Minute No. 259
Report "A" - Executive Policy Committee - February 27, 2008

Item No. 3 Annual Report on Community Groups Occupying City-Owned Facilities By-law No. 89/2005
File FL-2.5

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the table in section 2 of the Community Groups Occupying City-owned Facilities By-law No. 89/2005 be amended by:

   A. Deleting Manitoba Softball Association Inc. at 581 McPhillips Street;
   B. Deleting Winnipeg Sponge Hockey Association Inc. at 100 Sinclair Street;
   C. Substituting 866 St. Joseph Street for 836 St. Joseph Street in respect of Festival du Voyageur Fort Gibraltar;
   D. Substituting the Burrows Central Residents Council Inc. for Boyd Park Satellite Site in respect of 1100 College Avenue;
   E. Adding Charleswood Broncos Football Club Inc. at 535 Oakdale Drive, and,
   F. Adding the Winnipeg Fastball League Inc. at 535 McPhillips Street.

2. That the 2005, 2006 and 2007 realty taxes totaling $8,510.08 other than local improvements, for the Festival du Voyageur Fort Gibraltar occupancy be cancelled pursuant to section 347 of The City of Winnipeg Charter.

3. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending by-law for submission to Council.

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

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DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 27, 2008, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

RE: **Annual Report on Community Groups Occupying City-owned Facilities - By-law 89/2005**

FOR SUBMISSION TO: **Executive Policy Committee**

ORIGINAL REPORT SIGNED BY: **Director of Planning, Property and Development**

REPORT DATE: **February 1, 2008**

RECOMMENDATIONS:

1. That Council amend the table in section 2 of the Community Groups Occupying City-owned Facilities By-law 89/2005 by:

   (a) deleting Manitoba Softball Association Inc. at 581 McPhillips Street;
   (b) deleting Winnipeg Sponge Hockey Association Inc. at 100 Sinclair Street;
   (c) substituting 866 St.Joseph Street for 836 St.Joseph Street in respect of Festival du Voyageur Fort Gibraltar;
   (d) substituting the Burrows Central Residents Council Inc. for Boyd Park Satellite Site in respect of 1100 College Avenue;
   (e) adding Charleswood Broncos Football Club Inc. at 535 Oakdale, and,
   (f) adding the Winnipeg Fastball League Inc. at 535 McPhillips Street

2. That Council cancels the 2005, 2006 and 2007 realty taxes totaling $8,510.08 other than local improvements, for the Festival du Voyageur Fort Gibraltar occupancy pursuant to s. 347 of the City of Winnipeg Charter.

3. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending by-law for submission to Council.

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

Report Summary

Key Issues:

- At its meeting held on April 27, 2005, Council approved the Community Groups Occupying City-owned Facilities By-law 89/2005, which requires an annual update by the Director of the Planning, Property and Development Department.

- The Public Service has completed a review of the list of Community Groups included in By-law 89/2005 and is requesting that the Manitoba Softball Association at 581 McPhillips Street and Winnipeg Sponge Hockey Association at 100 Sinclair Street occupancies be deleted.

- In addition, the Planning, Property and Development Department is requesting that the Festival du Voyageur Fort Gibraltar address be changed from 836 to 866 St. Joseph Street and that 2005, 2006 and 2007 realty taxes be cancelled.

- The Charleswood Broncos Football Club Inc. and Winnipeg Fastball League Inc. occupancy agreements were approved by the Standing Policy Committee on Property and Development. As such, Council needs to consider these occupancies and to approve the required By-law 89/2005 Amendments.

Implications of the Recommendation(s):

General Implications
(x) None

( ) For the organization overall and/or for other departments

( ) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Policy Implications
(x) No

( ) Yes

Regulatory Implications
(x) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Environmental Implications
(x) No

( ) Yes

Human Resources Implications
(x) No

( ) Yes

Comment(s):

Financial Implications

(x) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

By approval of this report and the amendment of the By-law as recommended, the 2005, 2006 and 2007 realty taxes would be cancelled for the Festival du Voyageur Fort Gibraltar occupancy resulting in the elimination of $8,510.08 in tax revenue.

Report

REASON FOR THE REPORT:

At its meeting held on April 27, 2005, Council approved the recommendations within an Administrative Report dealing with Community Groups Occupying City-owned Facilities and By-law 89/2005, (the "By-law").

The By-law requires the Director of the Planning, Property and Development Department to review annually the list of non-profit organizations contained in the By-law for the purpose of determining whether the organizations continue to use the corresponding properties. The Director of the Planning, Property and Development Department has completed this review and has identified a number of issues that require an amendment to the By-law.

In accordance with the procedural rules of By-law 89/2005, this Report is being submitted to Council for approval.

HISTORY:

Properties owned and occupied by the City are exempt from municipal and school taxes pursuant to the Municipal Assessment Act (MAA). However, in the past, the MAA eliminated that exemption where the City-owned properties were occupied by a third party.

In 2000, the City requested that the Province of Manitoba amend the MAA to provide for exemptions for City-owned properties that were occupied by non-profit groups operating community centres.

In 2004, the Province of Manitoba amended the MAA to eliminate the restriction on the exemption for City-owned properties occupied by non-profit groups operating community centres. However, the amendment is only applicable where the groups and properties are identified in a By-law.

At its meeting held on April 27, 2005, Council approved a list, prepared by the Public Service, of properties and occupiers for exemption.

At its meeting held on December 6, 2006, Council approved the 2006 Annual Report regarding the Community Groups Occupying City owned Facilities – By-law 89/2005.

DISCUSSION:

1. Recent Additions to By-law 89/2005

The Public Service has prepared several reports regarding additional City-owned properties and occupiers to be added to the By-law in 2007. The Reports are summarized as follows:

Reports wherein Council approved the addition of occupiers to the By-law:

- Burrows Central Residents Council Inc. – 1100 College
  Council Approval – June 20, 2007

- Boys and Girls Clubs of Winnipeg – 200 Isabel Street
  Council Approval – July 18, 2007 143/2007

- Winnipeg Soccer Federation Inc. – 900 Waverley Street
  Council Approval – July 18, 2007 144/2007

- Good Neighbours Senior Centre Inc. – portion of Chief Peguis Trail
  Council Approval – November 21, 2007 206/2007

Reports wherein Council has not approved the addition of occupiers to the By-law:

- Charleswood Broncos Football Club Inc.
  Standing Policy Committee on Property and Development Approval – September 4, 2007

  This report sought approval to enter into a lease agreement with the Charleswood Broncos Football Club Inc. for the use of a portion of the Eric Coy Athletic Field for amateur football related purposes. The essential terms of the lease are outlined in the attached Schedule “A”.

- Winnipeg Fastball League Inc. – 535 McPhillips Street
  Standing Policy Committee on Property and Development Approval
  - January 8, 2008

This report sought approval to enter into a lease agreement with the Winnipeg Fastball League Inc. for the use of a portion of the Old Exhibition Park Site for amateur baseball related purposes. The essential terms of this lease are outlined in the attached Schedule "B".

The City Assessor considers the Charleswood Broncos Football Club Inc. and Winnipeg Fastball League Inc. occupancies to be eligible pursuant to s.11(2.1) of The Municipal Assessment Act, as both are non-profit amateur and non-share groups similar in nature to other groups in their respective sporting categories utilizing City-owned property.
The Planning, Property and Development Department recommend that By-law 89/2005 be amended by Council to include the Charleswood Broncos Football Club Inc. and Winnipeg Fastball League Inc. occupancies.

2. Review of the Community Groups Occupying City-owned Facilities By-law

The Winnipeg Public Service has completed a review of the list of community groups occupying City-owned facilities and is recommending the following amendments:

- Manitoba Softball Association Inc. – 581 McPhillips Street be deleted as they no longer occupy the subject premises;

- Winnipeg Sponge Hockey Association Inc. – 100 Sinclair Street be deleted as they no longer occupy the subject premises; and,

- Festival du Voyageur Fort Gibraltar – 836 St. Joseph Street be amended by changing the address to 866 St. Joseph Street.

  The address of this particular occupancy in the original By-law list did not correspond to a City owned property; therefore, the property was not exempted from the requirement to pay realty taxes. As a result in 2005, 2006 and 2007, realty taxes totaling $8,510.08 were assessed against this occupancy. By amending the address and canceling the realty taxes for 2005, 2006 and 2007, the intent of By-law 89/2005 will be realized with respect to the Festival du Voyageur occupancy in Whittier Park.

Financial Impact Statement

Date: January 24, 2008

Project Name:
By-law 89/2005 Annual Report

First Year of Program **2008**

	2008	2009	2010	2011	2012
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
External	-	-	-	-	-
Grants (Identify)	-	-	-	-	-
Reserves, Equity, Surplus, Other	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 8,510	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery					
Net Cost/(Benefit)	$ 8,510	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	8,510				
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:
The proposed amendment to the Community Groups Occupying City-owned Property By-law List will result in the cancellation of the 2005, 2006 and 2007 realty taxes totalling $8510.08 which were levied against the Festival du Voyageur Fort Gibraltar occupancy.

"Original signed by"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

Legal Services Division, Internal Services Department

Assessment and Taxation Department

External Consultation With:

Not applicable

THIS REPORT SUBMITTED BY:

Department	Planning, Property and Development
Division	Real Estate
Prepared by:	D. Armstrong
PPD File No.	8641

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Schedule “A”

Landlord:	City of Winnipeg
Tenant:	Charleswood Broncos Football Club Inc.
Leased Lands:	Portion of City-owned land at 535 Oakdale Dr. and Fieldhouse
Use:	Amateur Football
Term:	Five (5) years commencing July 1, 2007
Renewal:	One-Five (5) year option
Area:	Misc. Plan 13111/1
Rent:	$1.00 plus GST
Realty Taxes:	To be added to By-law 89/2005, subject to Council approval
Admin Fee:	$500.00 per annum
Cancellation:	Upon one hundred eighty days (180) days written notice by either party
Insurance:	Tenants to provide Comprehensive General Liability in the amount of $5.0 Million dollars all inclusive including all necessary endorsements, All Risk Property Insurance for all buildings, contents, stock and equipment, as well as, boiler and machinery insurance policy.
Tenant Responsibilities:	To pay all operating costs, to maintain the Leased Lands in a good and operating condition and in accordance with Schedules to be finalized, no assignment without written consent, no sub-letting, no placement of signage or advertising and leasehold improvements without prior written approval of the Landlord.
Special Conditions:	To ensure that any building renovation provides for handicapped and public washroom access during the normal operating hours of the park. To be allowed to install a scoreboard and field lighting in the future. subject to the approval of the Landlord. Upon receipt of written notice from the City, to provide access to the football field to accommodate the annual Charleswood in Motion days and Flag Football Manitoba requirements or other future groups to be determined from time to time in accordance with the City’s athletic fees and charges policy. To situate a storage trailer on-site for equipment storage purposes

City Responsibilities:	To provide grass cutting in accordance with the Public Works Department grass cutting cycle.

Schedule "B"

Landlord:	City of Winnipeg
Tenant:	Winnipeg Fastball League Inc.
Leased Lands:	Portion of City-owned land and Fieldhouse at 581 McPhillips Street
Use:	Amateur baseball
Term:	Five (5) years commencing April 1, 2008
Renewal:	One-Five (5) year option
Area:	Misc. Plan 11955/3
Rent:	$1.00 plus GST
Realty Taxes:	To be added to By-law 89/2005, subject to Council approval
Admin Fee:	$500.00 per annum
Cancellation:	Upon one hundred eighty days (180) days written notice by either party
Insurance:	Tenants to provide Comprehensive General Liability in the amount of $5.0 Million dollars all inclusive including all necessary endorsements, All Risk Property Insurance for all buildings, contents, stock and equipment, as well as, boiler and machinery insurance.
Tenant Responsibilities:	To pay all operating costs including utilities, to maintain the leased lands in a good and operating condition and in accordance with Schedules to be finalized, no assignment without written consent, no sub-letting, no placement of signage or advertising and leasehold improvements without prior written approval of the Landlord.
City Responsibilities:	To provide grass cutting in accordance with the Public Works Department grass cutting cycle and refuse collection.