CONSIDERATION OF REPORT OF THE

EXECUTIVE POLICY COMMITTEE

On motion of Mayor Norrie, the Report of the Executive Policy Committee, dated September 16th, 1992, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg,
September 16th, 1992.

His Worship the Mayor and Councillors:-

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

Review of Social Assistance Rates for 1992.
File EH-2

1362 - 1. A survey of relevant prices for conventional necessities was undertaken in May, 1992. The results indicate a need to revise social assistance rates to compensate for cost-of-living increases. Uniform assistance rates applicable to all community welfare offices were adopted after a comprehensive study in 1973. All commodities have been repriced annually since that time, and adjustments made to compensate for cost-of-living trends.

The department's rate structure is based upon nationally- recognized reference guides, and a comprehensive local price survey. The rates cover conventional necessities only. While they encompass some variety in foods and choice in clothing, the rates do not include any luxury items. For the rental allowance, an increase of 3.0% was applied - which is in accordance with the limit established by the Manitoba Housing Landlord and Tenant Affairs Branch.

The Consumer Price Index (C.P.I.), against which social assistance rates are often compared, includes luxury items. The social assistance rate structure also differs from the C.P.I. in its emphasis on consumption patterns. As a result, while social assistance rates have frequently parallelled and, at times, exceeded the C.P.I., the two have rarely been identical. The Winnipeg All-Items Consumer Price Index for the twelve month period ending May 31st, 1992, rose 1.2%.

Appendix E(1-5) of the report compares recommended food, clothing, household, and personal allowances with those currently authorized by the governments of Manitoba and Alberta. Because of the variations in the method of budget calculation, these are the only governmental jurisdictions and budgetary items which can be compared with any degree of accuracy. The Alberta rates are applicable in both Calgary and Edmonton.

Implementation of the recommended rates on October 1st, 1992, will represent an increase of $600,729 in the gross expenditure for social assistance - after cost-sharing, the net cost to the City will be $71,042. The department incorporated an expected rate increase of 4.2% in its 1992 Current Estimates.

NOTE:IT IS EXPECTED THAT THE EXTREME RISE IN CASELOAD WILL NECESSITATE AN ADDITIONAL APPROPRIATION FOR FINANCIAL ASSISTANCE BEFORE YEAR END. HOWEVER, THE RATES RECOMMENDED IN THIS REPORT WILL NOT FORM PART OF THAT ADDITIONAL APPROPRIATION REQUEST AS SAME WERE BUDGETED FOR IN 1992 CURRENT ESTIMATES.

The Committee on Planning and Community Services on September 8th, 1992, concurred in the following recommendations.

Your Executive Policy Committee recommends the following:-

1. That the City of Winnipeg social assistance rates be increased 2.3%, effective October 1st, 1992, in accordance with the recommended schedule outlined on pages seven and eight of the report "Review of Social Assistance Rates - 1992".

2. That Schedule "A" of By-law 2466/79 be deleted, and the recommended allowances outlined on pages seven and eight of the report titled "Review of Social Assistance Rates 1992" (a copy of which was previously forwarded to all members of Council), be substituted, therefor.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

(Note: See Minute No. 1374 for attachment.)

Uncollected Parking Tags - Request to the Province of Manitoba for Legislation to Permit a By-law to Tow and Impound Vehicles with outstanding City of Winnipeg Parking Tickets. File ST-2

1363 - 2. On June 5th, 1992, the Minister for Urban Affairs wrote to His Worship the Mayor, requesting Council's reaction to the solution put forward in a discussion paper on the collection of unpaid parking fines intended for consideration by the Urban Affairs Committee of Cabinet in The City of Winnipeg's Official Delegation on June 15th, 1992, copy of which is on file in the office of the City Clerk.

At the June 15th, 1992 meeting between the Urban Affairs Committee of Cabinet and The City of Winnipeg's Official Delegation, the Minister of Urban Affairs requested the City to review this discussion paper and advise of any concerns Council may have with the proposal, as any Provincial legislation would be introduced in the next session of the legislature.

On July 2nd, 1992, the Executive Policy committee requested The Board of Commissioners to review the proposed method of collection of unpaid parking tickets offered by the Provincial Government and report back thereon.

Council on July 8th, 1992, referred back Clause 16 of the Report of the Committee on Protection, Parks and Culture dated June 22nd, 1992, regarding outstanding parking fines. At its meeting held on July 13th, 1992, the Committee on Protection, Parks and Culture laid over consideration of the above clause and requested that a report be prepared addressing the proposed Provincial legislation.

The City of Winnipeg representatives have over a period of years, informally approached representatives of The Province of Manitoba, seeking assistance in the collection of outstanding parking tickets. Some amendments have been made to enhance the possibility of collecting fines with the ultimate alternative being incarceration for the owner of the vehicle. The City had proposed several alternatives including the provision that all outstanding parking tickets had to be paid prior to the issuance of an individual's driving licence or registration. After much consideration and discussion, the Province proposed that the towing and seizure of vehicles for outstanding parking tickets was most acceptable and workable and this be done by means of a By-law.

The Police Department has conducted numerous enquiries and surveys to determine methods utilized in other jurisdictions to collect the fines for outstanding parking tickets.

There is an estimated four million dollars in outstanding parking tag revenue presently in The City of Winnipeg. The Police Department continues its efforts by pursuing several cost effective methods to collect the outstanding fines.

The threat of incarceration is a motivator in having persons pay parking tags. Several Court challenges have been launched to prevent incarceration of individuals on the basis of constitutionality. To date, this aspect of collecting fines has been upheld in the Courts.

The proposal by the Province to tow and impound vehicles with outstanding parking tickets has a positive appeal. The enabling legislation would have to be prepared and passed authorizing the City to enact a By-law to tow and impound vehicles until the outstanding tickets were paid.

The actual mechanics of the operation of a tow and impound function can be established when the wording of the By-law is formalized.

Your Executive Policy Committee recommends that the Province of Manitoba be requested to enact enabling legislation that would permit The City of Winnipeg to pass a By-law to tow and impound vehicles until the outstanding parking fine is paid.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Phase-In of Decreases Resulting From the Change in the New Single Business Tax Rate. Files FL-1 & GL-5.1

1364 - 3. On May 21st, 1992, the Minister of Urban Affairs advised the Mayor that if City Council has any amendment to propose for 1992-1993, they should be forwarded no later than October 16th, 1992.

Bill 35, passed by the Province of Manitoba on December 17th, 1991, requires the City to implement a single rate of business tax in 1993: there are currently provisions in The Act, Section (195.1) which provide for the moderation of increases, by way of a phase-in.

The business tax task force recommends that flexibility is required to also phase-in any decreases that will be associated with the implementation of a new single rate. The business tax task force has determined that the impacts of any changes accompanying a new system should be minimized and phased-in over an appropriate period of time. The phasing-out of decreases that might accompany a new formula for calculating tax would assist in offsetting the cost of phasing-in the increases and reduce the overall cost of introducing a new system.

The business tax task force reviewed many alternative ways of developing a new business tax rate structure. Any change to the current rate structure, which in total may generate comparable revenue, will produce both increases and decreases as far as individual businesses go. Current legislation (Section 195.1 of The City of Winnipeg Act) provides for the phase-in of an increase attributable to reassessment or a change in rate structure. Legislation is recommended to provide for the phase-in of a decrease in tax attributable to a change in rate structure only.

The effect of such a phase-in can be demonstrated by using the following illustrative example:

Business tax levy 1992		$2,000
Business tax levy 1993		1,500
Decrease		$ 500
Business tax levy 1993		$1,500
Phase-in of 50% of decrease	250	
Business Tax Bill for 1993		$1,750
Net business tax levy 1994 (ignoring the possible effects of the 1994 reassessment).	$1,500	

It should be noted that the effect of this phase-in is that certain taxpayers will not receive the full benefit of the new single rate in 1993 in order to produce a lower single tax rate. Your Executive Policy committee recommends that the Province of Manitoba be requested to amend the necessary legislation to permit the phasing-in of any decreases attributed to the change in business tax from the previous statutory rates to a new single rate business tax by-law for the 1993 tax year.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

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

The City of Winnipeg Community and Race Relations Committee - 1994 The Year For Racial Harmony. File CR

1365 - 4. Your Executive Policy Committee has considered a communication dated September 4th, 1992, from the City of Winnipeg Community and Race Relations Committee. The communication requests that a proposed project titled, "1994 - The Year for Racial Harmony", be approved and that the budgetary requirements from the City be approved and made available to the Committee to allow for immediate program planning.

Your Executive Policy committee recommends that a one-time only special grant in the amount of $50,000.00 be approved in principle and referred to the 1993 current budget, subject to Provincial/Federal funding support.

A copy of the proposed project is on file in the office of the City Clerk.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Purchase of Richardson Property in Charleswood. File DASZ 8/91

1366 - 5. Council at its meeting held on July 29th, 1992, ruled automatic referral of the following motion to your Executive Policy Committee, under Section 16.1 of the Procedure By-law No. 5400/90:-

Moved by Councillor Golden,
Seconded by Councillor Duguid,

"WHEREAS 10 acres of the Richardson property in Charleswood is valuable as a public reserve;

AND WHEREAS this property is the subject of a development application which would diminish it's aesthetic value;

NOW THEREFORE BE IT RESOLVED that the Commissioner of Finance and Administration be instructed to purchase these lands on behalf of the City of Winnipeg at fair market value for these R1-20 zoned lands;

BE IT FURTHER RESOLVED that if negotiations are unsuccessful, the Commissioner of Finance and Administration be authorized to initiate expropriation proceedings;

AND BE IT FURTHER RESOLVED that the City of Winnipeg support planned development of the remaining 20 acres of these lands."

Your Executive Policy Committee recommends that no action be taken on the motion and that the motion be filed.

Moved by Mayor Norrie,
Adoption of the clause.

The motion for the adoption of the clause was put.

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

Yea: Councillors Brown, Clement, Demare, Fleisher, Fraser, Gilroy, Kaufmann, O'Shaughnessy, Prystanski, Reese, Selinger, Timmers, Timm-Rudolph, Young, Mayor Norrie and Councillor Eadie. 16

Nay: Councillors Boychuk, Duguid, Golden, Hyman, Lazarenko, Lorenc, Mendelson, Murray and Thomas. 9

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

Proposed Amendments to The City of Winnipeg Act and The Municipal Assessment Act - Tax Roll Amendments and Tax Collections
Files AB-2, GL-5.1 & AA

1367 - 6. The judgment of the Court of Appeal delivered on November 1st, 1991, in Morgan, Northmax Development Corporation Ltd. and Peerless Distributors Ltd. has significant implications for the collection of realty taxes resulting from amendments to the assessment rolls (See Appendix "B")

The City Assessor classified Mr. Morgan's condominium unit (the "unit"), being owner-occupied, as Residential 3 for the 1987 realty assessment roll and, subsequently, for the 1988 and 1989 realty assessment rolls. In 1989, the Assessment Department discovered that Mr. Morgan had not resided in the unit since September, 1988 and changed the classification of the unit from Residential 3 to Residential 2 for the 1988 and 1989 realty assessment rolls.

The City Assessor incorrectly classified land owned by Northmax Development Corp. Ltd. as Residential 1 for the 1989 realty assessment roll. In 1989, the City Assessor discovered this error and changed the classification of the land from Residential 1 to Residential 2 for the 1989 realty assessment roll.

The City Assessor classified land owned by Peerless Distributors Ltd. as Residential 1 and Farm Property to Other Property for the 1989 realty assessment rolls. In 1989, the City Assessor discovered that the land had not been used for agricultural purposes in 1988 or 1989 and changed the classification of the land from Residential 1 and Farm Property to Other Property for the 1989 realty assessment roll.

On February 19th, 1990, Mr. Morgan, Northmax Development Corporation Ltd. and Peerless Distributors Ltd. filed Notices of Application in the Court of Queen's Bench, seeking a declaration that the changes of classification made by the City Assessor were invalid. The applications were heard before Mr. Justice Smith of the Court of Queen's Bench on September 5th, 1990. Justice Smith delivered his judgment on November 2nd, 1990.

On March 26th, 1991, Morgan, Northmax and Peerless filed Notices of Appeal in the Court of Appeal, for an order that the decision of Mr. Justice Smith be set aside. The appeals were heard on September 4th, 1991 and the Court of Appeal delivered its judgment on November 1st, 1991.

The effect of the Court of Appeal decision is that the City Assessor has limited powers to amend the tax rolls for the purposes of correcting an error or omission. In order to correct this situation, it is recommended that The City of Winnipeg request the Province of Manitoba to amend The City of Winnipeg Act and The Municipal Assessment Act to expand the powers of the tax collector to amend the tax rolls and collect taxes as a result of changes in the assessment rolls, in accordance with Appendix "A" attached hereto.

In addition, the following issues need consideration:

What should be the liability of a former owner who owned the property during the period where there existed one of the circumstances necessitating a change in the tax roll but where that change in the tax roll was not effected during his/her ownership? The following are the options for proposed amendments:

i) the City would not have any recourse against the former owner;

ii) the City would be entitled to sue the former owner for the taxes that would have been levied;

iii) the City would be entitled to add the taxes that would have been levied to tax bills for any other property owned by the former owner;

iv) a combination of (ii) and (iii) above. It should be noted in this context that in many instances where a change in the assessment and tax rolls is necessitated, it is because of the failure of the former owner to advise the City of the changed circumstances.

It is recommended that the legislation give to the City the following options:-

(a) to sue the former owner for the taxes that would have been levied; and

(b) to add the taxes that would have been levied to tax bills for any other property owned by the former owner.

The question arises as to whether or not the amendments ought to be retroactive and, if so, to what date. The options are as follows:-

i) make the amendments retroactive in all cases to January 1st, 1990 in order to validate actions already taken by the City;

ii) make the amendments retroactive in all cases except the cases of Morgan, Peerless and Northmax (and other cases correctly challenging the authority of the tax collector to amend the tax rolls and collect the taxes) to January 1st, 1990; iii) make the amendments prospective in all cases, effective the date of the passing of the legislation.

It is recommended that the amendments be prospective only, as it is only in unusual and extraordinary circumstances that legislation is made to apply retroactively.

Your Executive Policy Committee recommends that the Province of Manitoba be requested to amend The City of Winnipeg Act and The Municipal Assessment Act to permit the tax collector to amend the tax rolls and collect taxes as a result of amendments to the assessment rolls (see Appendix "A").

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

(Note: See Minute No. 1375 for attachment.)

Subdivision and Rezoning of land bounded by the Perimeter Highway on the west, Charleswood Road on the east, the abandoned CNR Cabot Subdivision (Ridgewood Corridor) on the north and the CNR Mainline/Wilkes Avenue on the south - Assiniboine Park-Fort Garry Community.
File DASZ 7/91

1368 - 7. Your Executive Policy Committee has laid over Clause 6 of the Report of the Committee on Planning and Community Services, dated May 11th, 1992. The clause is relative to the subdivision and rezoning of land bounded by the Perimeter Highway on the west, Charleswood Road on the east, the abandoned CNR Cabot Subdivision (Ridgewood Corridor) on the north, and the CNR Mainline/Wilkes Avenue on the south, in the Assiniboine Park-Fort Garry Community.

Your Committee recommends that Council grant an extension of time of 60 days to allow further consideration of this matter.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Proposed Merger Between Airlines.
File GG-1

1369 - 8. Your Executive Policy Committee submits for favourable consideration the following motion with respect to proposed mergers between airlines, namely:-

"WHEREAS there has been public discussion regarding the possibility of Air Canada and Canadian Airlines International Ltd. merging;

AND WHEREAS that occurrence may affect the level of air service and/or air-related facilities that are currently available and/or are located in The City of Winnipeg;

AND WHEREAS any reduction in such air service or air-related facilities would adversely affect the citizens of Winnipeg and the business community generally;
AND WHEREAS it is necessary that Council of The City of Winnipeg take the appropriate steps to assure that the City's concerns regarding the possible merger of these airlines are made known as well as any future merger possibilities;

NOW THEREFORE BE IT RESOLVED that Council direct the Executive Policy Committee to instruct The Board of Commissioners that, in consultation with the Executive Policy committee, it take all appropriate steps on behalf of the City to assure that the City's concerns with regard to the merger are made known and to make representations to the appropriate Federal Commission convened for purposes of reviewing the merger, and as well any future proposed mergers."

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Amendment to The City of Winnipeg Act
- Termination of Variance and Conditional Use Orders.
Files DAV & DCU

1370 - 9. The St. James-Assiniboia Community Committee on July 21st, 1992, considered a communication from the Law Department with respect to the termination of Variance and Conditional Use Orders. The communication reads in part as follows:

"Under Section 652 of The City of Winnipeg Act, a variance or conditional use order once made is binding on the City and all persons. The only way the order can be extinguished or terminated is by an appeal order or a zoning by-law which repeals the zoning rules varied or under which conditional use approval was given. The latter of course is subject to statutory non-conforming rights.

An amendment of The City of Winnipeg Act would be necessary to confer on the Board of Adjustment or an administrator the power to terminate a variance order upon the written consent of the owners of the land affected.

If this situation arises infrequently the Provincial Government might not be prepared to act on any request for statutory amendments."

The St. James-Assiniboia Community Committee recommended to your Executive Policy Committee that the appropriate amendments to The City of Winnipeg Act be enacted by the Province, in order to provide the Commissioner of Planning and Community Services with the ability to terminate variance and conditional use orders upon written consent from the property owner.

Your Executive Policy Committee concurs in the above and recommends that the Province of Manitoba be requested to amend The City of Winnipeg Act to provide the Commissioner of Planning and Community Services with the ability to terminate variance and conditional use orders upon written consent from the property owner.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Selkirk Avenue Business
Improvement Zone. File FL-7.5

1371 - 10. On September 25th, 1991, Council adopted Clause 13 of the Report of your Executive Policy Committee, dated September 18th, 1991. The said Clause recommended establishing a Selkirk Avenue Business Improvement Zone. Council on September 25th, 1991, adopted By-law No. 5770/91, a By-law to designate a Business Improvement Zone to be known as the "Selkirk Avenue Commercial Area Business Improvement Zone" and establish a Management Board for the zone.

On January 22nd, 1992, Council adopted Clause 5 of the Report of your Executive Policy Committee dated January 15th, 1992, appointing the membership of the Selkirk Avenue Business Improvement Zone. On May 27th, 1992, Council adopted Clause 1 of the Report of your Executive Policy Committee dated May 27th, 1992, requesting the Lord Selkirk-West Kildonan Community Committee to conduct a public meeting to hear representations with respect to the proposed program, zone levy and budget estimates and to provide recommendations to Council.

The Lord Selkirk-West Kildonan Community Committee on July 21st, 1992, unanimously endorsed the following motion:-

"WHEREAS a public meeting to review the proposed program, zone levies and budget estimates for the Selkirk Avenue Business Improvement Zone was duly advertised in The Winnipeg Free Press on Monday, July 6th, 1992, in accordance with Section 17 of By-law No. 5770/91;

AND WHEREAS no objections were received in respect to the Board's proposals;

NOW THEREFORE BE IT RESOLVED that the Lord Selkirk-West Kildonan Community Committee unanimously recommend to Executive Policy Committee that the proposed program, zone levy and budget estimates for the Selkirk Avenue Business Improvement Zone, as adopted, be ratified by Executive Policy Committee and City Council."

Your Executive Policy Committee concurs in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends that the Selkirk Avenue 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.

The Winnipeg Municipal Hospital - Transfer
of Operation and Financial Responsibility.File FH-3

1372 - 11. In July of 1990 the Provincial Minister of Health and the Mayor of The City of Winnipeg announced that transfer of the Municipal Hospital from the City would be in the hospital's best interest. On July 17th, 1991, your Executive Policy Committee recommended that the City negotiate with the Municipal Hospital and affected employee bargaining groups to reach an agreement which would result in the incorporation of the Winnipeg Municipal Hospital as a separate legal entity which would operate and manage the Hospital complex completely independently of the City. Your Executive Policy Committee asked that direction be given on the method incorporation, labour relations issues and instructed the Commissioner of Planning and Community Services to proceed with a rezoning to demarcate hospital and park land.

A negotiating team of Councillor Gilroy and the Commissioner of Planning and Community Services was established to act for the City in the transfer process.

Following over a year of dialogue and discussion with the Hospital Commission and staff, the Civic Employee Benefits Board, various civic departments and most importantly, the three employee bargaining agents, an Agreement was drafted with respect to the method of incorporation and a number of labour relations issues. This Agreement represents a cooperative enterprise on the part of all participants. On September 8th, 1992, the membership of Canadian Union of Public Employees

(Local 500), the Winnipeg Civic Nurses Union (W.C.N.A.) And the Winnipeg Association of Public Service Officers (W.A.P.S.O.) Approved the agreement.

This collective approval fulfils a major responsibility of the negotiating team and lays the foundation for an incorporation which acknowledges the rights and benefit of affected employees.

1. Method of Incorporation

   The attached Agreement calls for a two-phase incorporation for the sake of expediency. Initially incorporation will occur through the Corporations Act of Manitoba to be followed by a Private Act of the Manitoba Legislature.

2. Labour Relations Issues

   The Agreement ensures that the new Corporation will be a successor employer to the City and the Commission, thereby guaranteeing the terms of existing contracts. Specific articles within collective agreements are declared non-negotiable for the 10 year time frame and each bargaining agent has agreed not to claim sick leave credits upon incorporation. Such a claim situation could result in a $3,500,000 payment from the City and was the subject of considerable dialogue. Present and future hospital employees will participate in the Civic Pension Plan subject to the endorsement of the Civic Employee Benefits Board. The staff will also participate in the City's Rehabilitation Employment Programs with the Corporation assuming all associated costs.

3. Enforcement of the Agreement

   Any disagreement associated with this Agreement will be dealt with through arbitration.

4. Provision of Land

   As a first step to land conveyance the Commissioner of Planning and Community Services initiated a rezoning. On February 12th, 1992, the process was completed upon the adoption of the rezoning recommendation by City Council.

   It is recommended that the property situated between Churchill Drive and the Red River remain in the ownership of The City of Winnipeg. This guarantees public access and potential riverbank enhancement like a riverwalk and cycle path. Riverbanks in this area are relatively stable and offer development potential. It is also recommended that the passive park area, currently maintained by the Parks and Recreation Department, be held by The City of Winnipeg.

   The remainder of the property required for hospital use can be conveyed through sale or lease. It is recommended that the property be leased and a nominal fee of one dollar be charged. While arguments exist for both sale and lease options, it is recommended that a 99 year lease at one dollar per year be negotiated.

   Should the City in its sole discretion determine that the new hospital corporation has ceased to use the land and buildings as a primary care facility under the Hospitals Act in a manner similar to that existing currently, the City may terminate the lease without notice or penalty.

5. Accumulated Deficit

   In November, 1989, the Municipal Hospital Commission assumed responsibility for it's own bank account. Until that time, all transactions were recorded in The City of Winnipeg's General Ledger in a separate fund for accounting purposes. Since a number of transactions were still outstanding, the fund could not be completely closed-out until the fiscal year end of March 31st, 1990. At that time the accumulated deficit on the fund was $824,000 of which $478,000 is an additional pension cost based on an actuarial report as of December 1989. The remaining $346,000 represents the accumulated deficits of the Municipal Hospital from its inception to the closing of the books of this fund.

While the accumulated deficit is $824,000 a pension actuarial examination discloses a surplus of $329,000. If this surplus is applied to the deficit the liability is reduced to $495,000 which is shown as an account receivable on the City's books. It is recommended that The City of Winnipeg waive receipt of $495,000 as a one-time working capital contribution to the independent Municipal Hospital. Provincial policy dictates that the sponsor is responsible for establishing working capital. It is proposed that this transaction would be carried out as a grant of $100,000 per year staged over five years and would be funded from the tax-supported operating budget.

6. Timing of the Transfer

As specified in the Agreement the transfer will not be effected until:-

I) the corporation is incorporated;

ii) the Agreement is ratified and executed by the Corporation; iii) the lease of the affected land and facilities from the City to the Corporation is executed immediately after the execution by the Corporation of this Agreement.

7. Responsibility Following Transfer

Once incorporated, the Manitoba Health Services Commission and the Hospital Board of Directors will assume total operating and financial responsibilities. The negotiating team has pursued, with patience and diligence an acceptable transfer of operations to a hospital and staff which should enjoy a promising future within Manitoba's community of hospitals.

The Manitoba Health Services commission, the Hospital Commission and the City of Winnipeg are urged to support the Agreement and related disengagement components. The negotiating has endeavoured to reflect the needs of all participants involved in this enterprise.

The Municipal Hospital has much to look forward to and much to be proud of. It's reputation for palliative and rehabilitative care is renowned. As the process moves from negotiation to implementation, the negotiating team wishes to thank those whose efforts have made this Agreement attainable.

Your Executive Policy Committee recommends as follows:

1. That Council approve execution of the attached Agreement identified as Appendix "A", dealing with hospital incorporation and labour relations issues to facilitate the disengagement of the Municipal Hospital from The City of Winnipeg, subject to:-

approval of the Manitoba Health Services Commission;
approval of the Civic Employee Benefits Board.

2. That the City land shown on the accompanying map be leased to the Hospital Corporation on a long-term basis at one dollar per year, provided, as determined by the City, the land continues to be used for hospital purposes.

3. That The City of Winnipeg contribute $495,000 as a "working fund" towards initial operations of the independent hospital; this amount representing a portion of an $824,000 accumulated deficit owed to the City by the existing Municipal Hospital.

4. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the above recommendations, including the execution of any required documents.

Moved by Mayor Norrie,
Adoption of the clause.

In amendment,

Moved by Councillor Gilroy,
Seconded by Councillor Young,

That the clause be amended by adding the words "and subject to a prior agreement dated November 28th, 1985" at the end of Recommendation No. 2.

Carried.

The motion for the adoption of the clause, as amended, was put.

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

Yea: Councillors Boychuk, Brown, Clement, Demare, Diamant, Duguid, Fleisher, Fraser, Gilroy, Golden, Hyman, Kaufmann, Lorenc, Mendelson, Murray, O'Shaughnessy, Reese, Thomas, Timmers, Timm-Rudolph, Young, Yuen, Mayor Norrie and Councillor Eadie. 24

Nay: Nil. 0

and the motion for the adoption of the clause, as amended, was declared carried.

(Note: See Minute No. 1376 for attachment.)

Allocation of Funds from the East Kildonan
-Transcona Land Dedication Reserve Fund.
Files EP-2 & PR-2

1373 - 12. On September 14th, 1992, the East Kildonan-Transcona Community Committee ratified the following resolution adopted by the East Kildonan-Transcona Sub-Committee on Parks and Recreation, namely:-

"That funds in the amount of $9,783.60 be disbursed from the East Kildonan-Transcona Land Dedication Reserve Fund, to provide a storage and maintenance garage at Kelvin Community Centre, to be in place for this Winter's operation."

In 1991, an amount of $49,000.00 was approved from the Land Dedication Reserve Fund to provide a storage and maintenance facility at the Kelvin Community Centre. The lowest bid received was in the amount of $50,995.00. Additional costs such as Surveyors Certificate, print drawings, G.S.T., and borrowing and finance charges has increased the total to an amount of $58,783.60, a $9,783.60 shortfall from the 1991 approved amount.

Your Executive Policy Committee concurs in the above request and recommends that in accordance with the policy of Council adopted September 19th, 1990, that the funds in the amount of $9,783.60 be authorized for expenditure for the project as outlined above.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

1374 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1375 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1376 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

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 September 23rd, 1992, was considered.

West Committee Room,
Council Building, Winnipeg,
September 23rd, 1992.

His Worship the Mayor and Councillors:-

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

Assiniboine Park Zoo - 1993 Australian
Promotion Proposal Sequential Tendering.
File PR-7.1.1

1377 - 1. On July 29th, 1992, Council approved the following recommendations contained in the Report of the Committee on Protection, Parks and Culture, dated July 13th, 1992:

That the proposal of the Zoological Society, to sponsor the display of Australian animals and associated cultural artifacts at the Assiniboine Park Zoo during the summer of 1993, be approved including the provision of necessary funding in the amount of $350,000.00 ($250,000.00 for construction) subject to the Zoological Society submitting the following:-

an acceptable developed marketing plan and detailed budget breakdown;

confirmation from the Federal and Provincial Governments on funding commitments.

The Zoological Society has engaged a consultant to develop the design plans and estimates for the construction phase of the project. Based on its consultant's cost estimates, the Zoological Society anticipates that the project will cost $1,000,000.00 to construct.

The Zoological Society's funding sources are as follows:

City of Winnipeg	$ 250,000.00
Province of Manitoba	250,000.00
Federal Government	250,000.00
Society	250,000.00
	$1,000,000.00

To date, funding from the Municipal and Federal Governments has been confirmed. The Society is still awaiting confirmation of funding from the Provincial Government. The Society has none of its funding in place but anticipates that it will be in place by the spring of 1993, once sponsorships and general admission funds become available.

The City of Winnipeg policy requires that total capital funding must be in place before tenders can be let and construction can commence on a project. Given that total funding for the Australian Promotion is not presently available, construction cannot proceed and the entire project stands at a very high risk of being cancelled.

The Zoological Society has advised that it is essential that construction begin immediately in order to complete the project in order to accept delivery of the birds and animals in April of 1993. Any delays in construction will delay the official opening date of May 12th, 1993, and could potentially jeopardize the loan of the birds and animals.

In order to expedite construction, the Zoological Society wants to let and award the demolition contract immediately. Thereafter it will award only those contracts for which funding is in place.

The risk to the City is that the Zoological Society will not be able to award one or more of the contracts because the funding is not in place. The consequences, therefore, would be that the Australian Project would not proceed in May 1993 as planned.

The Zoological Society has assured the administration that it is confident that its funds will be in place as and when needed so that all four contracts can be awarded and that the Australian Project will proceed as planned in May 1993.

Your Executive Policy Committee recommends that Council permit the Zoological Society of Manitoba ("the Zoological Society") to construct the exhibits associated with the "Winnipeg Down Under" project on the basis of four sequentially tendered contracts commencing with the demolition of the existing structures at the site followed by the installation of the site services, then the construction of the buildings to house the exhibits and concluding with the landscaping and related works.

Moved by Mayor Norrie,
Adoption of the clause.

The motion for the adoption of the clause was put.

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

Yea: Councillors Boychuk, Brown, Clement, Demare, Duguid, Fleisher, Fraser, Gilroy, Kaufmann, Lorenc, Mendelson, Murray, O'Shaughnessy, Prystanski, Thomas, Young, Yuen, Mayor Norrie and Councillor Eadie. 19

Nay: Councillors Diamant, Golden, Hyman, Lazarenko, Reese and Timmers. 6

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

EXECUTIVE POLICY COMMITTEE

MOTION OF WHICH NOTICE HAS BEEN GIVEN

Moved by Councillor Lorenc,
Seconded by Councillor Fraser,
1378 - WHEREAS the Council of the City of Winnipeg by virtue of recent amendments to The City of Winnipeg Act is being reduced in size from 29 to 15 Councillors plus the Mayor, effective with the elections of October, 1992;

AND WHEREAS as a consequence of the reduction in size of Council, the role, function and description of the office will be deemed to be full time versus the current part time;

AND WHEREAS the position of Mayor of the City of Winnipeg is and will continue to be deemed a full time position;

AND WHEREAS the size of the wards as a result of the reduction is being increased by an approximate multiple of 2.5;

AND WHEREAS it is desirable that municipal government which is "closest to the people", be accessible to the people in terms of opportunity for election to office;

AND WHEREAS it is desirable and in the interests of municipal government and democracy to ensure the infusion of new people and ideas with some degree of regularity;

AND WHEREAS given the reduction in size of Council to 15 full time offices, the political advantages of incumbency will make it more difficult for political aspirants to defeat incumbents for the office of Councillor or Mayor;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Winnipeg petition the Government of the Province of Manitoba to legislatively, by further amendments to The City of Winnipeg Act, set a maximum of 3 consecutive terms of office for the position of Councillor and that of Mayor, beginning with the term of office commencing November, 1992.

Moved by Councillor Lorenc,
That the motion be laid over to the Council meeting of October 14th, 1992 meeting.

Carried.

EXECUTIVE POLICY COMMITTEE

MOTIONS

Moved by Councillor Fleisher,
Seconded by Councillor Timm-Rudolph,
1379 - WHEREAS it is asserted that the councillors to be elected to City Council by the next civic election will be full-time councillors, requiring a weekly attendance at City Hall for a 9:00-5:00 Monday to Friday work week;

AND WHEREAS it is desirable that The City of Winnipeg Act confirm this to be so;

THEREFORE BE IT RESOLVED that Council request the Government of the Province of Manitoba to amend The City of Winnipeg Act to provide that no member of Council shall hold any other office or employment for reward or gain or engage in the active management of any business for profit during those hours.

The Speaker ruled that the motion is automatically referred to the Executive Policy Committee in accordance with Section 16.1 of the Procedure By-law.

Moved by Councillor Fleisher,
That the rule be suspended to allow consideration of the motion at this time.

The motion to suspend the rule was put.

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

Yea: Councillors Boychuk, Brown, Demare, Diamant, Duguid, Fleisher, Fraser, Hyman, Kaufmann, Lazarenko, O'Shaughnessy, Prystanski and Timm-Rudolph. 13

Nay: Councillors Clement, Gilroy, Golden, Lorenc, Mendelson, Murray, Reese, Selinger, Thomas, Timmers, Young, Yuen, Mayor Norrie and Councillor Eadie. 14

and the motion to suspend the rule was declared lost.

Moved by Councillor Murray,
Seconded by Councillor Timmers,
1380 - BE IT RESOLVED that the Executive Policy Committee form a Working Group of Concerned Parties; said Working Group to be established in accordance with the memorandum, dated September 16th, 1992.

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

Moved by Councillor Fraser,
Seconded by Councillor Lorenc,

1381 - WHEREAS modern technology now allows the reproduction of the list of electors in a computerized floppy disk format (hereinafter called the "disk(s)") and many inquiries have been received as to whether the list of electors can be made available in floppy disk format;

NOW THEREFORE BE IT RESOLVED that upon a request from a candidate who has filed nomination papers in accordance with the Local Authorities Election Act, the City Clerk may provide, in addition to the certified paper copy prepared by the City Enumerator under Section 31(1) of the Local Authorities Election Act, a copy of the list of electors on disk(s),subject to the following conditions:

1) The disk(s) will not be certified and the correctness or the completeness of the list will not be guaranteed by the City Clerk or City Enumerator;

2) The disk(s) will be provided only to candidates who have filed nomination papers in accordance with the Local Authorities Election Act and only upon their request;

3) A purchase fee adequate to cover the costs of developing and preparing the disk(s) will be determined by the City Enumerator and will be paid by all candidates requesting a copy;

4) Candidates who purchase the disk(s) will not sell or otherwise permit the disk(s) to be used for purposes other than for their requirements with regard to the 1992 Municipal Election and those candidates purchasing the disk(s) will be required to acknowledge that they understand and will comply with this direction;

5) The disk(s) (3 1/2 inch high-density type) will be provided in an ASCII file format and no follow-up technical "user assistance" will be provided from either the City Clerk's, the City Enumerator's or Computer Services Department to purchasers of the disk(s).

6) Further issues of an administrative nature that may be required to facilitate the implementation of this resolution will be the responsibility of the City Enumerator.

Carried.

EXECUTIVE POLICY COMMITTEE

CONSIDERATION OF BY-LAWS

1382 - On motion of Mayor Norrie, By-law No. 6035/92, a By-law of the City of Winnipeg to amend its By-law No. 2466/79, being the Social Services By-law, was read a first, second and third time, the rule being suspended for the third reading and was passed and ordered to be signed and sealed. File No. EH-2.

EXECUTIVE POLICY COMMITTEE

QUESTION PERIOD

1383 - Noting the joint committee between Air Canada and PWA presently negotiating the amalgamation of the two airlines, Councillor Selinger questioned how the City of Winnipeg would be putting forth its best case to have the head office of the amalgamated airline located in Winnipeg.

Mayor Norrie responded that he had been in contact with one of the negotiators, Art Mauro, and is considering the possibility of mounting a joint presentation with the provincial government and Winnipeg 2000, to the negotiation team. Upon suggestion from Councillor Selinger, he put forth that he would also contact and include Provincial Party Leaders as well as Federal Members of Parliament for Winnipeg, and would keep Council apprised of progress.

Councillor Fraser requested an update on the negotiations underway with respect to reimbursing members of the business community who took the City of Winnipeg to court with respect to the business tax, of which they were successful but then had the ruling replaced by an action of the Legislature.

Mayor Norrie indicated that there had been a meeting with the Minister of Urban Affairs, the Deputy Mayor and himself, and that there were to be further bilateral discussions and discussion amongst the solicitors. He is awaiting further report and will try to resolve such prior to the Civic Election.

Councillor Murray requested an update on the Core Area Initiative negotiations.

Mayor Norrie noted that he had met with the Minister of Urban Affairs and the Federal representative, Jake Epp, individually, but had yet to bring the Provincial and Federal Governments to agreement. He will be reporting to Committee within the next week of a possible meeting of the three levels.

Councillor Murray requested an update on the Street Links Program.

Mayor Norrie noted that Councillor Douglas had been negotiating the matter with the Minister who had received recommendation from his advisory committee that the program be continued and funded. There is general agreement that this will be done.

Councillor Murray asked if the city could look at alternative priorities and ask for an opportunity cost study relating to the Advanced Life Support System.

Mayor Norrie noted that there had been an extensive meeting with the Minister of Health, the results of which would be in an upcoming report. He further indicated that the Ambulance Department would be implementing the program, and that future Councils would be required to negotiate additional financial support.

Councillor Golden enquired as to whether a formal apology had been issued to Mr. Harvey Pollock, whether Mr. Pollock had been given a response, what the status of Mr. Pollock's actions against the City was, and questioned whether the issue would be resolved during the sitting of this Council.

Mayor Norrie stated that he would have to take the four questions as notice.

Councillor Golden enquired as to what action the City had concerning the Marlborough Hotel project, noting the City's interest as a partner in the Core Area Initiative.

Mayor Norrie noted that the monies in question represented a Core Area Initiative loan, and that he had information that there had been further discussions with the previous owners who have now repossessed the property under the debenture.

Councillor Golden enquired as to what activities had been undertaken in apprising the owners of historic buildings about the exemption of taxes.

Mayor Norrie took the inquiry as notice with a commitment to provide a detailed update.

On motion, Council reverted to the order of business "EXECUTIVE POLICY COMMITTEE - MOTIONS".

EXECUTIVE POLICY COMMITTEE

MOTIONS

Moved by Councillor Kaufmann,
Seconded by Councillor Lorenc,

1384 - THAT Councillor Douglas be granted a leave of absence from the Council meeting of September 23rd, 1992, due to his recent surgery.

Carried.

On motion, Council reverted to the order of business "INTRODUCTION AND WELCOME OF GUESTS AND ANNOUNCEMENTS".

INTRODUCTION AND WELCOME OF GUESTS AND ANNOUNCEMENTS

1385 - Councillor Thomas advised that she was absent earlier in the meeting and wished to be recorded as welcoming the Mennonite Brethren College, particularly her cousin, who had attended today's Council meeting.