Agenda – Council – April 25, 2012

Report – Executive Policy Committee – April 11, 2012

Item No. 3 Winnipeg Building Commission – Membership - Compensation Rates – Application Fees

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 11, 2012, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submits the following to Council:

1. That the following individuals (Appendix A) be appointed members of the Winnipeg Building Commission:

	Company / Organization	Membership Category	Term
John Wells	Crosier Kilgour	Engineer	3 year term expiring June 30, 2015
John Guenther	Nova 3 Engineering	Engineer	Balance of the 3 year term expiring June 30, 2014
Doug Hanna	number TEN Architectural Group	Architect	3 year term expiring June 30, 2015
Jim Wagner	Parks Canada	Architect	Balance of the term expiring June 30, 2014
David Bockstael	Bockstael Construction	Winnipeg Construction Association	3 year term expiring June 30, 2015
Gerry Koersvelt	Blanket Home Warranty	Manitoba Home Builders Association	Balance of the term expiring June 30, 2014
Director of Fire Prevention (or designate)	City of Winnipeg	Senior Fire Officer, City of Winnipeg	3 year term expiring June 30, 2015
Chris Hewitt	SMS Engineering	Member at Large	3 year term expiring June 30, 2015
John Frye	University of Manitoba	Member at Large	For the balance of the term expiring June 30, 2014

2. That the compensation rate for the non-City employee members of the Winnipeg Building Commission be established as:

Members: $100.00 for the first meeting hour or portion thereof
$50.00 per hour for each subsequent hour or portion thereof

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3. That the fee for application for a recommendation from the Winnipeg Building Commission pursuant to item 18.4.1 (d) of the Winnipeg Building By-law No. 4555/87 be established at $1,500.

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

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 11, 2012, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: **Establishment of membership, compensation rates and application fees for the Winnipeg Building Commission.**

Critical Path: **Executive Policy Committee; Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
S. Dueck	B. Thorgrimson	N/A	D Joshi COO

RECOMMENDATIONS

1. That the individuals named in Appendix A be appointed members of the Winnipeg Building Commission (WBC).

2. That the compensation rate for the non-City employee members of the WBC be established as:

   Members: $100.00 for the first meeting hour or portion thereof
   $50.00 per hour for each subsequent hour or portion thereof

3. That the fee for application for a recommendation from the Winnipeg Building Commission pursuant to item 18.4.1 (d) of the Winnipeg Building By-law (4555/87) be established at $1,500.

REASON FOR THE REPORT

On March 21, 2012 Council passed amendments to the Winnipeg Building By-law 4555/87 (By-law), which expanded the authority of the Winnipeg Building Commission (WBC) to include providing advice and recommendations to the Designated Employee regarding interpretations and alternative solutions associated with the Manitoba Building Code, Manitoba Plumbing Code, Manitoba Fire Code, and the Winnipeg Electrical By-law.

The By-law amendments also adjusted the composition of the membership categories.

The existing WBC last met in 2008 and has had no issues put forward for its consideration since that time. All of the terms of the existing membership have expired.

This report recommends nine members to reconstitute the WBC, establishes new rates of compensation, and a new fee associated with requests for recommendations.

IMPLICATIONS OF THE RECOMMENDATIONS

1. Membership

   The list of proposed members is set out in Appendix A. Some proposed members were previously on the WBC. Their inclusion will provide the newly constituted Commission with some valuable consistency and previous experience with the WBC. The two spots identified for 'members at large' allow for individuals with specific knowledge and expertise in building code and code-related issues. All proposed members are knowledgeable and respected in their fields. While the By-law stipulates 3-year terms, some members are allocated an initial 2-year term in order for the Commission to have staggered terms.

   Although the By-law does not require the individual members be recommended by the various associations, the Public Service has worked collaboratively with the associations such as the Manitoba Architects Association, Winnipeg Construction Association, Manitoba Home Builders Association, and the Association of Professional Engineers and Geoscientists of Manitoba to establish the proposed membership lists with their concurrence.

2. Compensation

   The previous compensation for Commission members was $100 / meeting. Most meetings were held as 'lunch meetings'. With the expanded mandate of the WBC, there is potential that the number of applications for recommendation by the Commission will increase considerably. As such, meetings might well extend to longer sessions.

   The proposed $50 / hour compensation better reflects the potential for longer meetings. The $100 for the first hour represents the inherent cost of travel time etc. for what will likely be short-notice meetings. These rates are higher than the current compensation for members of other boards such as the Board of Revision and Board of Adjustment but reflective of the expertise required of the Commission members. The rate is significantly less than what these professionals would charge as their professional rates.

Service on the Commission by a Winnipeg Fire Paramedic Service employee would be considered as part of the his/her responsibilities as a City employee.

3. Application Fee

An application fee of $1,500 is proposed for each issue put to the Commission for recommendation. The fee is to be collected and applied to the costs of the WBC. While this fee would be considered high as an 'appeal' fee, it is justifiable if the Commission is to be self-supporting. It is expected that most issues presented will take an hour or more of the Commission's time to hear both sides present and to deliberate. Additionally, there may be times when the Commission will request a third party expert to present at additional cost to the City. There are also administrative costs associated with minute taking and formal correspondence.

It is expected that applications put forward will be for issues that represent significant financial impact to a project and as such, $1,500 will not typically be an impediment.

If it is determined that actual costs incurred by the WBC are significantly in excess of the fees collected, a subsequent report will be submitted to Council recommending that the fee be amended to achieve full cost recovery.

HISTORY

The WBC is established pursuant to *The City of Winnipeg Charter* and the Winnipeg Building By-law.

The purpose of the Winnipeg Building Commission has evolved over the years. In the 1960's, it was responsible for the building by-law and the adoption of the National Building Code and the associated municipal amendments. In the mid–eighties, with the adoption of the "Residential Buildings Fire Safety By-law", it became more important as an appeal board for orders issued under this by-law to property owners. That role has disappeared as most buildings subject to that by-law have been upgraded.

FINANCIAL IMPACT

Financial Impact Statement

Date: March 22, 2012

Project Name:

Establishment of membership , compensation rates and application fees for the Winnipeg Building Commission

COMMENTS:

The recommendations contained in this report are that the individuals named in Appendix A be appointed to the membership of the Winnipeg Building Commission (WBC) that the compensation rate for the non-City employee members of the WBC to be established at $100.00 for the first meeting hour or portion thereof, $50.00 per hour for each subsequent hour or portion thereof, and that the fee for application for a recommendation from the Winnipeg Building Commission to be established at $1,500. If it is determined that actual costs incurred by the WBC are significantly in excess of the fees collected, a subsequent report will be submitted to Council recommending that the fee be amended to achieve full cost recovery.

It is not possible to estimate with reasonable certainty the amount of compensable time to be incurred by the proposed board members or the number of applications to be made to the WBC. However, the intent of the recommendations is that the activities of the WBC be supported by the recommended application fee.

As such, there are no financial implications associated with these recommendations.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

Legal Services
City Clerks

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Stan Dueck
Date:	*March 26, 2012*
File No.	

Appendix A

	Name	Company / Organization	Membership Category	Term
1	John Frye	University of Manitoba	Member at Large	For the balance of the term ending June 30, 2014
2	John Wells	Crosier Kilgour	Engineer	3 years
3	Chris Hewitt	SMS Engineering	Member at Large	3 years
4	John Guenther	Nova 3 Engineering	Engineer	For the balance of the term ending June 30, 2014
5	David Bockstael	Bockstael Construction	Member, Winnipeg Construction Association	3 years
6	Jim Wagner	Parks Canada	Architect	For the balance of the term ending June 30, 2014
7	Director of Fire Prevention (or Designate)	City of Winnipeg	Senior Fire Officer, City of Winnipeg	Permanent seat
8	Doug Hanna	number TEN Architectural Group	Architect	3 years
9	Gerry Koersvelt	Blanket Home Warranty	Member, Manitoba Home Builders Association	For the balance of the term ending June 30, 2014