REPORTS NOT RELATED TO THE JURISDICTION OF ANY COMMITTEE

REPORT OF THE

SUB-COMMITTEE ON RULES

DATED JULY 9, 1993

On motion of Councillor Angus, the Report of the Sub-Committee on Rules, dated July 9, 1993, was considered clause by clause.

Amendment to the Procedure By-law No. 5400/90 - Applications, Variance and Conditional Use Orders by Board of Adjustment which are Appealed
File GK-4 (Vol. 8)

869 - 1. Council on February 24, 1993 and on March 24, 1993, referred back to your Sub-Committee on Rules, Clause 4 of its Report dated February 12, 1993, in which it was recommended that the Procedure By-law be amended by adding a new Section 56.3 to provide guidelines for the conduct of Councillors in respect to appeals from the Board of Adjustment.

Your Sub-Committee on Rules on July 9, 1993, was advised that the Committee on Planning and Community Services concurs in the proposed amendments.

Your Sub Committee on Rules therefore recommends that the Procedure By-law No. 5400/90 be amended to reflect the following:

1. A member of Council may make representations to the Board of Adjustment and to the appeal committee designated by Council to hear appeals from decisions of that Board.

2. If a member of Council who sits on the appeal committee referred to above has made representations to the Board of Adjustment on an application which is before the appeal committee on appeal from the Board, that member shall not be or remain in the appeal hearing room during the conduct of that appeal.

Your Sub Committee on Rules submits for favourable consideration, draft by-law to implement the intent of the above recommendations.

Moved by Councillor Angus,
Adoption of the clause.

Carried.

Report of the Sub-Committee on Rules, dated July 9, 1993

Appeal Committee Quorum
Files GL-5.1 (Vol. 40) & GL-5.6 (Vol. 5)

870 - 2. Your Sub-Committee on Rules has considered the matter of a reduced quorum at appeal hearings of the Committee on Planning and Community Services as outlined in Clause 1 of the Report of your Sub-Committee on Rules, dated July 9, 1993.

Section 7 (1) of The Municipal Council Conflict of Interest Act reads:

> "Reduced Quorum.
> 7 (1) Where by reason of withdrawals from a meeting under subsection 5 (1) the number of councillors remaining at the meeting is not sufficient to constitute a quorum, then, notwithstanding the provisions of any Act of the Legislature or any procedure or by-law of the council, the number of councillors remaining, if not fewer than two, shall be deemed to constitute a quorum for purposes of discussing and voting on any matter referred to in subsection 5 (1)."

Your Sub-Committee on Rules is of the view that the Development Procedures By-law should be amended to clearly outline the reduction in a quorum of the Committee on Planning and Community Services (Appeal Committee) to 2 members where one or more members are disqualified due to participating in the original hearing before the Board of Adjustment.

Your Sub-Committee on Rules therefore recommends that the Development Procedures By-law be amended to stipulate where one or more members are disqualified due to participation in the original hearing or having advised the committee they have a conflict of interest, the number of councillors remaining, if not fewer than two, shall constitute a quorum.

Your Sub-Committee on Rules submits for favourable consideration, draft by-law to implement the intent of the above recommendation.

Moved by Councillor Angus,
Adoption of the clause.

Carried.

SUB-COMMITTEE ON RULES

CONSIDERATION OF BY-LAWS

871 - On motion of Councillor Angus, the following By-laws were each read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:

By-law No. 6216/93, a By-law of the City of Winnipeg to amend By-law No. 5400/90, The Procedure By-law. File GK-4 (Vol. 8)

By-law No. 6217/93, a By-law of the City of Winnipeg to amend By-law No. 5893/92, The Development Procedures By-law. Files GL-5.1 & GL-5.6