Report “A” of the Executive Policy Committee, dated March 17, 1993

REPORT "A" OF THE EXECUTIVE POLICY COMMITTEE DATED MARCH 17, 1993

On motion of Mayor Thompson, the Report of the Executive Policy Committee, dated March 17, 1993, was considered clause by clause.

Moved by Mayor Thompson,
That the Consent Agenda items, clauses 1,2,3,4,5,6,7 and 8 be adopted.

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

424 - Pursuant to The Municipal Council Conflict of Interest Act, Councillors Boychuk and Lazarenko advised that they would refrain from entering the discussion and from voting on the clause 6, because of a conflict arising out of employment.

The motion to adopt the Consent Agenda, clauses 2,3,4,5,6,7, and 8 was put and declared carried.

Her Worship The Mayor and Councillors:

Residents' Advisory Group - Proclamation of Section 41 of The City of Winnipeg Act
Files GN (Vol. 4) & GL-5.1 (Vol. 40)

425 - 1. Your Executive Policy Committee has considered the following motion referred by Council on January 27, 1993:

Moved by Councillor Golden,
Seconded by Councillor Reese,

WHEREAS the Riel Residents' Advisory Group provides an invaluable service to the Riel Community Committee, in its capacity as a liaison between the residents of the wards and the Community Committee;

AND WHEREAS the Riel Residents' Advisory Group provides recommendations on all matters being considered by the Community Committee, including current and capital budget issues;

AND WHEREAS each Community Committee should encourage the active participation of its residents through the existence of Residents' Advisory Groups;

NOW THEREFORE BE IT RESOLVED that the Province of Manitoba be requested to proclaim Section 41 of The City of Winnipeg Act to allow the City to pass a by-law making Residents' Advisory Groups mandatory.
Your Executive Policy Committee recommends that the Province of Manitoba be requested to proclaim Section 41 of the City of Winnipeg Act.

Your Executive Policy Committee further recommends that the above motion be filed.

Moved by Mayor Thompson,
Adoption of the clause.

Carried.

Councillors Boychuk and Golden asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

Report "A" of the Executive Policy Committee, dated March 17, 1993

Police Pension Plan - Review by Task Force on Pension Surpluses File GU-3.10 (Volume 6)

426 - 2. On February 24, 1993, Council referred the following motion to your Executive Policy Committee:

Moved by Councillor Reese,
Seconded by Councillor Golden,

WHEREAS the Task Force on Pension Surpluses has been requested to review the City of Winnipeg Employees' Pension Fund - the surplus pension contributions contained therein and determine whether additional surplus funds can be withdrawn without impairing the integrity of the plan;

AND WHEREAS the City of Winnipeg has another pension plan, the Police Pension Plan;

THEREFORE BE IT RESOLVED that the City treat all its employees equitably and therefore similarly also review the Police Pension Plan.

Your Executive Policy Committee has concurred in the above recommendation and has forwarded the matter to the Task Force on Pension Surpluses. Your Committee therefore recommends that the matter be filed.

Adopted by consent.

Policy - Land Dedication Reserve - Expenditure of Funds File EP-2 (Vol. 22)

427 - 3. On January 10, 1973, Council adopted a policy that cash payment received by the City in lieu of land dedication for open space be deposited in a fund to the credit of each community.

On January 17, 1979, Council amended that policy to permit cash payments received from the sale of surplus Parks and Recreation lands to be deposited to the Land Dedication Reserve of the corresponding community.
Initially, the City of Winnipeg Act simply limited Reserve expenditures to:
"1. Land for public purposes other than highways.
2. Purposes other than the purchase of land approved by by-law."

By order dated August 18, 1976, Council further defined those limitations to:
"The acquisition or improvement of land for parks, recreation facilities, or open space."

On September 19, 1990, Council adopted the following recommendations of your Executive Policy Committee (based upon an April 12th, 1990 report entitled "Land Dedication Reserve Policy and Procedures"):

"1. That 75% of every dollar collected for the Land Dedication Reserve Fund be allocated by the Community Committee to Parks and Recreation Projects in that community.

2. That the remaining 25% of every dollar collected be redistributed on an equal basis back to all the communities.

Note: The above two recommendations should be phased in over a three-year period.

Report "A" of the Executive Policy Committee, dated March 17, 1993

4. That Council rescind its resolutions of August 18, 1976, November 3, 1976 and May 4, 1977, in order to eliminate any possible policy conflicts by the ratification of the above recommendations."

These recommendations came in recognition of the fact that dedication of land and payment of cash in lieu of land came as a direct result of the subdivision process. A revenue analysis conducted at that time clearly demonstrated that, in the City Centre/Fort Rouge Community area, such development was very limited. As such the Land Dedication Reserve in that Community would remain at negligible levels unless the proposed equalization process was adopted.

With the adoption of the aforementioned recommendations, the City Centre/Fort Rouge Reserve account increased to an uncommitted balance of $99,870 (as of June 30, 1992).

On June 27, 1990, your Executive Policy Committee considered a report (dated June 13, 1990 and having been referred back to your Committee by Council for further consideration) which, in part, addressed the simplification of the approval process for expenditures from Land Dedication Reserve. Committee referred the matter back to the Board of Commissioners with the suggestion that Section 656 of the City of Winnipeg Act should be considered for amendment. Specifically, your Committee suggested that the section of the Act which read:

> "Council may by by-law declare that a part or all of the money shall be used for a public purpose other than the purchase of land.";
>
> be amended to read:
>
> "the Community Committee may declare by resolution that a part or all money shall be used for public purposes other than the purchase of land."

While the subsequent report (September 12, 1990) adopted by your Executive Policy Committee (adopted by Council September 19, 1990) did not maintain that specific suggestion; it did recommend:

> "That Section 646 of The City of Winnipeg Act be amended to provide for an expedited and simplified approval process of projects to be funded from the Land Dedication Reserve."

That same report called for the development of criteria for those expenditures, apparently in an attempt to ensure that a simplified approval process did not result in an inconsistent series of approvals.

The eventual repeal and substitution of Part 20 of the City of Winnipeg Act did, in fact, amend the above mentioned Section 646.

The reworded and renumbered Section [627(2)] no longer required a by-law to be passed for the use of Reserve funds for purposes other than the purchase of land. Neither did it turn over total control of funds to Community Committees. Instead, it allowed for a procedure whereby Community Committees could recommend expenditures to your Executive Policy Committee who, in turn, would refer these recommendations to Council. For its part, Council could allow the expenditure through simple resolution.

<u>Explanation for Proposed Criteria:</u>

The recommended criteria for Land Dedication Reserve expenditures have, first and foremost, been based upon the stated purpose of that Reserve as expressed by City Council. The last Council directive on the matter clearly targeted expenditures to "the acquisition or improvement of land for parks, recreation facilities, or open space." As such, the first two criteria (1a and 1b) are simply an affirmation of a stated resolution regarding the Reserve.

The third criterion (1 c), that funds may be utilized in the construction or renovation of recreation facilities, does not so obviously fall within the stated Council intent of the Reserve. It is feasible to arrive at an interpretation of the phrase "improvement of land for...recreation facilities" which includes the construction of facilities on that land (thus improving the area for recreation purposes). Similarly, the renovation of existing recreational facilities may serve to maintain those improvements into the future.

The inclusion of this criterion is based upon the demonstrated intent of Council in this area. The review of the expenditures for the period January 1, 1989 to January 1, 1992 (Attachment 1) (copy previously forwarded to all members of Council) and the more recent listing of committed projects to June 30, 1992 (Attachment 2) (copy previously forwarded to all members of Council) reveals that Council has regularly approved Reserve expenditures for the construction or renovation of recreation facilities (eg: Arena renovations, play structure development, outdoor pool renovation, hockey pen construction). The intent of Council in this matter was further implied by the reallocation of

Report "A" of the Executive Policy Committee, dated March 17, 1993

funds in September of 1990. While it was true that the Reserve funds newly allocated to the City Centre/Fort Rouge Community might be utilized for land purchases, it was far more likely that those funds would be required to improve and renovate aging parks and facilities in Winnipeg's inner city.

The specified caveat to these expenditures; that they take place for facilities on parks properties; is consistent with the foregoing analysis of past expenditures. Reserve funds have not, and should not, be utilized in the development of private recreational facilities.

The next five criteria (2a, b, c, d, and e) establish exclusions to the expenditures allowed from the Reserve. By precluding the use of funds for regular salaries, supplies, maintenance, equipment, utilities, etc., these criteria maintain the principle that the Reserve is to be used for the improvement of parks and recreation facilities; not as a subsidy to, or replacement for, the current operating budget of the Department. Again this is consistent with Council's pattern of approvals in the past three years.

The principle established in point 2 is underscored by the next criterion (3.) which calls for the expenditure of funds to result in a physical legacy of parks or recreation facilities.

Finally, the last criterion for expenditure calls for the City to ensure that no Reserve funds are utilized for unsustainable developments. It requires that current budget dollars be available for the ongoing maintenance and operation of parks or recreation facilities development, resulting from the use of Reserve funds. Further, there must be a reasonable expectation that those requirements can be met without resulting in a counterproductive attenuation of resources to existing parks and facilities.

Your Executive Policy committee recommends:

That the following criteria be adopted to govern the expenditure of funds from the Land Dedication Reserve:

1. Funds may be utilized for:

    a) acquisition of land for parks or recreation facilities;

    b) the development of properties for parks and recreational purposes including such ancillary equipment and structures as may be necessary to that development;

    c) the construction or renovation of recreation facilities on parks and recreation properties.

2. The expenditure of Reserve funds will be limited by the following exclusions for use. Specifically, funds will not be utilized for:

    a) Salaries related to the regular operation of the City's services;

    b) operating materials and supplies;

    c) regular maintenance of parks and recreation facilities or equipment;

    d) acquisition of equipment not directly related to the development or renovation of parks properties;

    e) property management costs including utilities, taxes, and other related costs.

3. The use of funds will result in the creation or continuation of a physical legacy of parks or recreation facilities for the City of Winnipeg.

4. The expenditure of funds will be contingent upon the existence of the resources necessary for the ongoing operation, maintenance and support of any parks or recreation facilities which are developed or renovated through the use of the Land Dedication Reserve.

Adopted by consent.

Report "A" of the Executive Policy Committee, dated March 17, 1993

Allocation of Funds from the Land Dedication Reserve Fund - Lord Selkirk-West Kildonan Community
File EP-2 (Volume 22)

428 - 4. On September 15, 1992, the Lord Selkirk-West Kildonan Community Committee recommended that funds be expended from its Land Dedication Reserve Fund as follows:

Simkin Park Playground Equipment	$10,000.00
Ambergate Playground Equipment	$11,000.00
Garden City Community Centre Parking Lot	$13,000.00

In accordance with the Land Dedication Policy and Procedure adopted by Council on September 19, 1990, the Lord Selkirk-West Kildonan Community Committee requested that your Committee give this matter favourable consideration.

Your Executive Policy Committee concurs in the request for the Lord Selkirk-West Kildonan Community Committee. Your Committee recommends that the Community Committee be authorized to expend funds from its Land Dedication Reserve Fund as follows:

Simkin Park Playground Equipment	$10,000.00
Ambergate Playground Equipment	$11,000.00
Garden City Community Centre Parking Lot	$13,000.00

Adopted by consent.

1993 Local Improvement Interest Rates
File SL (Volume 3)

429 - 5. Section 357 of the City of Winnipeg Act provides for the inclusion in the cost of any work carried out as a local improvement, an amount to be charged as interest on such work as is financed by means other than debentures.

The Act further provides that such interest is to be determined by the City Treasurer and authorized by resolution of Council.

The present policy provides for financing local improvements and various other capital projects internally from the City's General Reserve Fund at interest rates of up to 1% below the current market, thereby giving some advantage to the annual expenditure budgets.

For the information of Council, the Committee on Finance and Administration on March 1, 1993, concurred in the following recommendation.

Your Executive Policy Committee recommends that the rate of interest to be charged on local improvements subject to assessment be established for the year 1993 as follows:

Term	Current Market	Interest Rate for Assessment	Amount Added For Assessment & Collection	Total Interest Rate For Assessment
2 -5 years	7 1/2%	6 1/2%	1%	7 1/2%
6-15 years	8 3/4%	7 3/4%	1%	8 3/4%
16-20 years	9 1/4%	8 1/4%	1%	9 1/4%

Adopted by consent.

Report "A" of the Executive Policy Committee, dated March 17, 1993

Local Improvement Projects - Canadian National and Canadian Pacific Railway
File G-9 (Volume 1)

430 - 6. Council on November 5, 1980, adopted a policy governing local improvements abutting railway properties which are unfit for building purposes. This policy was amended by Council at its meeting of August 19, 1981 and March 21, 1984, and reads as follows:

> "If the Commissioner of Works and Operations deems that railway properties on which rails are laid for the purpose of rail transportation are unfit for building purposes, that a recommendation be forwarded to Council prior to advertising the local improvements that the property be deemed unfit for building purposes, subject to the condition that if at any time the property is deemed to be a buildable site, and prior to allowing any connection to the underground services or any access to surface improvements, the City Treasurer shall initiate steps to collect the appropriate local improvement costs (either cash or amortized) at the same rate and during the same number of years as in the original term -- all subject to the provisions of Chapter 109, Province of Manitoba Statutes (1965) and Privy Council Order No. 1979/607."

In order to ensure the construction of needed local improvements, it is proposed that the properties outlined in the following recommendations, which are owned by the Canadian National and Canadian Pacific Railway companies are deemed unsuitable for building purposes be exempted from the payment of local improvement levies in accordance with the above policy.

However, if at a future time the purpose of said lands changes and they are then classified as buildable sites, the City shall be empowered to recoup local improvement costs for the installation of services, prior to any connections being made to underground improvements such as sewer and watermains, and access to above-ground improvements such as paved streets -- all subject to the provisions of Chapter 109, Province of Manitoba Statues (1965) and Privy Council Order 1979/607.

Chapter 109 of the Province of Manitoba Statues allows for taxation for local improvements to C.N.R. and C.P.R. properties within the borders of the former City of Winnipeg only if the local improvement is a direct benefit to the railway operations of the companies or operations in connection therewith.

Concurrence in the following recommendation will ensure that needed local improvements can be installed, as railway property frontage would not be considered assessable and therefore would not be allowed to petition against these projects.

Your Executive Policy Committee recommends:

1. That the following properties owned by the C.N.R. and C.P.R. which are unsuitable for building purposes not be assessed for local improvement charges.

LOCAL IMPROVEMENT PROJECTS - CANADIAN NATIONAL RAILWAY

South West District

Lane Lighting

On all lanes bounded by Marshall Crescent (south leg), Clarence Avenue, Donnelly Street and the C.N.R. Letellier Subdivision.

LOCAL IMPROVEMENT PROJECTS - CANADIAN PACIFIC RAILWAY

North East District

Sidewalks

On the west side of Raleigh Street from McLeod Avenue to Cameo Crescent.

On the west side of Raleigh Street from a point approximately 117.55' south of the south line of Cameo Crescent to a point approximately 101.85' north of the north line of Roberta Avenue.

Report "A" of the Executive Policy Committee, dated March 17, 1993

On the east side of Gateway Road from a point approximately 276.9 feet south of the south line of Budden Drive to Antrim Road.

Lane Lighting

On the first north-south lane east of Gateway Road from Munroe Avenue to Lindhurst Avenue.

North West District

Street Light Upgrading

On Semple Avenue between Main Street and the C.P.R. Right-of-Way.

2. That if at any time these properties are deemed to be buildable sites, that prior to allowing any connection from underground services or access from surface improvements, the City Treasurer initiate steps to collect the appropriate local improvement costs.

Adopted by consent.

(See Minute No. 424 for disclosure of conflict by Councillors Boychuk and Lazarenko)

Delegation of Signing Authority - Maternity Leave Contracts and Employee Commitments regarding Training File GP-1 (Vol. 16)

431 - 7. Collective Agreements with regard to maternity leave provisions, and the Staff Training and Development Policy approved by Council, require employees receiving a benefit to enter into a contract with the City. Without the recommended delegation of authority, the contracts require the signatures of:

the Mayor
the City Clerk
the City Solicitor
the City Treasurer
the Director of Personnel
the appropriate Department Head.

Approximately 200 of these two types of agreements are executed annually. Eligibility for and the content of these agreements are determined by policy and Collective Agreement.

The number of signatures currently required is both unnecessary and cumbersome, resulting in redundant processes and paperwork. Efficiency and turn-around time will be improved without any increase of risk if only three signatures, in two departments, are required to execute these documents on behalf of the City. This delegation of authority is consistent with the Second-Removed Principle, and the improvement in efficiency is consistent with the philosophy of Continuous Improvement.

Your Executive Policy Committee recommends:

That Council approve the following delegation of signing authority:

That execution of agreements on behalf of the City with regard to

1. Maternity Leave Contracts where leave is with pay and
2. Employee Commitments with regard to Training,

require three signatures, namely:

1. Immediate supervisor
2. Second-removed supervisor
3. Director of Personnel or designate.

Adopted by consent.

Report "A" of the Executive Policy Committee, dated March 17, 1993

Transfer of Funds from the Land Dedication Reserve - Dyke Project in Wildwood Park - Assiniboia Community Committee
Files DAS 15/92 & EP-2 (Vol. 22)

432 - 8. The Assiniboia Community Committee on January 19, 1993, approved a transfer of funds from the Communities Land Dedication Account. The funds recommended for transfer are to be used to complete the landscaping of the dyke project in Wildwood Park.

Your Executive Policy Committee recommends that funds in the amount of $21,000.00 be transferred from the Assiniboia Land Dedication Reserve for the landscaping of the dyke project in Wildwood Park.

Adopted by consent.

EXECUTIVE POLICY COMMITTEE

NOTICE OF MOTION

Moved by Councillor Golden,
Seconded by Councillor Fraser,

433 - **WHEREAS** the Winnipeg Hydro utility offers services to its customers superior to those supplied by Manitoba Hydro;

AND WHEREAS many Winnipeg citizens have the disadvantage of being served by Manitoba Hydro;

NOW THEREFORE BE IT RESOLVED that residents of Winnipeg not served by Winnipeg Hydro be permitted to lease equipment such as hot water tanks from Winnipeg Hydro (at no cost to Winnipeg Hydro with all costs charged to the lessee).

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

EXECUTIVE POLICY COMMITTEE

CONSIDERATION OF BY-LAWS

434 - On motion of Mayor Thompson 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. 6104/93, a By-law of the City of Winnipeg to provide for the assessment by special rate of the cost of installing Wastewater Sewers in the said City of Winnipeg. File SL-1 (Vol. 8).

By-law No. 6105/93, a By-law of the City of Winnipeg to provide for the assessment by special rate of the cost of installing Wastewater Sewers in an area of the said City set forth in Agreement No. 44 (Deferred Levy). File SL-1 (Vol. 8).

Executive Policy Committee – Consideration of By-laws

By-law No. 6106/93, a By-law of the City of Winnipeg to provide for the assessment by special rate of the cost of installing Wastewater Sewers in an area of the said City set forth in Agreement No. 45 (Deferred Levy). File SL-1 (Vol. 8).

By-law No. 6107/93, a By-law of the City of Winnipeg to provide for the assessment by special rate of the cost of installing Land Drainage Sewers in the said City of Winnipeg. File SL-1 (Vol. 8).

By-law No. 6108/93, a By-law of the City of Winnipeg to provide for the assessment by special rate of the cost of installing Land Drainage Sewers in an area of the said City set forth in Agreement No. 43 (Deferred Levy). File SL-1 (Vol. 8).

By-law No. 6109/93, a By-law of the City of Winnipeg to provide for the assessment by special rate of the cost of installing Watermains in the said City of Winnipeg. File SL-1 (Vol. 8).

By-law No. 6110/93, a By-law of the City of Winnipeg to provide for the assessment by special rate of the cost of Street Pavements in the said City of Winnipeg. File SL-1 (Vol. 8).

By-law No. 6111/93, a By-law of the City of Winnipeg to provide for the assessment by special rate of the cost of Street Pavements (including boulevards) in the said City of Winnipeg. File SL-1 (Vol. 8).

By-law No. 6112/93, a By-law of the City of Winnipeg to provide for the assessment by special rate of the cost of Lane Pavements in the said City of Winnipeg. File SL-1 (Vol. 8).

By-law No. 6113/93, a By-law of the City of Winnipeg to provide for the assessment by special rate of the cost of installing Sidewalks in the said City of Winnipeg. File SL-1 (Vol. 8).

By-law No. 6115/93, a By-law of the City of Winnipeg to provide for the assessment by special rate of the cost of installing Boulevards in the said City of Winnipeg. File SL-1 (Vol. 8).

By-law No. 6116/93, a By-law of the City of Winnipeg to provide for the assessment by special rate of the cost of Oiling Surface Lanes in the said City of Winnipeg. File SL-1 (Vol. 8).

By-law No. 6117/93, a By-law of the City of Winnipeg to provide for the assessment by special rate of the cost of installing Ornamental Street Lights in the said City of Winnipeg. File SL-1 (Vol. 8).

By-law No. 6118/93, a By-law of the City of Winnipeg to provide for the assessment by special rate of the cost of installing Ornamental Lane Lights in the said City of Winnipeg. File SL-1 (Vol. 8).

By-law No. 6119/93, a By-law of the City of Winnipeg to provide for the assessment by special rate of the cost of installing Lane Lights in the said City of Winnipeg. File SL-1 (Vol. 8).

On motion of Mayor Thompson, By-law No. 6128/93, a By-law of the City of Winnipeg to authorize the borrowing of money by the issue and sale of debentures of the City in the principal amount of Seventy Million, Three Hundred and Thirty Thousand Dollars ($70,330,000.00) was read a second and third time and was passed and ordered to be signed and sealed. Files FC-2 & FC(1993).