Council here reverted to the order of business - “Report of the Executive Policy Committee dated July 19, 1995".

REPORT OF THE

EXECUTIVE POLICY COMMITTEE

DATED JULY 19, 1995

On motion of Her Worship Mayor Thompson, the Report of the Executive Policy Committee, dated July 19, 1995, was considered.

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

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

Her Worship The Mayor and Councillors:

Quarterly Report for Information and Quarterly Report for Action - Office of the Ombudsman File GL-5.9 (Vol. 1)

1074 - 1. On May 3, 1995, Executive Policy Committee requested the Administration to review the Quarterly Report for Information and the Quarterly Report for Action - Office of the Ombudsman, dated April, 1995, and report to Executive Policy Committee by May 31, 1995.

In 1970 the Office of the Provincial Ombudsman came into operation and has become a well respected venue for addressing citizen complaints against government.

On November 3, 1989 the Province amended The City of Winnipeg Act to provide for a civic ombudsman function, which is unique in Canada.

On May 9, 1994 an ombudsman was appointed to office and in September, 1994 the Office of the Ombudsman began accepting complaints from the public.

The Ombudsman has tabled two reports before Council, one which requires action and the other for information. These reports have subsequently been referred to the Administration for report. The tabling of these reports and their referral back to the Administration points to a lack of proper process to deal with the sensitive issues that emerge.

It is now almost one year since the Office of the Ombudsman began functioning and it would appear that a review is in order. It would be expected that some growing pains would occur at the outset of a new function of this type and indeed that has occurred. Relations between the Office of the Ombudsman and some members of Council and the Administration can best be described as strained. There appears to be no mechanism available to discuss issues of concern in a problem solving mode. In addition, there are ill defined processes for dealing with issues. It is concluded that relationships will only deteriorate further unless some process is put in place to address outstanding issues.

Some of the outstanding issues that emerge from a review of the Quarterly Report and that have been related to The Board of Commissioners by Members of Council and the Administration include:

1) The jurisdiction and powers of the Ombudsman:

Changes to The City of Winnipeg Act are required to clarify the jurisdiction and powers of the Ombudsman. For example, it may assist if The City of Winnipeg Act was amended to provide that the powers of the City’s Ombudsman and the Provincial Ombudsman are the same; in particular, reference subsections 68(1), (2) and (3) of The City of Winnipeg Act and Section 18(a), (b), (c) and (d) of The Ombudsman Act.

Report of the Executive Policy Committee dated July 19, 1995

As important as changing the words written in the Act is the need for some process to better define how the words are interpreted. At the present time, no such mechanism exists.

2) Issues regarding process and policy such as:

a) release of information by departments to the Ombudsman; in particular, issues such as solicitor/client privilege and information from the Health Department where physician/patient issues are of concern;

b) appropriate reporting relationship between the Ombudsman and Council;

c) clarifying what information the Ombudsman should be providing to the Administration when making recommendations; that is, should the Administration be provided with expert opinions, reports and other documentation utilized by the Ombudsman in preparing such recommendations which were not available for consideration when the Administration dealt with the issue;

d) the approach being used by the Ombudsman in preparing recommendations to the Administration and Council and the Quarterly Reports.

The Administration has determined that it would be inappropriate for it to comment further on these issues in that it is important for the Administration to develop and maintain a good working relationship between itself and the Ombudsman. Recognizing that there are issues to be addressed, Administration is of the opinion that a Council Task Force should be struck to deal with the situation.

The Task Force could solicit input from a variety of sources, including the input and advice of someone knowledgeable and experienced with the activities and responsibilities of an Ombudsman (such as a former Ombudsman). In addition, the Province of Manitoba has successfully operated an Ombudsman's Office for over two decades. It would seem that this would be an obvious source of sound advice regarding process and policy matters that ought to be accessed.

Section 66(2) of the Act provides that "guidelines may be established in the by-law for the Ombudsman to follow in performing the duties of the position". To date, no guidelines in the form of policies and procedures have been established by Council. The task force proposed herein would be the mechanism by which appropriate guidelines could be developed and submitted to Council for approval.

Finally, the final report of The Municipal Act and Related Statutes Review Committee, dated June 16, 1995, contemplates the formation of a province-wide Municipal Ombudsman's Office. It would seem logical at this point to conduct an assessment of how the City Ombudsman, the Provincial Ombudsman and this new function would relate to one another. Of equal importance would be ensuring that the policies and processes in place for each of these Ombudsman's offices are similar, in order that the public who deal with these agencies are not being exposed to a multiplicity of processes and procedures.

The Executive Policy Committee recommends:

I) A Council Task Force be formed to conduct a review of Ombudsman issues.

II) The Task Force obtain the input and advice of someone knowledgeable and experienced with the activities of an Ombudsman, in order to review and make recommendations with regard to process and policy.

III) Input be sought from the Provincial Ombudsman's Office with a view to aligning process and policy.

IV) That the Executive Policy Committee be authorized to develop the structure and membership of the Task Force and seek input from all members of Council.

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

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

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

Report of the Executive Policy Committee dated July 19, 1995

The motion for the adoption of the Clause was put.

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

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

Nay: Councillors Reese, Boychuk, Clement, Hyman, Murray and Thomas. 6

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

REPORT "A" OF THE

EXECUTIVE POLICY COMMITTEE

DATED JULY 26, 1995

On motion of Her Worship Mayor Thompson, Report "A" of the Executive Policy Committee, dated July 26, 1995, was considered.

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

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

Her Worship The Mayor and Councillors:

Case No. 2 - Ombudsman's Quarterly Report for Action dated April, 1995 - Compensation for Basement Flooding - 1186 Tanner Street File GL-5.9 (Vol. 1)

1075 - 1. The Executive Policy Committee has been advised that on October 3, 1994, Laurie Kelner filed a complaint with the Office of the Ombudsman after unsuccessfully pursuing a basement flooding claim with The City of Winnipeg.

On April 10, 1995, the Ombudsman recommended that Council revoke the decision not to pay the Claimant's claim.

On May 3, 1995 Executive Policy Committee referred this issue, which was raised in the Ombudsman's Action Report to Council, to the Administration for report to the Committee on Finance and Administration.

The substance of the Kelner flooding complaint is set out in the first paragraph of the complaint on page 39, which reads:

> "It is alleged that the City of Winnipeg Works and Operations Division is responsible for the flooding of the basement at 1186 Tanner Street through not conducting a complete investigation as to the cause, or deliberately hiding the facts that a pipe draining from the Shaarey Zedek Cemetery is responsible for the sewer backup and subsequent flooding. The Claims Branch was subsequently responsible for incorrectly turning down my claim."

(Note: All page numbers herein refer to the page numbers in the Ombudsman's Report to Council.)

In addressing this claim, the Ombudsman hired Dr. J. C. Doering to provide engineering advice, and the City sought advice from ID Engineering Limited, as well as from its internal engineering resources. The opinions of all three experts are essentially the same, and accordingly the evidence provided by the Ombudsman's engineering resource will largely be relied upon in presenting this case.

The outcome of this case rests on two fundamental principles. These are: (1) Did the City's system perform properly during these rainfall events? and (2) Was there any negligence on the part of the City? These issues can best be addressed by responding to some simple questions

1. Would the Kelners' basement have flooded with or without the connection to the Cemetery?

   The Ombudsman's Report to Council, dated April 10, 1995, in referring to the engineering opinions, says "in the face of a severe rainfall the row housing in which Ms. Kelner lives *may* have been flooded even if the connection were not present." The word *may* was intentionally chosen by the Ombudsman and was placed in italics for emphasis in her report. This statement is very misleading, as the facts of this case clearly show the Kelner residence would have flooded notwithstanding the connection to the Cemetery.

Report "A" of the Executive Policy Committee dated July 26, 1995

Mr. Starmer, the Ombudsman's Investigator, states on Page 45 of his report "the independent engineer concurs with the Respondent that even without the connection of the Cemetery to Tanner Street, the residences on Tanner Street would be flooded on the dates they indicate receiving basement flooding."

In addition, Mr. Starmer states on Page 44 of his report "Questions posed by the Respondent to their engineer indicates that in the engineer's opinion reducing the size of the drainage pipe from the Cemetery would reduce the maximum discharge that could be drained from the Cemetery, but this reduction would not have eliminated the flooding in 1993. They add that even if the Cemetery was disconnected, Tanner Street would still have been flooded in 1993."

Finally, the Ombudsman herself, on Page 57 of her report dated March 10, 1995, states "All of the engineering opinions concur that if the connection to the local Cemetery had not existed, the Complainant still would have experienced some floodings."

It is clear, therefore, that basement flooding would have occurred on this street notwithstanding the land drainage connection to the Cemetery. Obviously the drainage from the Cemetery would add to the flow in the system, however the incremental increase in severity and frequency is a moot point if the connection from the Cemetery was lawful.

2. Did the contribution of flow from the Cemetery illegally or improperly reach the sewer system?

The connection to the sewer system of the Cemetery was authorized on October 21, 1983, by way of a Service Permit to install a land drainage sewer to the combined sewer on Tanner Street. In speaking to this connection, Dr. Doering, on Page 36 states "Since there is a by-law regarding adequate drainage of a cemetery, the Shaarey Zedek Cemetery must be drained. In the Tanner Street area, it appears this connection must be via a combined sewer system. Fundamentally, no matter where this connection is made, it will increase the load on a WWS and, therefore, the frequency of flooding (again, my point 2 above)." The point 2 from above reads "I would like to note that any increase in catchment area will increase the peak flow of the runoff hydrograph. Therefore, this will increase the frequency and possibly the severity of flooding." Finally, Dr. Doering states "I feel that there is an unjust tendency to blame the Cemetery CB for the flooding events noted above. The runoff from the Cemetery is not as great as that from the residential area, yet both must be drained."

It is apparent from the above that as a taxpayer the Cemetery property is entitled to access to the combined sewer system for its drainage. The detail of how that drainage enters the sewer system could be discussed at length, however, it is clear from the forgoing that basement flooding would have occurred notwithstanding how this drainage entered the sewer system. The fact of the matter is that the drainage was entitled to be in the sewer system and the connection was lawful.

3. Was the City negligent in not providing a sewer system that would prevent basement flooding?

Mr. Starmer, on Page 45, states "A land drainage engineer employed by The City of Winnipeg indicated that when sewers are designed today every effort is made to meet a five year return level. On older sewer systems, between two years and five years is to be expected. This two year level is expected in other cities in Canada."

In responding to a question regarding the level of service on Tanner Street, Dr. Doering states "In summary, my response to this question is a design storm with a return period between two and five years would cause basement flooding on Tanner Street. This is what the ID Engineering report notes."

Thus we can see that an acceptable level of service for older sewer systems is between two and five years, and it is confirmed that a two to five year level of service is provided on Tanner Street. Dr. Doering goes on to say, on Page 36, "The predicted (modelled) level of service of the Tanner Street WWS and the observed level of service are likely incommensurate. The most likely reason for this is the use of a Chicago-type rainstorm to design stormwater infrastructure; it tends to yield a conservative design. The flooding dates provided by the residences of Tanner Street suggest that it takes a relatively significant event (I suspect in excess of five years) to cause basement flooding of the residences on Tanner Street."

The data shows that the rainfall events that caused flooding problems on Tanner Street were 10, 25 and 100 year return events. These events clearly exceeded the design capacity of the system.

Report "A" of the Executive Policy Committee dated July 26, 1995

From the above it is clear that an acceptable level of sewer service was provided by The City of Winnipeg on Tanner Street and, accordingly, no negligence exists.

4. Does the potential exist for the Kelners to flood again?

The answer to this question must be yes. Anytime in the future when the proper conditions develop and the system capacity is exceeded, basement flooding is a reality. The public must be aware that the sewer system has a finite capacity and once that capacity is exceeded, sewer backup may result. Dr. Doering, in his report, on Page 37, suggested a number of Best Management Practices which could be implemented in order to prevent or slow down runoff water from entering the sewer system. The City has been implementing and encouraging the implementation of these practices on a widespread basis.

The one measure that Dr. Doering neglected to state is the concept of self protection. It is this concept that The City of Winnipeg sees as a fundamental responsibility of the property owner in order to proactively protect themselves from basement flooding. This program involves both improving the drainage around one's home and installing a back-up valve and sump pit and pump in order to protect oneself from an overloaded public sewer line. In its publication "Keeping Your Basement Dry", the City states "The most efficient way to greatly reduce basement flooding risk is through combined actions between The City of Winnipeg and individual property owners. City efforts alone can only reduce, not eliminate, risks of back-ups from public sewers. Each property owner needs to take independent preventative steps to nearly eliminate their own risk of basement flooding."

From the foregoing, it can be seen that The City of Winnipeg bears no liability for the basement floodings on Tanner Street which were created as a result of rainfall events which greatly exceeded the capacity of the sewer system to handle. Accordingly, it is recommended that any claim against the City be denied.

The Executive Policy Committee recommends that the decision not to pay a basement flooding claim regarding the Kelner residence be upheld.

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

Moved by Councillor Reese,
That the Clause be referred to the Committee on Finance and Administration.

The motion to refer was put.

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

Yea: Councillors Reese, Boychuk, Lazarenko, and Thomas. 4

Nay: Councillors Clement, Eadie, Golden, Hyman, O'Shaughnessy, Prystanski, Silva, Fraser, Her Worship Mayor Thompson and Councillor Angus. 10

and the motion to refer was declared lost.

The motion for the adoption of the Clause was put.

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

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

Nay: Councillors Reese, Boychuk, Golden, Hyman, Lazarenko and Thomas. 6

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

REPORT OF THE

EXECUTIVE POLICY COMMITTEE

DATED AUGUST 2, 1995

On motion of Her Worship Mayor Thompson, the Report of the Executive Policy Committee, dated August 2, 1995, was considered clause by clause.

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

Deputy Mayor Fraser requested that Clauses 1 and 2 be pulled from the Consent Agenda.

Her Worship The Mayor and Councillors:

Task Force on Restructuring of City Council - Final Report
File GL-5.6 (Vol. 7)

1076 - 1. Council at its meeting of June 22, 1994, adopted Clause 9 of the Report of the Executive Policy Committee dated June 15, 1994, which established the Task Force on the Restructuring of City Council to make recommendations relative to the future political restructuring of City Council, and directed the Committee to submit its preliminary recommendations to Council no later than November 30, 1994, and submit a final report to Council on August 9, 1995 (amended date).

Since its inception, the Task Force on the Restructuring of City Council has convened almost thirty (30) meetings, including a Public Meeting held on October 18, 1994, at which time the Committee heard representation from 24 delegations. To encourage public contribution, the Task Force utilized media advertisements and sent letters to former Councillors, and numerous interested individuals and organizations. In addition, input was solicited from all Council Boards and Commissions as to whether continued Council representation is deemed advisable given Council workload and the reduction in Council size. In examining these matters, the Task Force met with members of the administration and members of the Library Board.

Further advising that although it was the intention of the Task Force to present its report at a Council Seminar on July 26, 1995, prior to Council deliberation at its meeting of August 9, 1995, such seminar was not possible due to other demands on Councillors' time. Council, at its meeting of July 12, 1995, directed that the final report be tabled at the Council meeting of August 9, 1995. It should be noted that the Task Force recommends that the report and its recommendations be presented for discussion at a Public Meeting on September 12, 1995, and that Council again consider the Final Report and the recommendations arising out of the Public Meeting at its meeting of September 27, 1995.

The Task Force recommendations are as follows:

1. That Council maintain its supremacy in decision-making and ensure the accountability of Councillors and the Administration.

2. That Council request the Province to amend The City of Winnipeg Act to provide long-term flexibility for The City to define its organizational structure.

3. a. That the decision-making structure and related roles and responsibilities as articulated in Appendices "E" and "F" be adopted by Council effective November 1, 1995 as follows:

Executive Committee
Standing Committees:
- Land Planning & Development Committee
- Community Services Committee
- Corporate Finance & Services Committee
- Parks & Recreation Committee
- Public Works Committee

Report of the Executive Policy Committee dated August 2, 1995

b. That Council request the Province to amend The City of Winnipeg Act to redefine "City Administrator" to delete the Head of an Administrative Division, Head and the Deputy Head of a Department.

c. That Standing Committees report directly to Council, except on items which, at the discretion of the Chairperson, shall be referred to Council through the Executive Committee, and tie votes which shall be forwarded to Executive Committee for final resolution where the Standing Committee has delegated authority.

d. That the Schedule of Meetings for Council and its Committees be developed to incorporate a two-week meeting schedule, with Standing Committees meeting on one week, each on a different day and Executive Committee and Council convening on the other week.

4. That the Office of the Mayor be strengthened by:

a. Empowering the Mayor to appoint the Deputy Mayor and Vice-Chairpersons to Standing Committees.

b. Empowering the Mayor to make Council appointments to the following Boards and Commissions:
- Winnipeg 2000
- Manitoba Association of Urban Municipalities
- Yellowhead Highway Association
- Winnipeg Capital Region Committee
- Winnipeg 2000 Leaders
- Zoological Society

c. Allowing the Mayor a tie-breaking vote at Council.

5. That a policy/process for the creation of subcommittees, task forces and ad hoc committees be adopted, specifically focussing on the following principles:
- Clearly Stated Terms of Reference
- Identification of Required Resources
- Notice of Motion Provision, and
- Review By the Executive Committee

6. That Council representation on Boards and Commissions where required, be limited to 1 Councillor, and that representation be in accordance with that outlined in Appendix "J" and that the respective Board/Commission by-laws and or statutes of incorporation be amended accordingly.

7. That the Executive Committee continue to recruit and review applications for citizen appointments to Boards and Commissions, including those citizens appointments made by the Mayor, and that such review include a formal selection process identifying the criteria for appointment, evaluation techniques and assessment of past performance, be limited to citizens of Winnipeg and provide for an orientation for new members.

8. That the Planning and Development process be revised as follows:

a. That Council request that Sections 579(1) and 579(2) of The City of Winnipeg Act be deleted to allow for public "hearings" without the confusion of public "consultation" relating to Plan Winnipeg.

b. That the Secondary Plan By-law Process be deleted with a related request that The City of Winnipeg Act be amended to simplify the process accordingly, and that "Neighbourhood Management Plans" be implemented, providing participative pro-active community planning of a flexible nature.

c. That Council request that The City of Winnipeg Act be amended to allow the delegation of decision-making for conditional uses to the administration, similar to that for variances under Section 607(1), with disputed decisions heard at the Board of Adjustment as required and appeals heard by the Standing Committee on Land Planning & Development.

Report of the Executive Policy Committee dated August 2, 1995

d. That Community Committees be delegated final decision-making authority for public hearings on subdivision/rezoning matters. Council shall hear Appeals and each appeal shall be restricted to parties involved in the public hearing.

e. That public hearings for license applications which have a related land-use be heard by the Community Committee prior to being heard at the Board of Adjustment.

9. a. That Council establish by by-law guidelines for clear policy and process, operating and reporting procedures for the Office of the Ombudsman.

b. That the City of Winnipeg's Office of the Ombudsman be merged with the Municipal Ombudsman when established.

10. That a Task Force review the role and responsibilities of the Board of Commissioners, focussing on its workload and delegated authority.

11. That a Task Force continue to review the role of Community Committees relative to public participation, and focussing on alternatives for effective citizen participation in decision-making, and that a separate report be forwarded to Council.

12. That the Secretariat Committee of Council explore alternative strategies to foster a better understanding of civic functions and the decision-making process, in conjunction with the City Clerk's Department.

13. That a Task Force continue to review roles and responsibilities of Council and its Committees, Councillors and the Administration, identify all specific delegations of authority, and make recommendations on changes as applicable, to Council and that the Organizational By-law be amended to include such.

14. That By-law No. 6550/95, the City of Winnipeg's Organizational By-law be amended to implement the recommendations contained herein.

The Executive Policy Committee recommends that the Task Force on Restructuring of City Council - Final Report dated July 26, 1995 and the recommendations contained therein be forwarded to Council for consideration and referral to a Public Hearing to be held on September 12, 1995.

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.

The motion for the adoption of the Clause was put.

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

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

Nay: Councillors Reese, Boychuk, Clement, Duguid, Hyman, Lazarenko, Murray and Thomas. 8

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

Report of the Executive Policy Committee dated August 2, 1995

Preservation of NHL Hockey and The Construction of New Arena
File F-5.1 (Vol. 5)

1077 - 2. Council at its meeting held on July 12, 1995, referred the following motion to the Executive Policy Committee, namely:

Moved by Councillor Golden,
Seconded by Councillor Lazarenko,

WHEREAS it is desirous to preserve NHL hockey in The City of Winnipeg;

AND WHEREAS The City of Winnipeg should build a new arena whether or not NHL hockey is preserved in Winnipeg;

AND WHEREAS the majority owners of the Winnipeg Jets have offered to guarantee the preservation of NHL hockey in Winnipeg for 20 years under a plan that could provide a new arena at no cost to the property owners of Winnipeg on their property tax bills;

AND WHEREAS the preservation of NHL hockey and the construction a new arena would be proceeded with on a "user pay" basis;

AND WHEREAS the group known as "Spirit of Manitoba" is requesting the property taxpayers of Winnipeg to provide their effort with substantial economic subsidy;

AND WHEREAS "Spirit of Manitoba" offers no guarantees to keep the Winnipeg Jets in Winnipeg;

AND WHEREAS "Spirit of Manitoba" is demanding a guaranteed rate of return from a government operated endowment fund;

AND WHEREAS "Spirit of Manitoba" is demanding that this same endowment fund pay any arena development cost overruns;

AND WHEREAS "Spirit of Manitoba" is demanding that this same endowment fund pay all arena operating costs;

NOW THEREFORE BE IT RESOLVED that the Administration advise Council:

a) Under what conditions will the existing owners guarantee for 20 years the preservation of NHL hockey in Winnipeg;

b) Under what conditions will "Spirit of Manitoba" guarantee for 20 years the preservation of NHL hockey in Winnipeg;

c) Under what conditions will either party use only their best efforts to preserve NHL hockey in Winnipeg.

The Executive Policy Committee recommends that the motion be filed, inasmuch as the timely nature of the subject matter precludes appropriate research being undertaken.

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

The Speaker here resumed the Chair.

The motion for the adoption of the Clause was put.

Report of the Executive Policy Committee dated August 2, 1995

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

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

Nay: Councillors Reese, Duguid, Golden, Hyman, Lazarenko and Thomas. 6

and the motion for the adoption of the clause, that the matter be filed, was declared carried.

Moved by Councillor Thomas,

THAT the Report of the Executive Policy Committee dated August 9, 1995 be laid over at this time for consideration at a reconvened meeting commencing at 9:30 a.m., August 10, 1995;

AND THAT Council proceed to finish deliberation of the balance of the agenda at this time.

The motion to lay over the Report of the Executive Policy Committee dated August 9, 1995 was put.

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

Yea: Councillors Reese, Boychuk, Clement, Duguid, Golden, Hyman, Murray, O'Shaughnessy, Prystanski, Thomas, and Angus. 11

Nay: Councillors Lazarenko, Silva, Fraser, and Her Worship Mayor Thompson. 4

and the motion to lay over the Report of the Executive Policy Committee dated August 9, 1995 was declared carried.

Council here proceeded to consider the order of business - "Executive Policy Committee - Motions".

EXECUTIVE POLICY COMMITTEE

MOTIONS

Moved by Councillor Golden,
Seconded by Councillor Lazarenko,

1078 - WHEREAS millions of dollars of taxpayers money have been invested to maintain an NHL hockey franchise in Winnipeg;

AND WHEREAS the group known as Spirit of Manitoba have been charged with the responsibility to organize efforts to achieve the maintenance of NHL hockey in Winnipeg;

AND WHEREAS the best efforts of Spirit of Manitoba are facing potential shortfalls in requirements for success;

NOW THEREFORE BE IT RESOLVED that the City of Winnipeg shall use its best efforts to maintain any and all support raised in the community towards the effort to maintain NHL hockey in Winnipeg;

AND FURTHER BE IT RESOLVED that in the event the Spirit effort is stalled, the City of Winnipeg shall investigate options to transfer support to other parties who may satisfy Council of their ability to achieve the stated goals.

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

Executive Policy Committee - Motions (continued)

Moved by Councillor Golden,
Seconded by Councillor Lazarenko,

1079 - WHEREAS on May 17, 1995, Council supported a motion to proceed with the construction of a new recreation facility with the proviso that the City seek methods to amortize the City's share of costs without support from the tax base;

AND WHEREAS the Spirit of Manitoba Business Plan has identified parking revenues from City-owned lands as their source of revenue;

NOW THEREFORE BE IT RESOLVED that

a) the City adopt a position that the subject facility try to be amortized on a user pay basis;

b) the City negotiate with Facility Co to determine $3 million revenue to the City for a 20 year term or until the City's share of facility construction costs are amortized on a user-pay basis;

c) the sources of user-pay income may include but not be limited to a share of

1) parking revenues
2) seat taxes
3) potential casino income
4) an arena zone levy.

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

Moved by Councillor Golden,
That the rule be suspended to allow consideration of the above referenced motions at the reconvened meeting to be held on August 10, 1995.

The motion to suspend the rule was put.

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

Yea: Councillors Reese, Boychuk, Duguid, Eadie, Golden, Hyman, Lazarenko, Murray, O'Shaughnessy, Prystanski, Thomas, Fraser, Her Worship Mayor Thompson and Councillor Angus. 14

Nay: Councillors Clement and Silva. 2

and the motion to suspend the rule was declared carried.

(See Minute No. 1095 for disposition)

Council proceeded to consider the order of business - “Executive Policy Committee - Question Period”.

EXECUTIVE POLICY COMMITTEE

QUESTION PERIOD

1080 - Councillor Golden requested that Her Worship Mayor Thompson share with Council the conversation she had had with Mr. Shenkarow relative to the Jets and apprise Council of the question she put to Mr. Shenkarow.

Her Worship Mayor Thompson advised Council that she was still awaiting a reply from the Due Diligence Committee relative to Councillor Golden’s question, and further advised that she had posed the question suggested at the Council Seminar the evening prior.

Executive Policy Committee - Question Period (continued)

Councillor Golden asked Her Worship what progress, if any, has been made in getting Portage Avenue and Main Street opened.

Her Worship advised that the City is in continuous negotiations in this matter.

Councillor Reese asked Her Worship what the total amount of municipal taxes are that have to be paid back including the school taxes for 1994 with respect to the Board of Revision, and what could be expected in 1995.

Her Worship Mayor Thompson took the question as notice.

Councillor Reese asked the value of the total assets for all City Departments.

Her Worship Mayor Thompson advised that she would refer this question to the Administration for an answer.

Councillor Duguid asked Her Worship if the Mayor, Chief Commissioner or the Spirit of Manitoba Inc. has any information or correspondence on the advance tax ruling; the NHL conditions of transfer; and if so, would the Mayor commit to table it with Council tomorrow before Council makes a $100 million decision.

Her Worship advised she personally does not have this information, but would refer it to the Administration and to Spirit of Manitoba Inc. for an answer.

Councillor Duguid asked Her Worship if she would commit to bring this information back to Council tomorrow.

Her Worship Mayor Thompson advised that she would ask the Administration and Spirit tonight for this information.

Councillor Duguid asked the Mayor if she would commit to table all correspondence between Revenue Canada and Spirit; between the NHL and Spirit and/or the City.

Her Worship Mayor Thompson advised that she would pass these questions on to the Administration and to Spirit.

Councillor Hyman asked Her Worship if there was any correspondence from the Province relating to the $17 million shortfall in the $111 million of public sector responsibility for the building, and if so, would she table it with Council tomorrow.

Her Worship Mayor Thompson advised that she would check with the Administration and if there is any correspondence, she would table it with Council.

Councillor Hyman asked Her Worship if she knew if funds were already being spent from the Winnipeg Development Agreement allocation, and if so, would the public be made aware so that they can make their applications.

Councillor Silva advised that the City has only approved the program allocation and not any specific programs; these will be forwarded to the Standing Committees for consideration.

Councillor Lazarenko asked if the Administration could provide an estimate of the City's actual cost in building the new facility, for tomorrow's meeting.

Her Worship Mayor Thompson advised that she would ask the Administration to provide this information to Council.

Councillor Lazarenko asked Her Worship for a commitment for monies from the Winnipeg Development Agreement to support the North YMCA.

Councillor Silva advised Council that as Chairman of the Committee on Protection, Parks and Culture, he would undertake to investigate whether such possibility exists.

Executive Policy Committee - Question Period (continued)

Councillor Golden asked Her Worship if she could table the information asked for at the last Council Meeting relative to Mr. Sweatman's commitment to provide information to Council on how any monies, provided by the City, has been spent.

Her Worship Mayor Thompson advised Council that she would ask the Administration to follow up on Councillor Golden's request.

Councillor Golden asked Her Worship what progress she has made putting together a Committee for the Revitalization of the North Main Street area.

Her Worship Mayor Thompson advised Council that this project has been a key part of the Winnipeg Development Agreement and Mr. Axworthy's press release clearly outlines the framework and structure for the North Main Revitalization.