CONSIDERATION OF REPORT OF THE

EXECUTIVE POLICY COMMITTEE

On motion of Mayor Norrie, the Report of the Executive Policy Committee, dated February 5th, 1992, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg,
February 5th, 1992.

His Worship the Mayor and Councillors:-

Your Executive Policy Committee submits the following Report and recommends:-

Allocation of Funds from the Land Dedication Reserve Fund - Lord Selkirk-West Kildonan Community. File EP-2

501 - 1. The City Solicitor has advised that with the repeal of and substitution of Part 20 of The City of Winnipeg Act by Bill 35 (Chapter 15) 1991, many sections were reworded and renumbered. The pre-existing section (645) of Part 20 authorized the disposition of cash from the Land Dedication Reserve. The reworded and renumbered section 627(2) no longer requires a by-law to be passed but requires only the approval of Council to use funds from the Land Dedication Reserve for a public purpose other than the purchase of land.

The Lord Selkirk-West Kildonan Community Committee on January 14th, 1992, recommended that funds be expended from its Land Dedication Reserve Fund as outlined in the following recommendations.

Your Executive Policy Committee concurs in the allocation of funds from the Lord Selkirk-West Kildonan Land Dedication Reserve Fund and recommends that Council approve the following:-

	Project	Amount
1.	McBeth House Underpinning and Chimney Repair	$ 10,000.00
2.	McBeth Park Completion of Boat Dock and Landscaping	11,250.00
3.	Swailes Park Installation of Play Equipment	41,500.00
4.	O.V. Jewitt Partial Funding for the installation of Play Equipment	30,000.00
5.	Maples Community Centre Partial Funding for Pavement of Parking Lot	57,850.00
	TOTAL	$150,600.00

Moved by Mayor Norrie,
Adoption of Clause.

Carried.

Report of the Executive Policy Committee, dated February 5th, 1992

Wheelchair Accessible Taxicabs - Taxicab Board. File ST-1

502 - 2. Council at its meeting held on January 22nd, 1992, referred the following motion to your Executive Policy Committee, under Section 16.1 of the Procedure By-law No. 5400/90, namely:-

"Moved by Councillor Reese,
Seconded by Councillor Selinger,

WHEREAS taxi service does not provide wheelchair access;

AND WHEREAS the City provides a brokerage taxi service to non- wheelchair handicapped citizens;

THEREFORE BE IT RESOLVED that the City request the Taxi Board to require a certain number of taxi cabs to be wheelchair accessible."

Your Executive Policy Committee recommends that the above motion be endorsed and that the Taxicab Board of Manitoba be requested to do all things necessary to ensure that a certain number of taxicabs are wheelchair accessible.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Accommodation in Winnipeg of Roads and Transportation Association of Canada (R.T.A.C.) Trucks. File ST-5.2

503 - 3. Your Executive Policy Committee on June 12th, 1991, laid over consideration of Clause 10 of the Report of the Committee on Works and Operations, dated June 4th, 1991, relative to the accommodation in Winnipeg of Roads and Transportation Association of Canada (R.T.A.C.) trucks.

Council has granted your Committee continual extensions of time to deal with this matter.

For the information of Council and at the request of the Chairman of the Committee on Works and Operations, the Committee that authored the original Clause 10, your Executive Policy Committee has referred the entire issue back to the Committee on Works and Operations for further consideration. This action will eliminate the need for any further time extensions relative to the referenced Clause 10.

Moved by Mayor Norrie,
Adoption of the clause.

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 because of a potential conflict due to their employment association with the Canadian National Railway, and left the Chamber.

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

Councillors Boychuk and Lazarenko returned to the Chamber.

Report of the Executive Policy Committee, dated February 5th, 1992

Norwood Grove Business Improvement Zone - Proposed Program, Zone Levy and Budget - 1992. File FL-7.6

504 - 4. On March 6th, 1991, Council adopted By-law No. 5649/91, being a By-law of The City of Winnipeg, to designate a Business Improvement Zone known as the "Norwood Grove Business Improvement Zone" and establish a Management Board for the Zone.

The Norwood Grove Business Improvement Zone at its Annual General Meeting held October 29th, 1991, approved its Annual Program and Budget for 1992.

Council on November 27th, 1991, requested the St. Boniface-St. Vital Community Committee to conduct a Public Meeting to hear representations with respect to the proposed program, zone levy and budget estimates.

The St. Boniface-St. Vital Community Committee on January 14th, 1992, held a public meeting to review the proposed program, zone levies and budget estimates for the Norwood Grove Business Improvement Zone as required by Council. The Community Committee recommended that the proposed program, zone levy and budget estimates be ratified.

Your Executive Policy Committee concurs in the recommendation of the St. Boniface-St. Vital Community Committee and recommends that the Norwood Grove Business Improvement Zone levy and budget estimates be approved. (Copy previously forwarded to all members of Council.)

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Exchange District Business Improvement Zone - Proposed Program, Zone Levy and Budget - 1992. File FL-7.1

505 - 5. On January 25th, 1989, Council passed By-law No. 5081/89, being a By-law of The City of Winnipeg, to designate a Business Improvement Zone known as the "Exchange District Business Improvement Zone" and establish a Management Board for the Zone. The Management Board is required under the terms of the aforesaid By-law to prepare for submission to Council on or before October 31st in each year, its proposed program, zone levy and budget estimates.

The Exchange District Business Improvement Zone on November 13th, 1991, held its Annual General Meeting and approved the Zone's proposed budget and programs for 1992. (Copy previously forwarded to all members of Council.) On December 18th, 1991, Council requested the City Centre-Fort Rouge Community Committee to conduct a public meeting to hear representations with respect to the proposed program, zone levy and budget estimates.

The City Centre-Fort Rouge Community Committee on January 21st, 1992, held a public meeting to hear representations on the proposed program, zone levy and budget estimates. In conjunction therewith, the Community Committee adopted the following motion:-

> "Whereas a public meeting to review the proposed program, zone levies and budget estimates for the Exchange District Business Improvement Zone was duly advertised in The Winnipeg Free Press on Monday, January 6th, 1992, in accordance with Section 17 of By-law No. 5081/89;
>
> And Whereas no objections were received in respect to the Board's proposals;
>
> Now Therefore Be It Resolved that the City Centre-Fort Rouge Community Committee unanimously recommend to Executive Policy Committee that the proposed program, zone levy and budget estimates for the Exchange District Business Improvement Zone, as adopted, be ratified by Executive Policy Committee and City Council."

Report of the Executive Policy Committee, dated February 5th, 1992

Your Executive Policy Committee concurs in the resolution of the City Centre-Fort Rouge Community Committee and recommends that the proposed program, zone levy and budget estimates for the Exchange District Business Improvement Zone for 1992, be approved

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Proposed Amendment to The City of Winnipeg Act - Nuisance Claims.
File GL-5.1

506 - 6. A recent decision of The Supreme Court of Canada in Tock et al vs.-St. John's Metropolitan Area Board 1989 - 64 D.L.R. 4th, 620 has held that municipalities across Canada would be responsible in nuisance for damages arising out of sewer back-ups in private residences, unless the municipality can show:-

1. That the nuisance arose as an inevitable consequence of the performance of a duty imposed by legislation, or

2. Is the inevitable consequence of doing something merely authorized to be done, but authorized to be done in a particular manner or in a particular manner or in a particular place, or

3. That the municipality has statutory immunity. Part 13 of The City of Winnipeg Act authorizes the City to construct and maintain a public sewage system both within and outside the City.

Section 445(2) of The City of Winnipeg Act gives additional powers to City Council:-

"445(2) For the purposes of carrying out its duties under this Part, the City has all the powers conferred on the Metropolitan Corporation under Part VIII (Sewage Disposal System) of The Metropolitan Winnipeg Act, as contained in Schedule A to this Act, immediately before repeal of that Act and, for the purpose of conferring those powers and rights on the City, that Act shall, to that extent, be deemed to be in force."

Schedule "A" of The City of Winnipeg Act is a reproduction of the relevant sections of The Metropolitan Winnipeg Act; renumbered. Section 39 of Part II of Schedule "A" further purports to extend the powers and rights of The City of Winnipeg by reference to The Greater Winnipeg Sanitary District Act.

"39 Notwithstanding the repeal of The Greater Winnipeg Sanitary District Act enacted by this Act, section 13 of that Act applies, with such modifications as the circumstances require, to the corporation and the area municipalities and in particular

(a) interpreting the word "corporation" to mean the corporation established under this Act;

(b) interpreting the words "the board or any commissioner" to mean any member of the metropolitan council; and

(c) interpreting the words "this Act" to mean 'this Part'." Schedule "B" of The City of Winnipeg Act reproduces the sections which are incorporated by reference: Section 13 of that Act states:-

"13 No action, proceeding or arbitration proceeding for damages, compensation or injunction on account of nuisance or anything in the nature of nuisance, or for injuriously affecting any property or interfering with the comfort of a person, shall be brought, instituted or commenced against the corporation or a member of the board or a commissioner, officer, servant or agent, by any person by reason of anything that is done by the corporation without negligence, and that is authorized or required under this Act to be done by the corporation."

Report of the Executive Policy Committee, dated February 5th, 1992

The recent Supreme Court of Canada decision cited as Tock et al vs. St. John's Metropolitan Area Board 64 D.L.R. 4th, 620, as previously outlined, has caused the Law Department to review the City's exposure to nuisance claims.

In the Tock decision, the court held that the municipality could not use the defence of statutory authority in refusing to accept responsibility for a sewer back-up claim. The court held that such a defence would be applicable only when nuisance is the inevitable consequence of performance of a duty imposed by legislation, or is the inevitable consequence of doing something merely authorized to be done but authorized to be done in a particular manner or in a particular place. Where a municipality is doing something authorized but in a discretionary manner, it will be liable whether negligent or not.

From a reading of The City of Winnipeg Act, the right to construct a sewage system appears to be discretionary, thereby leaving the City exposed to claims in nuisance. Through Section 445(2) of The City of Winnipeg Act and the references to Section 39 of The Metropolitan Winnipeg Act and Section 13 of The Greater Winnipeg Sanitary District Act, the Legislature intends to grant to the City immunity against claims arising out of nuisance.

The concern of the Law Department is with respect to the wording of Section 445(2) of The City of Winnipeg Act.

Section 445(2) states that the powers conferred under The Metropolitan Winnipeg Act are passed onto the City for the purpose of carrying out its duty under Part 13 of The City of Winnipeg Act. In light of the fact that the power of the City to build and operate sewage systems is discretionary, there is no duty on The City of Winnipeg which would require it to draw on the powers incorporated by reference to The Metropolitan Winnipeg Act. Furthermore, can one say the immunity provisions contained within Section 13 of The Greater Winnipeg Sanitary District Act are powers as referred in Section 445(2) or are they rights?

The Law Department has suggested that the immunity provisions be contained within the City of Winnipeg Act itself, rather than having them incorporated by reference to The Metropolitan Winnipeg Act and The Greater Winnipeg Sanitary District Act.

The Committee on Finance and Administration on January 28th, 1992, concurred in the following recommendation.

Your Executive Policy Committee recommends that the Official Delegation of The City of Winnipeg request the Province of Manitoba to amend Section 445(2) of The City of Winnipeg Act to include the words "powers, rights and immunities" in the second line of the said section, and, as well, in the second last line thereof.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Rezoning - South Side of McGillivray Boulevard between Kenaston Boulevard and Dovercourt Drive - Assiniboine Park- Fort Garry.
File DAZ 251/89 (c/r DASSF 679/89)

507 - 7. On February 5th, 1992, your Executive Policy Committee laid over consideration of Clause 12 of the Report of the Committee on Planning and Community Services, dated October 15th, 1990. The aforesaid Clause 12 is relative to the rezoning of property located on the south side of McGillivray Boulevard between Kenaston Boulevard and Dovercourt Drive.

Your Executive Policy Committee recommends that Council grant a further extension of time of 60 days in order to deal with this matter.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

CONSIDERATION OF REPORT OF THE

EXECUTIVE POLICY COMMITTEE

On motion of Mayor Norrie, the rule was suspended and the Report of the Executive Policy Committee, dated February 12th, 1992, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg,
February 12th, 1992.

His Worship the Mayor and Councillors:-

Your Executive Policy Committee submits the following Report and recommends:-

Council Members' Compensation.
File GC-2

508 - 1. On January 25th, 1990, Council adopted the following motion establishing an Ad Hoc Committee comprised of nine citizen members to deal with the various issues relative to the question concerning Council Members' Compensation:-

"WHEREAS on December 6th, 1989, the Executive Policy Committee appointed seven members of Council an Ad Hoc Committee to deal with the various issues relative to the question concerning Council Members' Compensation;

AND WHEREAS the Ad Hoc Committee has met to deliberate the merits of the matter and the approach required and deemed most appropriate in this instance;

AND WHEREAS the Ad Hoc Committee following its initial deliberations, has recommended that a Citizens' Committee be named by Council as a panel of representatives of various cross-sections of the Community to investigate and report on the entire issue concerning a Council Members' Compensation Package;

AND WHEREAS the Ad Hoc Committee firmly believes that a complete and thorough review can only be accomplished by a totally independent review board;

AND WHEREAS Section 25(6) of The City of Winnipeg Act, as amended, provides that 'Council may appoint an independent review board to review the indemnities and other monetary benefits paid to members, and may pay the costs of the review board';

THEREFORE BE IT RESOLVED that the following citizens of The City of Winnipeg be named a Citizens' Committee to investigate and report on the entire issue concerning a Council Members' Compensation Package, namely:-

Ms. Renate Bublick, Executive Director, Social Planning Council of Winnipeg
Ms. Heather Grant, President, Winnipeg Labour Council
Ms. Virginia Guiang, Librarian - President, Phillipine Association of Manitoba
Mr. Robert H. (Bob) Jones, Chairman of the Board, Investors Group Inc.
Mr. Matthew H. (Matt) Jones, C.A., Sill Streuber Fiske & Company
Mr. Mel Myers, Q.C., Barrister, Skwark, Myers, Kussin, Weinstein
Mr. Herb Middlestead, President, Winnipeg Chamber of Commerce
Sister Bernadette O'Reilly, Executive Director, Rossbrook House Inc.

Report of the Executive Policy Committee, dated February 12th, 1992

AND BE IT FURTHER RESOLVED:-

(1) That Mr. Matthew H. Jones be named Chairman of the referenced Citizens' Committee.

(2) That the City Clerk's Department be requested to arrange to have staff available to assist the Committee in its functions, if deemed necessary.

(3) That the Board of Commissioners be requested to do all things necessary to provide the Committee with the background information it may require in this connection.

(4) That the Committee be directed to report back to the Executive Policy Committee with its recommendations at the earliest opportunity."

On September 19th, 1991, your Executive Policy Committee clarified the mandate of the Citizens' Committee to provide its recommendations on the basis of 29 Councillors and on the proposed 15 member Council.

The Citizens' Committee presented its report dated November 14th, 1991, to your Executive Policy Committee on December 11th, 1991. (A copy of the report was previously distributed to all members of Council.)

Your Executive Policy Committee's Ad Hoc Committee on Council Members' Compensation has reviewed the Citizens Committee's Report and has submitted its recommendations to your Committee.

Your Executive Policy Committee, after considering the reports of the Citizens Committee and the Ad Hoc Committee, recommends as follows:-

1. That the Mayor's annual salary be increased to $75,000.00, effective November 3rd, 1992.

2. That the Councillors' salary be increased to $40,000.00, effective November 3rd, 1992.

3. That there be no increase to Councillors' salaries for the existing members of Council at this time.

4. That the Chairman of each Standing Committee and the Deputy Mayor's annual salary be increased to $9,600.00, effective November 3rd, 1992.

5. That the Speaker's salary be set at $9,600.00, effective November 3rd, 1992.

6. That the Deputy Speaker's salary be set at $4,800.00, effective November 3rd, 1992, subject to recommendation 7.

7. That the Official Delegation be authorized to contact the appropriate Provincial Officials to amend Section 25(3) of The City of Winnipeg Act to provide enabling legislation to permit an additional indemnity for the Deputy Presiding Officer (Deputy Speaker).

8. That as the salary levels for the Mayor, members of Council, Standing Committee Chairmen and Deputy Mayor are based on 1990 salary levels, the Committee recommends that the indexation of members indemnities as provided for in By-law No. 3353/83 be applied in setting the said salary levels for 1991 and 1992.

9. That one-third of Council members' remuneration be deemed to be an expense allowance.

10. That at least three employees be specifically allocated to assist members of Council, effective November 3rd, 1992.

11. That the Mayor's staff compliment remain unchanged.

12. That Pension benefits be restricted to 70% of the average of the last five years of the Councillor's remuneration, whether the remuneration was received as Councillor, Mayor, Deputy Mayor, Speaker, Deputy Speaker, Chairman of a Standing Committee or member of Executive Policy Committee, or such remuneration as assigned to the Councillor through the requirements of City Council.

Report of the Executive Policy Committee, dated February 12th, 1992

13. That the existing group insurance, medical and dental plan currently available to members of Council continue in its present form.

14. That the office space, currently available, not be expanded.

15. That the Province of Manitoba be requested to amend the existing legislation to permit the appointment of an independent body to set the levels of compensation for all elected officials in the Province of Manitoba. Said independent body could be the Municipal Board, the Public Utilities Board or such other board or commission deemed suitable by the Province. This would eliminate any perceived conflict of interest and would provide interested parties with a public forum to express their viewpoints

Your Executive Policy Committee therefore submits for favourable consideration draft By-law No. 5850/92 which establishes the compensation of members of Council as recommended by the Report of the Citizens Committee on Council Members' Compensation, dated November 14th, 1991.

Moved by Mayor Norrie,
Adoption of the clause.

The Speaker called the Deputy Speaker to the Chair in order to participate in the discussion and after speaking resumed the Chair.

Moved by Councillor Reese,
That the clause be referred back.

The motion to refer was put.

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

Yea: Councillors Hyman, Lazarenko, Mitchelson and Reese. 4

Nay: Councillors Wade, Boychuk, Brown, Clement, Diamant, Douglas, Fleisher, Fraser, Gilroy, Golden, Kaufmann, Lorenc, Mendelson, Murray, O'Shaughnessy, Prystanski, Selinger, Thomas, Timmers, Timm- Rudolph, Yuen, Mayor Norrie and Councillor Eadie. 23

and the motion to refer was declared lost.

Councillor Mitchelson asked that the recommendations be voted on separately.

Recommendation No. 1 was put.

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

Yea: Councillors Wade, Brown, Clement, Diamant, Douglas, Fleisher, Fraser, Gilroy, Golden, Hyman, Kaufmann, Lorenc, Mendelson, Mitchelson, Murray, O'Shaughnessy, Prystanski, Selinger, Thomas, Timmers, Young, Yuen, Mayor Norrie and Councillor Eadie. 24

Nay: Councillors Boychuk, Lazarenko, Reese and Timm-Rudolph. 4

and Recommendation No. 1 was declared carried.

Recommendation No. 2 was put.

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

Yea: Councillors Wade, Brown, Clement, Diamant, Douglas, Fleisher, Fraser, Gilroy, Golden, Hyman, Kaufmann, Lorenc, Mendelson, Murray, O'Shaughnessy, Selinger, Thomas, Timmers, Young, Yuen, Mayor Norrie and Councillor Eadie. 22

Nay: Councillors Boychuk, Lazarenko, Mitchelson, Prystanski, Reese and Timm-Rudolph. 6

and Recommendation No. 2 was declared carried.

Recommendation No. 3 was put and declared carried.

Report of the Executive Policy Committee, dated February 12th, 1992

Recommendation No. 4 was put.

Councillor Mitchelson called for the yeas and nays, which were as follow:-

Yea: Councillors Wade, Brown, Clement, Diamant, Douglas, Fleisher, Fraser, Gilroy, Golden, Hyman, Kaufmann, Lorenc, Mendelson, Murray, Prystanski, Selinger, Thomas, Timmers, Young, Yuen, Mayor Norrie and Councillor Eadie. 22

Nay: Councillors Boychuk, Lazarenko, Mitchelson, O'Shaugnessy, Reese and Timm-Rudolph. 6

and Recommendation No. 4 was declared carried.

Recommendation No. 5 was put.

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

Yea: Councillors Wade, Brown, Clement, Diamant, Douglas, Fleisher, Fraser, Gilroy, Golden, Kaufmann, Lorenc, Mendelson, Murray, Prystanski, Selinger, Thomas, Timmers, Young, Yuen, Mayor Norrie and Councillor Eadie. 21

Nay: Councillors Boychuk, Hyman, Lazarenko, Mitchelson, O'Shaughnessy, Reese and Timm-Rudolph. 7

and Recommendation No. 5 was declared carried.

Recommendation No. 6 was put.

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

Yea: Councillors Wade, Brown, Clement, Diamant, Douglas, Fraser, Gilroy, Golden, Kaufmann, Lorenc, Mendelson, Murray, Prystanski, Selinger, Thomas, Young, Mayor Norrie and Councillor Eadie. 18

Nay: Councillors Boychuk, Fleisher, Hyman, Lazarenko, Mitchelson, O'Shaughnessy, Reese, Timmers, Timm-Rudolph and Yuen. 10

and Recommendation No. 6 was declared carried.

Recommendation No. 7 was put.

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

Yea: Councillors Wade, Boychuk, Brown, Clement, Diamant, Douglas, Fraser, Gilroy, Golden, Hyman, Kaufmann, Lorenc, Mendelson, Murray, O'Shaughnessy, Prystanski, Reese, Selinger, Thomas, Young, Yuen, Mayor Norrie and Councillor Eadie. 23

Nay: Councillors Fleisher, Lazarenko, Mitchelson, Timmers and Timm-Rudolph. 5

and Recommendation No. 7 was declared carried.

Recommendation No. 8 was put.

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

Yea: Councillors Wade, Brown, Clement, Diamant, Douglas, Fleisher, Fraser, Gilroy, Golden, Lorenc, O'Shaughnessy, Prystanski, Young, Yuen, Mayor Norrie and Councillor Eadie. 16

Nay: Councillors Boychuk, Hyman, Kaufmann, Lazarenko, Mendelson, Mitchelson, Murray, Reese, Selinger, Thomas, Timmers and Timm-Rudolph. 12

and Recommendation No. 8 was declared carried.

Recommendation Nos. 9, 10, 11, 12, 13, 14 and 15 were put and declared carried.

Report of the Executive Policy Committee, dated February 12th, 1992

Appointment to the Position of City Auditor.
File GP-1.2

509 - 2. The position of City Auditor became vacant on January 11th, 1991, upon the retirement of the former incumbent, Mr. L. E. Marks.

The position of City Auditor was advertised and bulletined on August 9th and 12th, 1991, respectively, and forty-two external and four internal applications were received. At its meeting of October 16th, 1991, your Executive Policy Committee appointed a Selection Committee to review the applications. A short list of candidates was prepared and these candidates were interviewed.

The recommended applicant, Mr. Gerald Labossiere received a Bachelor of Arts degree in 1973, a Bachelor of Commerce (Honours) in 1975, and his Chartered Accountancy designation in 1979. From 1975 to 1983 he was employed by the consulting firm of Coopers and Lybrand in the capacities of student, Senior, Audit Manager, and finally, Senior Consultant. In 1983 he moved to the umbrella organization of caisses populaires (Le Fond de securite des caisses populaires du Manitoba) as General Manager. In 1988 he returned to Coopers and Lybrand as a Principal responsible for the Financial Services practice. Mr. Labossiere is fluent in French and English.

Your Executive Policy Committee recommends that Mr. Gerald C. Labossiere be appointed to the position of City Auditor at a starting salary of $80,158.00 per annum (1990/1991 rates), M.S.L. VIII, Step 17, subject to a standard five-year contract.

Moved by Mayor Norrie,
Adoption of the clause.

Moved by Councillor Lorenc,
That the question be now put.

Carried.

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

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

Appointment to the Position of City Clerk.
File GP-1.3

510 - 3. The position of City Clerk became vacant on the retirement of the former incumbent Mr. R. B. Hayes on May 18th, 1991.

The recommended applicant, Mrs. D. Browton, entered the Civic Service in 1974 with the Health Department and joined the City Clerk's Department in 1978 as an Assistant Clerk. In 1981, Mrs. Browton was promoted to Community Clerk in the St. Boniface-St. Vital Community and in 1988 became Committee Clerk to the Committee on Protection, Parks and Culture, her present position. Mrs. Browton has completed the Certificate Program in Public Administration and is currently working towards a Bachelor of Arts degree. She is a member of the Institute of Public Administration of Canada and Co-editor of IPAC Newsletter.

As a result of the interviews conducted and other relevant information, your Executive Policy Committee recommends that Mrs. Dorothy Browton, Committee Clerk, Committee on Protection, Parks and Culture, be appointed to the position of City Clerk, effective the day following Council approval, at Management Salary Level VIII, Step 1, $62,504.00 per annum, subject to the standard employment contract.

Moved by Mayor Norrie,
Adoption of the clause.

Moved by Councillor Lorenc,

That the question be now put.

Carried.

Councillor Golden asked to be recorded as having voted against the motion, in accordance with Section 50.7 of the Procedure By-law.

The motion for the adoption of the clause was put.

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

Yea: Councillors Wade, Boychuk, Brown, Clement, Diamant, Douglas, Fraser, Gilroy, Hyman, Kaufmann, Lazarenko, Lorenc, Mendelson, Mitchelson, Murray, O'Shaughnessy, Prystanski, Reese, Selinger, Thomas, Timmers, Timm-Rudolph, Young, Yuen, Mayor Norrie and Councillor Eadie. 26

Nay: Councillors Fleisher and Golden. 2

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

Council proceeded to the order of business "Executive Policy Committee Consideration of By-laws".

EXECUTIVE POLICY COMMITTEE

CONSIDERATION OF BY-LAWS

511 - On motion of Mayor Norrie, the rule was suspended and By-law No. 5850/92, a By-law of the City of Winnipeg to amend By-law No. 3353/83 to provide compensation to members of Council, was read a first time. File No. GC-2.

Mayor Norrie moved that this constitute the first reading of By-law No. 5850/92, which motion was carried.

On motion of Mayor Norrie, By-law No. 5850/92 was read a second time, which motion was carried.

Mayor Norrie moved that this constitute the second reading of By-law No. 5850/92, which motion was carried.

Councillors Boychuk and Timm-Rudolph asked to be recorded as having voted against the second reading of the by-law in accordance with Section 50.7 of the Procedure By-law No. 5400/90.

On motion of Mayor Norrie, the rule was suspended and By-law No. 5850/92 was read a third time, which motion was carried.

Mayor Norrie moved that this constitute the third reading of By-law No. 5850/92, and that same be passed and ordered to be signed and sealed.

The motion was put.

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

Yea: Councillors Wade, Brown, Clement, Diamant, Fleisher, Fraser, Gilroy, Golden, Hyman, Kaufmann, Lorenc, Mendelson, Murray, O'Shaughnessy, Selinger, Thomas, Timmers, Young, Yuen, Mayor Norrie and Councillor Eadie. 21

Nay: Councillors Boychuk, Mitchelson, Prystanski, Reese and Timm-Rudolph. 5

and the motion that this constitute the third reading of By-law No. 5850/92, and that same be passed and ordered to be signed and sealed, was declared carried.

Council proceeded to deal with the agenda in the regular order.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Moved by Councillor Gilroy,
Seconded by Mayor Norrie,

512 - WHEREAS more than 60,000 foreign domestic workers who have come to Canada since 1981 have answered the needs of many Canadians for domestic workers not otherwise available here;

AND WHEREAS almost all of the workers are women and most are from visible minority communities;

AND WHEREAS many of the workers have settled in Winnipeg; AND WHEREAS more than 80% of them have since been accepted as landed immigrants, indicating their continuing value and adaptability to Canada;

AND WHEREAS a recent Government directive which treats future domestic workers strictly as temporary visitors effectively would prevent them after their mandatory two-year live-in period of work from applying from within Canada for permanent residence;

AND WHEREAS this new directive is insensitive to the needs of Canadian employers, disregards the needs of the women of the world and contradicts a fundamental principle of Canada's long standing non- discriminatory immigration policy;

EXECUTIVE POLICY COMMITTEE – NOTICE OF WHICH NOTICE HAS BEEN GIVEN (continued)

THEREFORE BE IT RESOLVED that the City of Winnipeg, through the Federation of Canadian Municipalities, call upon the Parliament of Canada to rescind this new directive; acknowledge the contribution of past, present and future domestic workers to Canada's social and economic well-being; retain as a right their option to apply from within Canada for landed immigrant status; restore our Canadian values of tolerance and humanitarianism and preserve Canada's international esteem.

In amendment,

Moved by Councillor Gilroy,
Seconded by Mayor Norrie,

THAT the motion be amended by adding the following:-

"AND BE IT FURTHER RESOLVED that the City of Winnipeg through the Federation of Canadian Municipalities call upon the Parliament of Canada to consult with representatives of women's groups and domestic workers organizations before initiating any changes to the education of training requirement for the admission of domestic workers to Canada."

Carried.

The motion, as amended, was put and declared carried.

Moved by Councillor Selinger,
Seconded by Councillor Murray,

513 - WHEREAS the week of February 14th is recognized in many jurisdictions as a time of observance and mourning for the nearly half million people who wore pink triangles to their deaths in Nazi concentration camps;

AND WHEREAS this week is observed as a time of sober reflection on the causes of increasing homophobic violence and the many people whose lives are disrupted or ended by it;

BE IT RESOLVED that Council observe a moment of silence on February 12th, 1992, to remember the hundreds of thousands of people labelled with pink triangles and sent to their deaths nearly fifty years ago.

In amendment,

Moved by Councillor Golden,
Seconded by Councillor Lorenc,

THAT the motion be amended by adding the following words at the end of the above motion "and also to remember all victims of violence who have suffered under the ignorance, the discrimination and the prejudice of others".

Moved by Mayor Norrie,
That the question be now put.

Carried.

The amendment was put.

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

Yea: Councillors Wade, Brown, Clement, Douglas, Gilroy, Golden, Kaufmann, Lorenc, O'Shaughnessy, Prystanski, Timm-Rudolph, Young and Mayor Norrie. 13

Nay: Councillors Boychuk, Diamant, Fleisher, Fraser, Hyman, Mendelson, Murray, Reese, Selinger, Thomas, Timmers, Yuen and Eadie. 13

and the amendment was declared lost in accordance with Section 58 of the Procedure By-law.

The motion was put.

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

Yea: Councillors Boychuk, Diamant, Fleisher, Fraser, Gilroy, Golden, Hyman, Kaufmann, Lorenc, Mendelson, Murray, O'Shaughnessy, Reese, Selinger, Thomas, Timmers, Young, Yuen and Mayor Norrie. 19

Nay: Councillors Brown, Clement, Douglas, Prystanski, Timm- Rudolph and Eadie. 6

and the motion was declared carried.

A moment of silence was observed by members of Council.

Moved by Councillor Thomas,
Seconded by Councillor Murray,

514 - WHEREAS there is no memorial in the City or within the Province for the nearly half million gay people killed in the holocaust;

AND WHEREAS there is a strong desire from many members of the community to see a memorial;

AND WHEREAS the City owns parkland in the area of where other anti-violence memorials exist and where most of the attacks on gays and those so labelled has occurred;

BE IT RESOLVED that Council approve in principle a memorial to the people who wore pink triangles to their deaths in Nazi concentration camps and others who have been victims of homophobic violence;

BE IT FURTHER RESOLVED that the Committee on Protection, Parks and Culture be asked to consult with concerned groups and recommend an appropriate location.

In amendment,

Moved by Councillor Murray,
Seconded by Councillor Thomas,

WHEREAS there has been confusion over the financial implications of establishing a memorial to those who died wearing pink triangles;

THEREFORE BE IT RESOLVED that the motion regarding a memorial site be amended, as follows:-

a) the words "space for" be inserted in the first line of the fourth paragraph immediately before the words "a memorial";

b) approval in principle be understood not to involve commitment of any city funds.

Moved by Councillor Brown,
That the motion and the amendment be referred to the Committee on Protection, Parks and Culture.

The motion to refer was put.

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

Yea: Councillors Wade, Brown, Clement, Douglas, Fleisher, Fraser, Gilroy, Golden, Kaufmann, Lazarenko, Lorenc, Mitchelson, O'Shaughnessy, Prystanski, Timm-Rudolph, Young, Mayor Norrie and Councillor Eadie. 18

Nay: Councillors Boychuk, Diamant, Hyman, Mendelson, Murray, Reese, Selinger, Thomas, Timmers and Yuen. 10

and the motion to refer was declared carried.

EXECUTIVE POLICY COMMITTEE – NOTICE OF WHICH NOTICE HAS BEEN GIVEN (continued)

515 - Councillor Timm-Rudolph rose on a point of personal privilege.

She advised Members of Council that following an accusation by another member of Council on certain improprieties attributed to her, an R.C.M.P. investigation was launched.

Councillor Timm-Rudolph further advised that the said investigation has resulted in unequivocally clearing her of any wrong doing. The Councillor then read into the record, a communication dated December 9th, 1991, from Detective Inspector Svendson, R.C.M.P. "D" Division, addressed to her Solicitor indicating that the Councillor "did not accept any benefits from Eastwood Jeep Eagle..." and a communication dated January 31st, 1992 to her Solicitor from S.J. Whitley, Q.C., Assistant Deputy Attorney General, indicating therein that "...there is no evidence of criminal wrongdoing whatsoever", both of which she filed with the City Clerk's Department. File GL-5.4.

MOTIONS

Moved by Councillor Hyman,
Seconded by Councillor Selinger,

516 - WHEREAS unemployment, personal bankruptcies and business closures are presently at a devastating level in many regions of Canada;

AND WHEREAS unemployment insurance benefits were altered with the House of Commons Bill C-21, an Act to amend the Unemployment Insurance Act enacted in 1989;

AND WHEREAS the Federal Government has indicated its intent to no longer contribute to unemployment insurance;

AND WHEREAS training programs promised by the Federal Government have not materialized;

AND WHEREAS we are sorely lacking in a national economic strategy;

THEREFORE BE IT RESOLVED that this Council of the City of Winnipeg request FCM to urge the Government of Canada to develop training programs as promised with the changes to the Unemployment Insurance Act;

AND BE IT FURTHER RESOLVED that City Council request FCM to urge the Government of Canada to take immediate steps to develop an economic strategy to prevent further erosion of the fiscal fabric of our Country.

Carried.

Moved by Councillor Wade,
Seconded by Councillor Eadie,

517 - THAT Councillor Demare be granted a leave of absence from the Council meeting of this date for compassionate reasons.

Carried.

Moved by Councillor Murray,
Seconded by Councillor O'Shaughnessy,

518 - THAT Councillor Duguid be granted leave of absence from Council meeting of this date due to illness.

Carried.