropriate Community Committee. The Community Committee would advertise in a local newspaper, have written notice sent out to landowners and thereafter hold a public hearing and subsequently report back to Council through the appropriate Standing Committee within 60 days of the public hearing.	Nov. 17, 1993	Nov. 19, 1993	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
ACTION BY COUNCIL 346.1(5) Upon receipt of a petition, duly verified by the City Treasurer, Council shall request the Community Committee, in which the proposed local improvement district is located, to conduct a public meeting to hear representations in respect to the proposed local improvement district. NOTICE 346.1(6) The Community Committee shall (a) cause to be published once each week, in two successive weeks with not more than seven days between each publication, in at least one newspaper having general circulation in the city, a notice signed by the clerk, setting forth that the Community Committee will, on a date to be to be specified in the notice, which date shall not be earlier than sixty (60) days from the last publication, to hear all persons who apply to be heard in respect to the creation of the area as a local improvement district and the undertaking of certain local improvements within the district; (b) cause a copy of the notice to be sent by registered mail to each owner in the proposed local improvement district not later than the date of the first publication, as set out in clause (a).	Council, after receipt of Committee reports, may vary the proposed district boundaries, and alter any of the improvements, costs and levies. Council would then decide whether or not to proceed to create a local improvement district. If the decision is made to proceed, then the By-law(s) receive first reading and the City Clerk proceeds with a local improvement advertisement, following which the landowners would have 30 days to petition against. It might well be that Council has changed the original proposal such that the boundaries, improvements, costs and levies might be quite different from that of the original petition and landowners who originally supported the local improvement district may now wish to petition against the proposed local improvements. It should be noted that the landowners are only entitled to petition against the creation of all the district improvements and not any individual local improvement. In other words, it is an all or nothing deal. If no petition against, or one insufficiently signed against is received, Council may proceed with creation of the local improvement district defined in the first reading, by passage of second and third readings of the By-law(s).			

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
CONTENTS OF NOTICE 346.1(7) The notice to which subsection 346.1(6) refers shall state (a) the area of the proposed local improvement district; (b) the proposed local improvements to be installed or constructed; (c) the estimated cost of the proposed local improvements; (d) the lands against which the cost in whole or in part shall be charged; (e) the method and rate of taxation to be applied against the lands benefitted by the local improvements to be installed or constructed; and (f) that the Community Committee will sit on a day, and at a place and time, stated in the notice, to hear any person desiring to make a representation with respect to the proposed local improvement district. HEARING AND RECOMMENDATIONS 346.1(8) (a) At a date, time and place set out in the notice the Community Committee shall hear in person or by counsel or agent all persons who apply to be heard in respect to all matters referred to in clauses 346.1(7)(a) to (e).				

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
(b) Within sixty (60) days after the date of the Community Committee meeting, the Community Committee shall make its recommendation to Council.				
(c) The recommendations to Council by the Community Committee, shall be reviewed, with recommendations, by the appropriate Committees of Council through the normal procedures of the City prior to receipt by Council.				
ACTION BY COUNCIL				
346.1(9) Upon Council receiving the recommendations of the Community Committee and the appropriate Committees of Council as provided under subsection 346.1(8) it may, in its discretion				
(a) (i) create the area of a local improvement district;				
(ii) alter the area of the proposed local improvement district; or				
(iii) decide not to proceed with the creation of a local improvement district;				

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
(b) alter (i) the nature, size or kind of any of the proposed local improvements; (ii) the estimated cost of the proposed local improvements; (iii) the lands against which the cost in whole or in part shall be charged; (iv) the method and rate of taxation to be imposed in respect thereof; (v) the amount to be borrowed in respect thereof. (c) decide not to proceed with any of the local improvements listed in the notice. BY-LAWS 346.1(10) (a) Where Council in its discretion decides to create a local improvements district, install and construct local improvements therein and levy the costs thereof against the lands benefitting it shall do so by a by-law or by-laws.				

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
(b) Where Council in its discretion passes a by-law creating a local improvement district it shall also by by-law. (i) authorize the undertaking of local improvements for the district; (ii) authorize the borrowing of such amount as necessary to pay the cost; (iii) levy the cost thereof, in whole or in part, against the land benefitted thereby. NOTICE OF BY-LAW OR BY-LAWS 346.1(11) Immediately after Council gives first reading to the by-law or by-laws referred to in subsection 346.1(10), the City Clerk shall (a) cause to be published in at least one newspaper having general circulation in the city a notice, signed by the clerk, setting forth the action taken by Council pursuant to subsections 346.1(9) and 346.1(10), which shall include at least the area of the local improvement district, the proposed local improvements to be installed or constructed, the cost of such local improvements, the lands against which the cost in whole or in part shall be charged, the method and rate of taxation to be imposed in respect thereof;				

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
(b) cause a copy of the notice to be sent by registered mail to each owner in the proposed local improvement district not later than the date of the publication referred to in clause (a) which notice shall contain a Notice of Objection in blank form against the proposed local improvement district. FORM OF NOTICES OF OBJECTION 346.1(12) Notices of Objection shall be in the form proposed by the City Treasurer or in such other form as the City Treasurer in his sole discretion deems acceptable. PETITION AGAINST CREATION OF DISTRICT 346.1(13) A petition against the creation of a local improvement district shall consist of the total number of valid Notices of Objection received and verified by the City Treasurer in accordance with subsection 346.1(14). VALIDITY OF PETITION AGAINST 346.1(14) In order for a petition against to receive the Certificate of the City Treasurer as required under subsection 346.1(13) the Notices of Objection in the aggregate must (a) be signed by at least one-half in number of those persons;				

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
(i) whose names appear on the latest revised assessment roll of the municipality as owners of the lands in the proposed local improvement district; or (ii) who are entered, under Section 208, on the current tax roll as owners of such lands; and (b) the value of the land, of which the persons to whom clause (a) refers as the owners, is according to the latest revised assessment roll, at least one half of the value of all the lands in the proposed local improvement district as shown on that assessment roll; (c) be submitted to the City Clerk within thirty (30) days from the date of the publication of the notice referred to in subsection 346.1 (11a). SUFFICIENCY AND VALIDITY OF PETITION AGAINST 346.1(15) The sufficiency and validity of the Notices of Objection and the petition against the creation of a local improvement district shall be determined by the City Treasurer who shall thereupon issue his certificate, and upon issuance of that certificate, the determination as to the sufficiency of the petition against is final and conclusive.				

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
EFFECT OF VALID PETITION 346.1(16) Where Council receives a petition not to proceed with the creation of a local improvement district duly certified by the City Treasurer in accordance with subsection 346.1(15) it shall not create the local improvement district for the area petitioned for or any variation thereof at that time or during the two succeeding years next following the receipt of the petition whether or not a petition for the creation thereof is presented under subsection 346.1(2). INSUFFICIENT OR INVALID PETITION 346.1(17) In the absence of a sufficient or valid petition against the creation of a local improvement district, Council may proceed to second and third readings of the by-law or by-laws referred to in subsection 364.1(10). CITY-OWNED LANDS 346.1(18) Where any land to be benefitted by a proposed local improvement in a local improvement district is owned by the City, the City with respect to such land shall be regarded as an owner who is entitled to petition for or against the work, but has refrained from doing so.				

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
LEVY FOR OUTSIDE WORK 346.1(19) Where in order to give service to lands within a district, municipal services including but not limited to wastewater sewers, land drainage sewers, watermains, trunk storm water drainage systems, pumping stations, street pavements and modifications such as auxiliary and channelization lanes and transitions, are laid or constructed outside the boundaries of the district, the cost, or a part thereof, may be levied and charged against the lands benefitted in like manner as if the work had been done within the District. LEVY WITHIN DISTRICT 346.1(20) Notwithstanding subsection 346(1), the City shall levy the cost of the installation or construction of local improvements in a local improvement district against the lands benefitted by a special assessment which shall be uniform in respect to all the lands benefitted by the undertaking and which shall be based on the factors set forth in clauses 346(1) (a) to (e), but which need not be uniform with other special assessments levied in other parts of the city in respect to similar local improvements. SECTIONS NOT APPLYING 346.1(21) Sections 344, 345, 362, 363, 372, 373 and 376, and Subsection 370(4) do not apply in respect to the creation of a local improvement district or the undertaking of local improvements as a result of a by-law or by-laws passed under this section.				

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Section 347(1) be replaced by the following: 347(1) (a) Where a property that has never been charged with an assessment for the construction of a watermain, sanitary sewer or a land drainage sewer is connected with one or more of those services within the City, a charge may be made against the property for each one or more of those services to which the property is connected in the amounts of assessments calculated as prescribed in a by-law passed pursuant to Section 355 and, unless commuted, they shall be spread over a term of not less than 10 years with interest as in the case of ordinary local improvements.	Where essential services are constructed without local improvement financing due to an adverse vote or a Council decision that, despite a favourable vote, immediate levies would be inequitable in respect of minority owners, the services may proceed with City or developer financing. In such cases, the City should be more clearly empowered to charge the equivalent assessment and levy it over ten years commencing, if and when owners who originally do not use those services do need and use them, as opposed to requiring cash payment. Cash payment may be required from developers of larger holdings, but can work hardship in the case of small holdings.	March 27, 1985	April 1, 1985 Nov. 24, 1988 July 3, 1992	
(b) Where property that has never been charged with an assessment for the construction of a land drainage sewer is not connected directly to a land drainage sewer but is drained by a land drainage sewer within the City via one or more of a ditch, street surface or retention pond, a charge may be made against the property in the amount of an assessment calculated as prescribed in a by-law passed pursuant to Section 355 and, unless commuted, they shall be spread over a term of not less than 10 years with interest as in the case of an ordinary local improvement if after construction of that land drainage sewer: (i) the property is connected to a sanitary sewer, or (ii) the property is developed for a commercial or industrial use which benefits from the land drainage.	Although commercial or industrial properties often will have a direct pipe connection to a land drainage sewer, in most cases properties are drained indirectly by a street surface or ditch leading to catch basins. Despite separate land drainage sewers having replaced the design of combined sanitary and land drainage sewers, they function together and use of the sanitary sewer should require payment for the total service. In the event that a property was connected to a sanitary sewer before construction of land drainage sewers, financed other than as a local improvement, no future charge could be made for the land drainage service under this section, unless the building connected to the sanitary sewer was demolished and a new building connected to that sewer.			

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Section 363.1 Certain local improvements may be made despite adverse petition. 363.1(1) The City after the expiration of one month from the publication of the notice required in the case of ordinary local improvements may, as a local improvement, and despite any adverse petition, (a) construct a watermain that the council deems necessary for the purpose of providing fire protection in any part of the City; (b) construct, enlarge or extend a sewer in any street if recommended as a sanitary necessity by the engineer or health officer; (c) construct a sewer not more than three hundred feet in length in any street together with an outlet across private property from such sewer to a sewer in another street; (d) construct a sewer that the council deems necessary for the purpose of preventing flooding in any part of the City. To be approved by two-thirds majority of council. 363.1(2) No such work shall be undertaken unless approved at a regular meeting by at least a two-thirds majority of the members of Council.	Provision should be made in the Local Improvement Procedures for the City to have the authority to construct local improvements in spite of an adverse petition where those improvements are deemed necessary by a two-thirds majority of Council. This would permit, for example, the installation of watermains for fire protection of an area and would permit the installation of wastewater sewers to relieve a nuisance or to permit orderly development.	July 23, 1986	July 29, 1986 July 3, 1992	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
Council to hear persons interested. 363.1(3) The Council shall, before such work is undertaken, hear any person personally or by his counsel or agent who wishes to be heard with respect thereto and satisfies the council that he is interested in property affected by the proposed work. Assessment of costs in certain cases. 363.1(4) In the case of the construction of a sewer under clauses (c) or (d) of subsection (1), the cost may be assessed against the land in any block or other area which the council deems will be benefited thereby, and there shall be no appeal from such assessment. In the case of the other improvements mentioned in this section, the property owners' share of the cost thereof shall be assessed again against the land fronting on the work. Note: This request supersedes the City's request of December 1, 1976, as forwarded to the Province in 1976, 1978, 1980 and 1983.				
Section 370(4) be amended by adding the following subsection (4A): 370(4A) Notwithstanding Section 381(4), the work referred to in that subsection may be proceeded with before taking the steps described in clauses (a) to (b), both inclusive thereof, if, (a) in the opinion of the Council disposition of the complaints against a proposed assessment in a manner favourable to all the complainants would not substantially increase the estimated uniform assessment to be levied for the work, (b) in the opinion of the Council, it is necessary or desirable to avoid delay in proceeding with the work.	Section 370(4) presently requires that complaints against the proposed assessment from owners not fronting on the work be disposed of before proceeding with that work. In most cases, the City would not want to proceed before the complaints are disposed of and the resulting effect upon the estimated assessment is determined. There may, however, be situations in which, even if all the complaints are successful, the effect upon the estimated assessment would not be substantial, whereas delay in proceeding with the work could cause a substantial cost increase or other effects detrimental to the public interest. The proposed amendment would allow Council to authorize proceeding with the work while the complaints are dealt with, avoiding any appearance of pressure upon the Board of Appeal to act in haste. The absence of any potential for a substantial increase in the estimated assessments, even if all complaints were successful, would avoid any prejudice or appearance of prejudice to the complainants or other owners through the work commencing before the complaints are disposed of.	March 27, 1985	April 1, 1985 July 3, 1992	

City's Request	Explanation	Date Approved by Council	Date Forwarded to Province	Include in Bill
374(1) The City, after the expiration of one month from the publication of the notice required in the case of ordinary local improvements, may, as a local improvement, and despite any adverse petition, (a) construct a pavement or sidewalk on any street if on the report of the engineer it appears to the council expedient to do so; (b) construct, enlarge or extend a sewer in any street if recommended as a sanitary necessity by the engineer or health officer; (c) construct a sewer not more than three hundred feet in length in any street together with an outlet across private property from such sewer to a sewer in another street; (d) construct a sewer that the Council deems necessary for the purpose of preventing flooding in any part of the city. 374(2) No such work shall be undertaken unless approved at a regular meeting by at least a two-thirds majority of the members of the Council. 374(3) The Council shall, before such work is undertaken, hear any person personally or by his counsel or agent who wishes to be heard with respect thereto and satisfies the council that he is interested in property affected by the proposed work.	When the City of Winnipeg Act was first enacted it contained a Section 374. This Section was removed from the Act in 1972 by the Province and not at the request of the City. This is a very useful section and should be re-enacted into The City of Winnipeg Act. This amendment would allow the City to construct certain works for sanitary and safety reasons.	December 1, 1976 December 1, 1976 December 1, 1976	1976, 1978 and September 26, 1980 October 26, 1983 July 3, 1992 1976, 1978 and Sept. 26, 1980 Oct. 26, 1983 July 3, 1992 1976, 1978 and September 26, 1980 October 26, 1983 July 3, 1992	
374(4) In the case of the construction of a pavement to replace one which is worn out, the city as a whole shall assume at least one fifth of the cost thereof.		December 1, 1976	1976, 1978 and Sept. 26, 1980 Oct. 26, 1983 July 3, 1992	

REPORT OF THE

EXECUTIVE POLICY COMMITTEE

DATED SEPTEMBER 7, 1994

On motion of Her Worship Mayor Thompson, the Report of the Executive Policy Committee, dated September 7, 1994, was considered.

Moved by Her Worship Mayor Thompson,
That the Consent Agenda, Clause 1, be adopted.

Carried.

Her Worship The Mayor and Councillors:

Full Disclosure of Board of Commissioners' Meetings to Councillors
File GE (Vol. 6)

997 - 1. Council on January 26, 1994, adopted the following:

Moved by Councillor Prystanski,
Seconded by Councillor Reese,

WHEREAS on June 23, 1993, a motion proposing access to the Board of Commissioners for Councillors was referred to the July 14th meeting of the Executive Policy Committee;

AND WHEREAS on July 14, 1993, the Executive Policy Committee referred the matter to the Ad Hoc Committee on Review of the Administration and Management Structure;

AND WHEREAS on November 10, 1993, Executive Policy Committee made a recommendation to Council;

AND WHEREAS on November 17, 1993, Council referred back to the Executive Policy Committee the clause with instructions for minor adjustments;

AND WHEREAS there is no recommendation at the December 17th meeting of City Council, and the Executive Policy Committee has asked for a further extension at the meeting of January 26, 1994;

THEREFORE BE IT RESOLVED that Council NOT grant a further extension on this issue as requested by the Executive Policy Committee and approve the following motion:-

"THAT the Council motion of June 23, 1993 be filed;

AND THAT the practise of the Mayor and Councillors being in attendance at regular meetings of the Board of Commissioners be adjusted as follows:

1) all Members of Council be provided with copies of the Board of Commissioners agendas (and attachments on specific topics provided upon request only), and;

2) copies of minutes of all regular Board of Commissioners meetings;

THAT each Standing Committee Chairperson, in conjunction with the relevant Commissioner consider setting aside a specified portion of the regular standing committee meeting to enable the Administration to brief the Committee on emerging issues, and to enable the Committee to have direct input into the formation of policy guidelines and initiatives."

AND FURTHER THAT Her Worship the Mayor continue to be responsible for organizing Council seminars on a regular basis;

AND FURTHER THAT the Board of Commissioners host "round table" up-date meetings for all Members of Council, at least once a month, with agendas being available a week in advance;

Report of the Executive Policy Committee dated September 7, 1994

AND FURTHER THAT the above recommendations be conducted on a trial basis until September, 1994, during which the Executive Policy Committee evaluate this process and provide direction to Council, at its first regular meeting in September, 1994, as to whether the process should be continued and in what manner.

AND FURTHER THAT the Proper Officers of the City do all things necessary to implement the foregoing."

Inasmuch as the Executive Policy Committee has requested The Board of Commissioners to host "round table" up-date meetings for all Members of Council at least once a month and has referred the motion to the Task Force appointed by Council relative to the future political restructuring of City Council, Committee therefore recommends that Council grant an extension of time of 60 days to allow for further consideration.

Adopted by consent.

REPORT OF THE

EXECUTIVE POLICY COMMITTEE

DATED SEPTEMBER 8, 1994

On motion of Her Worship Mayor Thompson, the Report of the Executive Policy Committee, dated September 8, 1994, was considered.

Moved by Her Worship Mayor Thompson,
That the Consent Agenda, Clause 1, be adopted.

Carried.

Her Worship The Mayor and Councillors:

Proposed Access to Information By-law
File GL-5.8 (Vol. 7)

998 - 1. Council, at its meeting held on June 22, 1994, referred back to Executive Policy Committee Clause 3 of its report dated June 15, 1994, in the above connection, with the following resolution:

Moved by Councillor Lazarenko,
Seconded by Councillor Duguid,

THAT Clause 3 of the Report of the Executive Policy Committee dated June 15, 1994, be referred back to the Executive Policy Committee with instructions that EPC hold a special meeting to consider the proposed Access to Information By-law.

In conjunction therewith, the following resolution was also referred to the Executive Policy Committee:

Moved by Councillor Thomas,
Seconded by Councillor Boychuk,

WHEREAS By-law 6420/94 on page 7 does not have listed "Hansard" on the list of documents to which the citizens of Winnipeg are permitted access;

THEREFORE BE IT RESOLVED THAT the list be amended and Hansard be added as Item (J) at the top of page 2 in the attached By-law.

On September 8, 1994, the Executive Policy Committee conducted a public hearing with respect to the proposed Access to Information By-law and inasmuch as Committee referred to the Law Department the presentations submitted at the said hearing for review, Committee therefore recommends that Council grant an extension of time of 60 days to allow for further consideration of the matter.

Adopted by consent.

REPORT OF THE

EXECUTIVE POLICY COMMITTEE

DATED SEPTEMBER 14, 1994

On motion of Her Worship Mayor Thompson, the Report of the Executive Policy Committee, dated September 14, 1994, was considered clause by clause.

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

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

Her Worship Mayor Thompson requested that Clause 6 be pulled from the Consent Agenda.

The Consent Agenda, Clauses 2,3,4 and 5 was put and declared carried.

Her Worship The Mayor and Councillors:

Additional Appropriation - Office of the Ombudsman
Files GL-5.8 (Vol. 7) and FE-1995 (Vol. 1)

999 - 1. The Executive Policy Committee has received an application for an additional appropriation from the Office of the Ombudsman in the amount of $167,351.00 for the balance of year 1994. The request is to complete purchases of office furniture, equipment, and additional salaries for five permanent staff members.

The Executive Policy Committee recommends:

I. That an additional appropriation in the amount of $167,351.00 be approved to be appropriated as follows:
   i) office furniture in the amount of $48,500.00 to Account Number 01-554201-130101
   ii) equipment in the amount of $41,000.00 to Account Number 01-554104-130101
   iii) permanent salaries in the amount of $77,851.00 to Account Number 01-551101-130101

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

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

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

Moved by Councillor Angus,
Seconded by Councillor Golden,
That the clause be referred back to review and consider a phase in strategy of funding the Ombudsman's office.

The motion to refer with instructions was put.

The Speaker here resumed the Chair.

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

Yea:Councillors Reese, Clement, Golden, Murray, O'Shaughnessy, Prystanski, Silva, Thomas and Angus. 9

Nay:Councillors Boychuk, Duguid, Eadie, Hyman, Lazarenko, Fraser and Her Worship Mayor Thompson. 7

and the motion to refer with instructions was declared carried.

Report of the Executive Policy Committee dated September 14, 1994

Co-ordinator Position - Winnipeg Safe City Committee File GF-2.7 (Vol. 8)

1000 - 2. Council, on July 20, 1994, adopted Clause 4 of the Report of the Executive Policy Committee dated July 13, 1994 authorizing the Safe City Committee to proceed to retain administrative support services for the Winnipeg Safe City Committee on a contractual basis (using the "Winnipeg Arts Advisory Council Model") for the remainder of the 1994 fiscal year, September 1 to December 31, 1994, and that funding be utilized from the existing 1994 Safe City Committee budget allocation.

Following a recruitment process and review of 133 applications for the position, the Winnipeg Safe City Committee endorsed the recommendation of its Selection Committee, namely:

I. That professional administrative support services for the Winnipeg Safe City Committee be contracted out as follows:

The City of Winnipeg enter into a personal services contract with Chris Balicki for the provision of administrative support services for the Winnipeg Safe City Committee; subject to the following terms and conditions:

a) The contract be of a four-month duration commencing September, 1, 1994 to December 31, 1994;

b) The contract to include the terms and conditions as outlined in Appendix "A" of Clause 4 of the Report of the Executive Policy Committee dated July 13, 1994, and adopted by Council on July 20, 1994;

c) The fee for service be prorated on a per annum fee of $40,000.00.

II. That the Acting City Solicitor be instructed to prepare the necessary contract between the City of Winnipeg and Chris Balicki.

III. That the Proper Officers of the City do all things necessary to implement the foregoing, including the execution of the aforesaid contract.

The Executive Policy Committee submits the aforementioned for the information of Council.

Copy of Appendix "A" as well as a copy of a letter of resignation from Ms C. Balicki are on file in the office of the City Clerk.

Adopted by consent.

Acquisition of Riverbank Property at 1405 Portage Avenue for the development the Omand's Creek Linear Parkway Files PR-4 (Vol. 11) & EB-1.4 (Vol. 1)

1001 - 3. On July 8, 1994, the Committee on Planning and Community Services requested the Committee on Protection, Parks and Culture to give consideration to the acquisition of riverbank property located at 1405 Portage Avenue for the inclusion in the Omand's Creek Parkway.

On July 21, 1994, the Riverbank Management Committee concurred in the recommendation of the Committee on Planning and Community Services that the City acquire the property and requested the Committee on Protection, Parks and Culture to give favourable consideration to this acquisition.

On September 1, 1994, the Committee on Protection, Parks and Culture recommended that the riverbank property be acquired for the development of a Linear Parkway and requested the Executive Policy Committee to initiate the process of meeting with the Urban Affairs Committee of the Provincial Government Cabinet to address the financial aspects of the proposed acquisition.

Report of the Executive Policy Committee dated September 14, 1994

The Executive Policy Committee concurs with the recommendation of the Committee on Protection, Parks and Culture and recommends:

I. That the riverbank property located at 1405 Portage Avenue be acquired for the development of Omand's Creek Linear Parkway.

II. That the Executive Policy Committee initiate the process of meeting with the Urban Affairs Committee of the Provincial Government Cabinet to address the financial aspects of the proposed acquisition.

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

Adopted by consent.

Interest Free Loan - Funding Capital Projects File FC-2 (Vol. 8)

1002 - 4. Council, at its reconvened meeting held on June 23, 1994, ruled automatic referral of the following motion to the Executive Policy Committee, under Rule 16.1 of the Procedure By-law No. 5400/90, namely:

Moved by Councillor Lazarenko,
Seconded by Councillor Boychuk,

WHEREAS the City of Winnipeg must from time to time, authorize the issue of bonds to finance capital projects that are necessary to ensure the health and welfare of the citizens of Winnipeg;

AND WHEREAS the City of Winnipeg recognizes that the cost of interest for bonds issued to fund capital projects is a great burden on the taxpayers of Winnipeg;

AND WHEREAS in the year 1994, City of Winnipeg borrowing costs totalled approximately $100 million in interest alone;

AND WHEREAS the Bank of Canada has the responsibility and the authority to regulate credit and currency in the best interests of the economic life of the nation;

NOW THEREFORE BE IT RESOLVED that the City of Winnipeg request the Federal Government to instruct the Bank of Canada to issue an interest-free loan or a loan at a reduced interest rate, to the City of Winnipeg, for the purpose of funding capital projects and for paying off existing debts incurred by the City.

Inasmuch as the Executive Policy Committee has requested the Board of Commissioners for a legal interpretation and to request a formal response from the Bank of Canada and the Canadian Bankers' Association, Committee therefore recommends that Council grant an extension of time of 30 days to allow for further consideration of the matter.

Adopted by consent.

Report of the Executive Policy Committee dated September 14, 1994

Subdivision and Rezoning of land bounded by the Perimeter Highway on the west, Charleswood Road on the east, the abandoned CNR Cabot Subdivision (Ridgewood Corridor) on the north and the CNR Mainline/Wilkes Avenue on the south - Assiniboia Community
File DASZ 7/91

1003 - 5. Council, at its meeting held on December 15, 1993 granted the Executive Policy Committee an extension of time of 120 days to deal with Clause 6 of the Report of the Committee on Planning and Community Services, dated May 11, 1992. The clause is with respect to the Subdivision and Rezoning of land bounded by the Perimeter Highway on the west, Charleswood Road on the east, the abandoned CNR Cabot Subdivision (Ridgewood Corridor) on the north and the CNR Mainline/Wilkes Avenue on the south, in the Assiniboia Community.

The Executive Policy Committee recommends that Council grant a further extension of time of 90 days to allow for further consideration of this matter.

Adopted by consent.

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

1004 - 6. Council, at its meeting held on February 14, 1990, adopted the Report of the Executive Policy Committee of the same date which endorsed the Report entitled "Winnipeg 2000 - An Economic Development Strategy for Winnipeg" and recommended that the Mayor, in consultation with the Task Force on Economic Development, be requested to recommend the membership of the Winnipeg 2000 Leaders Committee to Council for approval.

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. Additional members were appointed by Council on October 31, 1990. Mr. M. Anderson was appointed to fill the vacant position of Chairperson by Council on October 20, 1993.

On September 14, 1994, the Executive Policy Committee considered representation from the President of Winnipeg 2000 requesting consideration of additional appointments to the Winnipeg 2000 Leaders Committee.

The Executive Policy Committee recommends that the following appointments be made to the Winnipeg 2000 Leaders Committee, namely:

Mr. R. Boily, President, Bathtub King
Ms Marilyn Houston, General Manager, The Houston Personnel Group
Mr. Clark Johannson, Vice-President, Carlyle Computer Products Ltd.
Mr. John Schubert, Owner, J. R. Stephenson (Mfg.) Ltd.
Mr. John Granelli, Incoming Chairperson, Winnipeg Chamber of Commerce and Senior Manager of Doane Raymond

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

Report of the Executive Policy Committee dated September 14, 1994

In amendment,

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

WHEREAS on September 14, 1994, the Executive Policy Committee approved the following nominations to the Winnipeg 2000 Leaders Committee:

Roland Boily, President, Bathtub King
Marilyn Houston, General Manager, The Houston Personnel Group
Clark Johannson, Vice-President, Carlyle Computer Products Ltd.
John Schubert, Owner, J. R. Stephenson (Mfg.) Ltd.
John Granelli, (Incoming) Chairperson, Winnipeg Chamber of Commerce

which will be forwarded to Council for approval in Clause 6 of the Report of the Executive Policy Committee dated September 14, 1994;

AND WHEREAS the President of Winnipeg 2000 has requested an additional nomination to the Winnipeg 2000 Leaders Committee which should have been forwarded to the Executive Policy Committee for approval on September 14, 1994;

THEREFORE BE IT RESOLVED that the following additional nomination to the Winnipeg 2000 Leaders Committee be approved by Council, namely:

Dr. Errol T. Lewis, Consultant, Investors Group

The amendment was put and declared carried.

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

EXECUTIVE POLICY COMMITTEE

MOTIONS

Moved by Councillor Eadie,
Seconded by Councillor Fraser,

1005 - WHEREAS the Government of Canada has indicated it wants to abolish the Goods and Services Tax (GST) and replace it with another form of tax;

AND WHEREAS the House of Commons Finance Committee was given direction by the government to review this issue and make recommendations to the government on alternatives to the GST;

AND WHEREAS the Federation of Canadian Municipalities successfully negotiated a special GST rebate provision with the previous federal government, which effectively established a GST rate of 3% for Canada's municipal governments;

AND WHEREAS the Federation of Canadian Municipalities, on behalf of Canada's municipal governments, recently advised the House of Commons Finance Committee that any tax that replaces the GST must not impose a greater financial burden on municipal governments than the present tax system already imposes;

AND WHEREAS the House of Commons Finance Committee has now indicated it may be looking favourably at recommending the replacement of the GST with a Value-Added Tax (VAT) of 5.3%, which would not include any rebate provisions for municipal governments;

AND WHEREAS it has been calculated that the implementation of a 5.3% VAT without any municipal rebate would increase the City of Winnipeg's costs by $4.8 million annually, and would translate into a 1.29% increase in the property tax mill rate;

AND WHEREAS such an increase in municipal costs would be totally unacceptable to the municipal government of The City of Winnipeg and the public it serves;

THEREFORE BE IT RESOLVED THAT the Council of The City of Winnipeg communicate in the strongest possible terms to the Prime Minister of Canada, Manitoba members of the Senate and House of Commons of Canada, the Premier of Manitoba, and members of the Legislative Assembly of Manitoba, that the replacement of the GST with any other form of tax system must not impose greater financial burden on The City of Winnipeg or on any other municipal government in Canada and that these concerns be given serious consideration by the government during its review of the tax system.

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

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

Carried.

The motion was put and declared carried.

Moved by Councillor Murray,
Seconded by Councillor Thomas,

1006 - WHEREAS the diversion of VLT monies from the City of Winnipeg revenue stream to the Winnipeg Jets is in fact the down-loading of the Provincial commitment to cost-share the losses of the Winnipeg Jets Hockey Club;

AND WHEREAS this downloading abrogates both the spirit and substance of the understanding on which the City participated in the agreement to preserve NHL hockey in Winnipeg;

THEREFORE BE IT RESOLVED THAT the Winnipeg City Council give immediate notice to the other parties to the agreement to preserve the NHL hockey in Winnipeg that we view the agreement as having been abrogated and that the Administration be directed to do all things necessary to withdraw from the agreement;

Executive Policy Committee - Motions (continued)

BE IT FURTHER RESOLVED THAT the City immediately engage independent legal counsel to represent the City's interests in litigation relating to the matter of winding down the agreement and disposing of the City's share of assets and liabilities of the hockey franchise.

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

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

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

Yea: Councillors Reese, Boychuk, Hyman, Murray and Thomas. 5

Nay: Councillors Clement, Duguid, Eadie, Golden, Lazarenko, O'Shaughnessy, Prystanski, Silva, Fraser, Her Worship Mayor Thompson and Councillor Angus. 11

and the motion to suspend the rule was declared lost.

Moved by Her Worship Mayor Thompson,
Seconded by Deputy Mayor Fraser,
1007 - WHEREAS Council is in receipt of a proposal from Manitoba Entertainment Complex Inc., being a not-for-profit corporation, the membership of which is comprised of individuals from the Winnipeg business community, to use its best efforts to:

(a) secure by May 1, 1995, all arrangements, approvals, agreements and binding commitments required to proceed with the construction and opening by Fall 1997 of a new entertainment complex in Downtown Winnipeg (the "Entertainment Complex") with seating of approximately 16,000 for hockey and a minimum of 3,000 premium seats;

(b) secure by May 1, 1995, all agreements and arrangements for the Winnipeg Jets to be an anchor tenant in the Entertainment Complex;

(c) take by May 1, 1995, all steps necessary in order to exercise on its or on its nominees behalf, its right to acquire the Majority Owners' Partnership Interest;

AND WHEREAS the said proposal requires that the Agreement made between Barry Shenkarow, Marvin Shenkarow, The Sterling-Stall Group, Harvey Secter, Moffat Communications Ltd. and Randall L. Moffat Holdings Ltd., of the First Part, Winnipeg Enterprises Corporation, of the Second Part, Jets Hockey Ventures, of the Third Part, The City of Winnipeg, of the Fourth Part, Her Majesty the Queen in the Right of the Province of Manitoba, of the Fifth Part, Jets Private Sector Inc., of the Sixth Part, and The Interim Steering Committee Inc., of the Seventh part, (the "1991 Jets Agreement") be amended;

THEREFORE BE IT RESOLVED THAT Council authorize an amendment to the 1991 Jets Agreement, in the form attached as Appendix I, provided that the Majority Owners and the Partnership as defined in the 1991 Jets Agreement consent in writing to such amendment."

AND THAT the Mayor and City Clerk be authorized to execute the said amendment subject to confirmation that the Province of Manitoba has approved and executed the same agreement.

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

EXECUTIVE POLICY COMMITTEE

QUESTION PERIOD

1008 - Councillor Golden, referring to the legal opinion filed earlier by her Worship, requested that Council be apprised of the costs to the City of Winnipeg for the services of R.B. McNicol and E.B. Eva, of Fillmore and Riley, Barristers and Solicitors.

Her Worship Mayor Thompson stated that she would apprise Council of the fee when a bill was received but noted that R.B. McNicol's normal fee was $200 per hour, however he would be charging the City of Winnipeg $175 per hour, and that the billing would include his staff costs.

Councillor Reese questioned when Council would be discussing possible contributions to a new arena and questioned how the discussion could focus on an amendment without determining the City's possible contribution involvement.

Her Worship Mayor Thompson stated that Council would be having a Special Meeting on the amendment to the 1991 Jets Agreement on Wednesday, September 28, 1994, and noted that the process being followed focussed on the private sector group tabling a possible plan with Council.

Councillor Reese noted that a Provincial contribution was predicated upon a salary cap and questioned why the City had not adopted a similar strategy.

Her Worship Mayor Thompson noted the parallel processes currently surrounding the Jets discussions, including the salary cap negotiations and further noted that it was generally accepted by all members of the agreement that further involvement was predicated upon this.

Councillor Hyman referred to the McNicol report and questioned the process that the Mayor's Office had utilized in disclosing the report, alleging that some disclosure had been made prior to it being tabled at Council.

Her Worship Mayor Thompson noted that the report had been received and reviewed by the City Solicitor, and that procedural advice had been received, and further that she had reviewed the report with Councillor Golden.

Councillor Hyman requested that Her Worship review this process in order to avoid unnecessary allegations in the future.

Her Worship Mayor Thompson noted that she would review the process, especially with regard to the "Code of Conduct" if adopted.

Councillor Hyman requested an update on the Winnipeg Development Agreement and when the public would receive further information.

Her Worship Mayor Thompson noted that the public meetings had been conducted, that a Council seminar had been held, and that technical portions of the agreement were in the process of being developed and that she would be meeting with representatives from the Federal Government next week on the matter. She further noted that the proposed final agreement would then be brought to Council.

Councillor Clement noted that the Convention Centre had investigated a facility entitled "Manitoba Gardens" approximately 2-3 years ago, and questioned whether the fees for the study, totalling approximately $700,000 had been paid by the Convention Centre or whether a liability still existed.

Her Worship Mayor Thompson stated that a bill of $180,000 was still outstanding regarding the entertainment complex and that it would be subject to a final decision on where or whether a complex would be developed, and further noted that a lot of taxpayer monies had been expended on this specific project.

Councillor Clement questioned whether Her Worship was aware that there had been other expenditures of monies, both private and public, including that directed by Council, on various alternative strategies.

Executive Policy Committee - Question Period (continued)

Her Worship Mayor Thompson noted that she was aware of the monies and efforts expended on the matter to date.

Councillor Lazarenko questioned whether the report prepared by R.McNicol had been altered in any form.

Her Worship Mayor Thompson noted that the report had not been altered in any form, and that it had been reviewed by the City Solicitor.

Councillor Lazarenko referred to the fact that Her Worship had discussed the findings of the McNicol report with Councillor Golden and stated his support for the process followed and questioned whether the same process would be repeated in future.

Her Worship Mayor Thompson noted that each case would be treated independently based upon the circumstances.

Councillor Golden noted the City of Winnipeg's sizable financial exposure and monetary contributions made to date with regard to the Jets in comparison to the Province of Manitoba's lack of any monetary contribution and questioned whether Her Worship would approach the Province with the position that the City has already contributed its share towards the Jets with regards to further development and current debt.

Her Worship Mayor Thompson noted that she would raise the matter with the Province of Manitoba.

Council recessed at 11:58 a.m., and reconvened at 1:37 p.m., same members present.

Councillor Thomas entered the meeting after Council had reconvened.

Council here proceeded to continue to consider the order of business - "Executive Policy Committee, Question Period".

Councillor Golden referred to his statements on the City's contributions to the Jets to date, and questioned whether the matter of City contributions have been raised with the Province in past discussions.

Her Worship Mayor Thompson stated that this had been raised, and that past discussions had recognized the City's contributions and position, but that focus on possible partner contributions was dependent upon the private sector proposal.

Councillor Reese questioned whether the public would be heard as to the site location for the arena.

Her Worship Mayor Thompson noted that she would accept Council's direction on the matter.

Councillor Golden questioned whether Council would have an opportunity to discuss the "big picture" on the Jets matter, noting all economic and social factors, prior to making any decisions.

Her Worship Mayor Thompson stated that she would follow the advice of Council.

Councillor Golden questioned whether Her Worship would call a special Council Seminar to discuss possible strategies.

Her Worship Mayor Thompson stated that she would be sending out a memorandum to all Members of Council to provide input into the development of a process to consider the matter.

Councillor Golden requested that Her Worship hold a Council Seminar on the matter immediately, given the urgency associated with the matter and the magnitude of the financial exposure.

Executive Policy Committee - Question Period (continued)

Her Worship Mayor Thompson noted that a special Executive Policy Committee meeting was scheduled for Monday, September 26 on the matter, and that she would be exploring input from Members of Council.

Councillor Prystanski referred to the Ombudsman's Office and questioned whether the Ombudsman has the authority to hire staff.

Her Worship Mayor Thompson stated that the three complementary positions had been approved at the Committee on Finance and Administration.

Councillor Reese noted that the $23 million of City-Jets assets were in fact $11.5 million acknowledging debt, and questioned whether the losses would actually go beyond the asset level.

Her Worship Mayor Thompson noted that there were many projections to date, and that by May 1, 1995, Council would have a more accurate assessment of the position.

Councillor Murray questioned what actions or processes would emerge from the McNicol Report.

Her Worship Mayor Thompson stated that she would like to see the endorsement of the Code of Conduct.

Councillor Murray noted that the proposed Code of Conduct did not provide for an investigation process or for penalties, and questioned what Her Worship thought should be instated regarding investigation process and penalties, especially in the interim period awaiting Provincial review of the City's request for a legislative amendment.

Her Worship Mayor Thompson noted that she would be urging the Provincial Government to move quickly on the matter and further noted that there now existed the Office of the Ombudsman, which could be looked to as an avenue to deal with these matters in the future.

Council here reverted to the order of business - "Introduction and Welcome of Guests and Announcements".

INTRODUCTION AND WELCOME OF GUESTS AND ANNOUNCEMENTS

1009 - The Speaker recognized in attendance the father of Council member Amaro Silva, and the Member of the Legislature from Burrows, Doug Martindale, whose son was acting as a page for the Council Meeting.

Council here proceeded to consider the order of business - "Report of The Committee on Works and Operations, dated September 2, 1994".