CONSIDERATION OF REPORT OF THE
COMMITTEE ON FINANCE AND ADMINISTRATION

The following clause contained in the Report of the Committee on Finance and Administration, dated June 26th, 1990, was laid over by the Executive Policy Committee on July 4th, 1990, and referred to the Board of Commissioners for report. The Executive Policy Committee has further considered this clause together with a report from the Chief Commissioner, dated July 24th, 1990, relative thereto and has concurred in the recommendations contained therein, except as noted below, and now submits the referenced clause to Council for approval and adoption.

On motion of Councillor Gilroy, Clause 5 of the Report of the Committee on Finance and Administration, dated June 26th, 1990, was considered.

Financial Status of Phase II for the Dakota Community Centre
Files FC(1990) and FE-1

1470 - 5. In the 1986 Capital Program, $356,000.00 was authorized for the Phase I construction of a two phase development, for the Dakota Community Centre, with Phase I work consisting of the construction of a 927.5 square metre facility to house club room, lobby, skate change, canteen, washroom and change rooms. In the 1987 Capital Program an additional amount of $75,000.00 was authorized to supplement the 1986 Capital funds for the extra cost of providing the sewer, water, and hydro services to the building due to the extended set backs of this facility on the property. The Phase I development was completed in 1988. The total cost was $429,415.60.

A sum of $1,169,500.00 was authorized in the 1989 Capital Estimates for Phase II of the facility allowing for the construction of a 1,480 square metre addition which includes a 480 square metre gymnasium/auditorium. This facility was to service approximately 35,000 residents in the new South St. Vital development.

Tenders for the Phase II work were called, closing May 25th, 1989, and a total of eight tenders were received ranging from a low of $631,573.00 to a high of $1,242,033.00. The lowest bidder Palcor Construction was awarded the contract for his base bid as well as separate prices "A" and "B" for a total contract price of $661,095.00. To date the building portion is substantially complete with seasonal deficiencies such as the exterior stucco, that will be completed mid 1990. The club is using the facility although the exterior site services along with interior furnishings, which were to be provided by post 1989 programs, are required. However due to budget constraints, no additional funds were provided for these programs in 1990.

The construction costs for this second phase were originally estimated at $936,000.00 based on average unit construction costs being experienced in 1988. Based on this cost, the total project budget was estimated to be as follows:-

Development Costs (including contingency and consultant fees) -	$1,098,200.00
Interim Financing and Administration	71,300.00
TOTAL	$1,169,500.00

When the design was initiated, there was concern that the project costs would exceed the funds allocated as a result of higher than expected prices being experienced in late 1988. Because of the possible shortage of funds, along with the user's desire to get the facility up as soon as possible, and since the facility was a standard building package, it was decided to use the "design-built" process in constructing the facility. The shape of the Phase II addition was established by the Civic Properties Department architect, and the proposal call required the contractor to provide for the design of the architectural details, the structural, mechanical, and electrical engineering requirements of the building along with the construction of the facility.

The prices of the proposal that were submitted, for the most part, were low, with the lowest tender being approximately $42.00 a square foot as compared to $59.00 a square foot estimated for construction only. In that the cost of the basic building was less than anticipated, the Civic Properties Department by means of a report submitted September 15th, 1989, requested authorization to exceed the Director's 10% delegated authority limit for additional expenditures to a contract, in order to provide a handicap elevator for the building. The provision of the elevator was within the scope of the project description authorized by Council in its approval of the 1989 Capital program. On November 27th, 1989, Council approved the handicap elevator expenditure. The rationalization of the account as modified is as follows:-
Funds available:-

Total approved Capital (1989 Program) -	$1,169,500.00

Budget Expenditures:

(As amended by Council Meeting Nov. 29/89)	
Awarded Contract	$ 661,095.00
Handicap Contract	60,000.00
Contingencies	66,100.00
Consultant Fees	56,363.00
Administration & Interest Overhead	55,105.00
TOTAL	$ 842,300.00

The project has not been totally completed because some exterior work to the building and some site work could not be carried out due to the arrival of winter. This work will be completed in 1990. Total expenditures and commitments to date for Phase II are $839,788.50. From this it appears that there will be an apparent surplus to this project in the approximate amount of $327,000.00 from the original approved Capital Budget of $1,169,500.00.

On March 28th, 1990, there was a meeting in the Civic Properties Boardroom as was requested by Councillors Demare and Kaufmann. Representatives from the Dakota Community Centre including their President, Mrs. Lorraine Baisinger, and representatives from District No. 5 Community Parks and Recreation were also requested to attend for their respective inputs. This delegation informed the meeting that the facility is in serious need of site work and building furnishings to complete the facility so as to make it a workable and viable operation.

At the meeting, District No. 5 Community Parks and Recreation representatives advised that on July 17th, 1989, the Department of Environmental Planning issued an interim occupancy permit for the Phase I Building portion conditional to all landscaping, paving, and sign approvals be completed by July 1st, 1990, and stipulated that this was the final extension. The delegation requested that the surplus funds from the building be utilized to meet the requirements of the interim occupancy, to complete the site work so as to make the building accessible, since the anticipated funding for this site work was deleted from the 1990 Capital Budget.

In addition to the site work, the meeting was informed by the delegation that the facility had no furnishings and this made it difficult for the club volunteers to carry out revenue generating activities to assist in the operation of the facility. The delegation further indicated that the building required a few additional interior building systems to complete the structure such as a security system, a P.A. system, improvements to the basement area, installation of a moveable partition for the main floor activity room, and the installation of additional doors. The delegation stated that the club executive would prepare and submit a detailed list of these requirements. This list was received by the Civic Properties Department on April 12th, 1990.

The Civic Properties Department reviewed this list, and along with the landscaping requirements, it is estimated that all of the remaining surplus funds will be required to carry out this proposed work. The District No. 5 Community Parks and Recreation management have reported to Civic Properties Department that they concur in the requirement of the work being requested. Therefore, with the urgency noted for the site work, furnishings, and additional building items, and with the deletion of the requested funds for the site work from the 1990 Capital Budget, it is recommended that this project be allowed to utilize the apparent surplus funds of approximately $327,000.00 for these requested items so as to complete the project and to meet the City's and the club's requirements.

Your Committee on Finance and Administration recommends that the apparent surplus "borrowing authority" funds of approximately $327,000.00 be used to complete work on the facility and site at the Dakota Community Centre so as to provide a "whole" facility for use by the community.

Your Executive Policy Committee considered a report from the Chief Commissioner, dated July 4th, 1990, (Appendix "A" attached hereto), priorizing the project costs for the Dakota Community Centre, based on need.

Your Executive Policy Committee recommends that the recommendation of the Committee on Finance and Administration be concurred in to the extent of approving the apparent surplus "borrowing authority" funds for the completion of the work on the facility and site at the Dakota Community Centre, to be allocated as follows:-

1. That funds in the approximate amount of $199,655.00 plus contingency, overhead and administrative costs, be approved for "Landscaping and Access" as outlined in Appendix "A".

2. That funds in the approximate amount of $21,800.00 plus contingency, overhead and administrative costs, be approved for "Additional Building Systems and/or Equipment for Security Purposes" as outlined in Appendix "A".

3. That funds in the amount of $38,545.00 plus contingency, overhead and administrative costs, be approved for "Revenue Generating Equipment and Furnishing" as outlined in Appendix "A".

4. That the funds approved in the above items 1., 2. and 3. not be transferred from one category to another and any surplus amounts (overages) not be spent but be returned to the City.

Moved by Councillor Gilroy,
Adoption of the clause.

In amendment,

Moved by Councillor Brown,
That the recommendation of the Executive Policy Committee be adopted.

In amendment,

Moved by Councillor Kaufmann,
Seconded by Councillor Demare,
WHEREAS the Dakota Community Centre needs to be completed;

AND WHEREAS Clause 5 of the Report of the Committee on Finance and Administration, dated June 26th, 1990, proposes certain amendments by the Executive Policy Committee;

AND WHEREAS there are likely to be some contingencies or overruns and this clause would be detrimental to the club;

THEREFORE BE IT RESOLVED that the Executive Policy Committee amendment to Clause 5 of the Report of the Committee on Finance and Administration, dated June 26th, 1990, be amended by deleting Clause 4 which reads:-

"4. That the funds approved in the above items 1., 2. and 3. not be transferred from one category to another and any surplus amounts (overages) not be spent but be returned to the City."

Lost.

The motion for the adoption of the recommendation of the Executive Policy Committee was put and declared carried.

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

(Note: See Minute No. 1471 for attachment.)

1471 – Attachments referred to in Clause 5 of the Report of the Committee on Finance and Administration, dated June 26th, 1990

(NOTE: SEE PAGES 1948 TO 1952 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENTS)

CONSIDERATION OF REPORT OF THE
COMMITTEE ON FINANCE AND ADMINISTRATION

The Executive Policy Committee has had before it Report "A" of the Committee on Finance and Administration, dated July 17th, 1990, has concurred in the recommendations contained therein and submits same to Council for approval and adoption.

On motion of Councillor Gilroy, Report "A" of the Committee on Finance and Administration, dated July 17th, 1990, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg.
July 17th, 1990.

His Worship the Mayor and Councillors:

Your Committee on Finance and Administration submits the following Report "A" and recommends:-

Amendment to License By-law No. 4007/85 - Transient Trader, Canvasser, Hawker or Itinerant Salesman File EL-1.33

1472 - 1. Your Committee on Finance and Administration heard representation from Mr. Magnus Eliason with respect to an article in the Saturday, September 9th, 1989, issue of the Winnipeg Free Press whereby an organization was carrying on business by selling stereo loud speakers under a Hawker's license in a fraudulent manner.

He expressed concern that the organization was not complying with the City of Winnipeg regulations governing Hawkers and the provincial legislation, as no sales tax was being collected after each sale.

He suggested that your Committee take some initiative to have the City's License Branch obtain verification or credentials for people applying for a Hawker's license.

A review of License Branch files has identified the organization, namely:

Westmont Inc.
Operating as Sound Supply
1073 Keewatin Street, Winnipeg
Mr. Ken LeClair - Supervisor

Mr. LeClair applied for and was issued five Hawker Vehicle Licenses. The total fees paid were $375.00. The License Branch cannot deny the issuance of a Hawker's License to an applicant, when the requirements of the License By-law have been met, which is currently a health certificate for food hawkers.

The Province of Manitoba Licenses Vendors and Direct Sellers under the Consumers Protection Act which is being administered by the Manitoba Consumers Bureau identifies the licensing requirements, namely:

> "Persons, who on their own behalf or who use others on their behalf to direct sell in Manitoba, are required to be licensed as vendors or direct sellers ----".

The Act further defines Vendors and Sellers as:

> Vendors
> Vendors are those firms that are sole proprietorships, partnerships or corporations in the direct sales field.

Report "A" of the Committee on Finance and Administration, dated July 17th, 1990

Direct Sellers
Direct Sellers are those persons used by a vendor in making direct sales. (Schedules "A" and "B")

It should be noted that The Consumers Protection Act excludes all sellers of food and farm produce.

In order to obtain a Provincial license a vendor must comply with a number of conditions, two of which are as follows:

- obtain a penal bond from an insurance company, licensed to do business in Manitoba; in the amount determined by the Consumers' Bureau.

- indicate in writing the buyer's right to cancel a direct sale within four (4) days of the date of purchase. Include a Manitoba service address. Section 62(1) of The Manitoba Consumer Protection Act stipulates the exact words to use on contracts and receipts.

It is proposed that an amendment be made to Section 8 of By- law No. 4007/85 of the City License By-law as follows:

"(9) Every licensee shall comply with the requirements of all Federal and Provincial statutes and shall obtain all certificates, licenses and documents of qualification that may be required under such statutes."

This would provide that the applicant for canvasser, hawker, itinerant salesman and transient trader is licensed under provincial legislation and would also assure that the applicant is registered to collect the retail sales tax as required by the Manitoba Department of Finance.

It is also proposed that, in order to provide further protection, the following amendment be made to Section 4 of By-law No. 4007/85:

"(a) No license to carry on the trade of a transient trader, canvasser, hawker or itinerant salesman shall be issued to any person if that person has been convicted of the offense under The Competition Act, R.S.C. 1985 C. C-23, and amendments thereto, within a period of three years prior to his application."

This provision under the City License By-law, currently applicable to transient trader only, of investigating whether an applicant has been convicted under The Federal Competition Act, would be expanded to include the trades of canvassers, hawkers and itinerant salesmen. Convictions under this act could be for illegal activities such as false advertising, misrepresentation and fraud.

A procedural disadvantage to both possible amendments is that the License Branch will have difficulty at times, (i.e. weekends) in issuing licenses for these trades when the Federal and/or Provincial offices are closed and unavailable to provide the necessary information.

Your Committee on Finance and Administration submits for favourable consideration draft by-law to amend License By-law No. 4007/85, incorporating the above-mentioned amendments.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Report "A" of the Committee on Finance and Administration, dated July 17th, 1990

Lease of City-owned Property to Maples Recreation Association Inc. - Maples Community Centre, 444 Adsum Drive - Lord Selkirk-West Kildonan Community
File FI-2.2(24)

1473 - 2. Your Committee on Finance and Administration has considered a proposed Lease Agreement between The City of Winnipeg and Maples Recreation Association Inc. with respect to part Lot 35, Block 3, Plan 12296, located at 444 Adsum Drive, in the Lord Selkirk-West Kildonan Community, for the purpose of constructing a building to be used for community recreational purposes. The property in question is zoned "PR" Parks and Recreation.

Your Committee has been advised that approval has been granted under the authority of Section 313 of The City of Winnipeg Act by the Minister of Finance, Province of Manitoba, to The City of Winnipeg to guarantee financing in an amount not to exceed $525,000.00 with respect to the construction of a new arena to be operated by Maples Recreation Association Inc. as agreed to by City Council on July 11th, 1990.

Pursuant to Section 156(2) of The City of Winnipeg Act (S.M. 1989, C.10) the lease of property designated or acquired for park purposes requires the approval of at least two-thirds majority of Council.

Your Committee on Finance and Administration recommends that part Lot 35, Block 3, Plan 12296, as described on Schedule "A" of the proposed Lease Agreement, be leased to Maples Recreation Association Inc., in accordance with the terms and conditions of the said Lease Agreement.

Your Committee on Finance and Administration also submits for approval the Lease Agreement between the City of Winnipeg and the Maples Recreation Association Inc. relative to the leasing of the said property.

Your Committee further recommends that the Proper Officers of the City be authorized to do all things necessary to implement the above recommendations, including the execution of any documents related thereto.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: Copy of Lease Agreement referred to in the above clause is on file in the Office of the City Clerk.)

CONSIDERATION OF REPORT OF THE
COMMITTEE ON FINANCE AND ADMINISTRATION

The Executive Policy Committee has had before it the Report of the Committee on Finance and Administration, dated September 4th, 1990, has concurred in the recommendations contained therein and submits same to Council for approval and adoption.

On motion of Councillor Gilroy, the Report of the Committee on Finance and Administration, dated September 4th, 1990, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg,
September 4th, 1990.

His Worship the Mayor and Councillors:

Your Committee on Finance and Administration submits the following Report and recommends:-

Summary of Acquisitions, Leases and Sales of Property - April 1st to June 30th, 1990 File FI-2.5

1474 - 1. Council on July 18th, 1979, adopted Clause 1 of the Report of the (then) Committee on Finance, dated June 26th, 1979, which sets out the policy for the sale, acquisition, rental, leasing and management of properties for the City.

The policy requires the Committee on Finance and Administration to report all acquisitions, leases and sales of property to Council for information purposes.

Your Committee on Finance and Administration submits for the information of Council, the attached summary of acquisitions, leases and sales of property approved by the Committee during the period April 1st to June 30th, 1990.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 1482 for attachments.)

Lease of City Property to the Transcona Golf Club - East Kildonan-Transcona Community File PR-6.5

1475 - 2. Your Committee on Finance and Administration has considered the attached Item 1 of Report No. 1 of the Technical Advisory Committee on City Properties, dated August 21st, 1990, (File TR 5480/6), relative to the lease of Parcels A/B, Plan 14765, to the Transcona Golf Club (1982) Inc., in the East Kildonan-Transcona Community, as shown on Misc. Plan No. EKT 79/41.

Pursuant to Section 156(2) of The City of Winnipeg Act (S.M. 1989, C.10) the disposal of property designated or acquired for park purposes requires the approval of at least two-thirds majority of Council.

Your Committee on Finance and Administration recommends that Parcels A/B, Plan 14765, as shown on Misc. Plan EKT 7941, be leased to the Transcona Golf Club (1982) in accordance with the existing terms and conditions of lease with the 1990 rental adjusted accordingly.

Report of the Committee on Finance and Administration, dated September 4th, 1990

Your Committee further recommends that the Proper Officers of the City be authorized to do all things necessary to implement the above recommendation, including the execution of any documents related thereto.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 1483 for attachment.)

Leave and License Agreement - Public Lane South of Douglas Park Road to the Assiniboine River - St. James-Assiniboia Community File DAC 30/89

1476 - 3. Your Committee on Finance and Administration has considered the attached Item 2 of Report No. 1 of the Technical Advisory Committee on City Properties, dated August 21st, 1990, (File 7461), relative to a Leave and License Agreement to be entered into between the City of Winnipeg and Angus and Jane Bramadat for permission to use the public lane located south of Douglas Park Road to the Assiniboine River for access purposes in order to construct a garage on their property located at 82 Douglas Park Road, in the St. James-Assiniboia Community, which lane is shown on Misc. Plan No. SJA 7704.

Your Committee on Finance and Administration recommends that a Leave and License Agreement be granted to Angus and Jane Bramadat subject to the terms and conditions outlined in the said report including the deletion of Clause 6. in its entirety and Clause 7. being amended to read as follows:-

7. Licensee shall not erect nor permit the erection of any building or other structure upon the land nor make any excavation therein or improve thereon without the prior written consent of the Director of Land Surveys and Real Estate.

Your Committee further recommends that the Proper Officers of the City be authorized to do all things necessary to implement the above recommendation, including the execution of any documents related thereto.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 1484 for attachment.)

Leave and License Agreement - Land south of Benn Avenue between Shirley and Main Streets - Lord Selkirk-West Kildonan Community DAC 20/89

1477 - 4. Your Committee on Finance and Administration has considered the attached Item 3 of Report No. 1 of the Technical Advisory Committee on City Properties, dated August 21st, 1990, (File 7426), relative to a Leave and License Agreement between the City of Winnipeg and Ihor Michalishyn and Marie Banias for permission to use that portion of the public lane located south of Benn Avenue between Main and Shirley Streets, in the Lord Selkirk-West Kildonan Community, shown as Parcel "F" on Misc. Plan No. LSWK 7496/2.

Your Committee on Finance and Administration recommends that a Leave and License be granted to Ihor Michalishyn and Marie Banias subject to the terms and conditions as outlined in the said report.

Your Committee further recommends that the Proper Officers of the City be authorized to do all things necessary to implement the above recommendation, including the execution of any documents related thereto.

Report of the Committee on Finance and Administration, dated September 4th, 1990

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 1485 for attachment.)

Kildonan Corridor - North Side of Grassie Boulevard Between Lagimodiere Boulevard and Plessis Road - East Kildonan-Transcona Community
File SC-2.11

1478 - 5. Your Committee on Finance and Administration has considered the attached Item 1 of Report No. 1A of the Technical Advisory Committee on City Properties, dated August 21st, 1990, (File EK 6973), relative to the purchase of property comprising 9 acres of vacant land located on the north side of Grassie Boulevard between Lanigan Street and Plessis Road, in the East Kildonan-Transcona Community, as shown on Misc. Plan No. EKT 6079/4. The majority of the subject property is required for the future Kildonan Transportation Corridor.

Your Committee on Finance and Administration recommends approval of the purchase of the property in question and land exchange in accordance with the terms and conditions as outlined in the said report.

Your Committee further recommends that the Proper Officers of the City be authorized to do all things necessary to implement the above recommendation, including the execution of any documents related thereto.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

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

(Note: See Minute No. 1486 for attachment.)

Sale of 255 avenue de la Cathedrale -St. Boniface-St. Vital Community
File FI-2.3(25)

1479 - 6. Your Committee on Finance and Administration has considered the attached Item 2 of Report No. 1A of the Technical Advisory Committee on City Properties, dated August 21st, 1990, (File SB 6862), relative to the sale of the land and building known as 255 avenue de la Cathedrale, formerly a public library, in the St. Boniface-St. Vital Community, as shown on Misc. Plan No. SBSV 6884, to the St. Boniface Children's Place D'Enfants Inc.

Your Committee on Finance and Administration recommends:-

1. That the land and building known as 255 avenue de la Cathedrale be declared surplus.

2. That the offer to purchase in the amount of $250,000.00 from the St. Boniface Children's Place D'Enfants Inc., be accepted.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the above recommendations, including the execution of any documents related thereto.

Report of the Committee on Finance and Administration, dated September 4th, 1990

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 1487 for attachment.)

Amendment to The Charities Endorsement Act, RSM 1987 c.C60
File GL-5.2

1480 - 7. Council at its meeting held on August 2nd, 1989, adopted Clause 4 of the Report of the Committee on Finance and Administration, dated July 18th, 1989, which reads as follows, namely:-

"At its meeting of June 28th, 1989, the City of Winnipeg Civic Charities Endorsement Bureau approved a resolution proposing to amend The Charities Endorsement Act.

The Civic Charities Endorsement Bureau is made up of thirteen volunteer citizen members from the different City communities and one member from the Better Business Bureau, who are all appointed by Council. The Bureau is established and governed under the authorization of Section 419 of The City of Winnipeg Act, By-law No. 350/73 and amendments thereto, and The Charities Endorsement Act of Manitoba. The purpose of the Civic Charities Endorsement Bureau is to examine into the character and good faith of those groups or individuals soliciting funds for charitable purposes from the citizens of Winnipeg. If the requirements of the legislation and the by-law are met, the Bureau issues a permit authorizing the fundraising activities described in the application for that permit.

The Civic Charities Endorsement Bureau meets on a scheduled, monthly basis. During its meetings, the Bureau considers applications for permits, hears presentations from applicants who desire to appear, requests appearances from new applicants, and examines financial reports from completed campaigns. In the examination of these reports, special attention is paid to the amount which was actually raised by the campaign in relation to the earlier projected amount and the actual expenses incurred in the fundraising.

The present jurisdiction of the Civic Charities Endorsement Bureau is to authorize fundraising activities taking place wholly within the City of Winnipeg. Fundraising campaigns which include other municipalities or are run across the province as a whole are currently authorized by the Province of Manitoba's Consumers' Bureau, administered through the Department of Cooperative, Consumer and Corporate Affairs. The Consumers' Bureau is also governed by The Charities Endorsement Act, and is staffed by civil servants who will accept an application, consider and investigate it, and issue a permit if the applicant has met the requirements of the Act. There is no formal committee which meets to consider the applications.

Current practice is that any application which involves more than one municipality goes directly to the Provincial Consumers' Bureau. This includes situations where the City of Winnipeg is one of the municipalities covered in the campaign. The Province forwards to the Civic Charities Endorsement Bureau a list of the charitable fundraisers who are to be running a campaign partially in Winnipeg and who have been so authorized by the Province. The Civic Charities Endorsement Bureau receives no further information from the Province regarding these campaigns. The Civic Charities Endorsement Bureau is concerned that these campaigns raise money to a great extent within the City of Winnipeg, and that the City's own committee has neither input nor information regarding the extent of this fundraising activity. The Bureau feels that an amendment to the present legislation would rectify this problem.

Report of the Committee on Finance and Administration, dated September 4th, 1990

The suggested change to the legislation would require the Minister, acting through the Consumers' Bureau, to provide the Civic Charities Endorsement Bureau with information regarding a campaign involving Winnipeg, and to receive and consider the recommendation from the Civic Charities Endorsement Bureau. This scheme would enable the Civic Charities Endorsement Bureau to record and account for monies raised for charitable purposes in Winnipeg on a more complete scale that before possible. In cases where the Civic Charities Endorsement Bureau would request appearances by new applications or in cases involving professional promoters getting a percentage of or revenues from charities' campaigns, the Bureau believes that requiring representatives to appear before it encourages greater accountability and caution by both the charities and the promoters. The Civic Charities Endorsement Bureau ensures that the charity is aware of the costs that it may face in running the campaign, and that it understands the arrangements it may have made with a professional promoter. As well, the Bureau, through its empowering by-law, requires all approved applicants to file a fundraising report within 90 days after the completion of the campaign or fundraising event. This report is certified correct by the charitable concern and states the total receipts collected within the City and all related expenses. The reporting requirement allows the Civic Charities Endorsement Bureau to better gauge and record the extent of fundraising activities occurring in the City throughout the year. Although the Bureau usually meets on a monthly basis, it is possible to arrange for special meetings to accommodate special and unusual circumstances, and allow for unscheduled appearances to accommodate charities under time constraints.

If approved, the suggested change to the Legislation would not be difficult to implement. For instance, the following phrase could simply be added to the current provincial application form: 'If any fundraising is to be conducted within the City of Winnipeg, the applicant must first apply for a permit with the Civic Charities Endorsement Bureau of Winnipeg'. In this way, the workload of provincial employees handling applications would not be unduly increased since regular applicants would quickly learn to approach the City before approaching the Province.

It is the opinion of the Civic Charities Endorsement Bureau that it has already been given a special status in relation to the Provincial Consumers' Bureau, but that the wording of the present legislation has not required the Province to recognize this status. The present section 2(5) gives the Minister the discretion to request the Civic Charities Endorsement Bureau to give a recommendation as to whether an application to the Consumers' Bureau should be authorized or not. In the past, this discretion has not been used, and has resulted in a lack of information and input on the part of the Civic Charities Endorsement Bureau. The Provincial Legislature has recognized that the City of Winnipeg holds a special position in regard to charitable fundraising. The Minister is given this discretion in relation to Winnipeg, and is not given any such power in relation to any other municipality. In light of this fact, and the fact that the Minister and his delegates have chosen not to exercise this discretion, to the disadvantage of the Civic Charities Endorsement Bureau in gathering fundraising information, it is the position of the Bureau that this amendment will ensure that the City is kept apprised of charitable fundraising from the citizens of Winnipeg.

Your Committee on Finance and Administration concurs in the intent of the proposed amendment of The Charities Endorsement Act as approved by the Civic Charities Endorsement Bureau on June 28th, 1989, and recommends that the present Section 2(5) of The Charities Endorsement Act be amended by deleting the present wording and substituting therefor the following:

> '2(5) Before giving an authorization under subsection (1), the minister shall require the Civic Charities Endorsement Bureau of The City of Winnipeg to report thereon to him with respect to the matter, with its recommendation as to whether the authorization should be given, and such recommendation, when provided, shall be in the form of the usual permit issued by the Winnipeg Civic Charities Endorsement Bureau.'

Report of the Committee on Finance and Administration, dated September 4th, 1990

Your Committee on Finance and Administration also recommends that the Proper Officers of the City of Winnipeg be authorized to meet with the appropriate Provincial representatives to provide for the implementation of the above recommended amendment to The Charities Endorsement Act.

Your Committee further recommends that the Proper Officers of the City be authorized to do all things necessary to implement the above recommendations."

On September 4th, 1990, your Committee has considered a communication from the Honourable Ed Connery, Minister of Cooperative, Consumer and Corporate Affairs, Province of Manitoba, dated June 12th, 1990, responding to the request from the City of Winnipeg concerning the above proposed amendment to The Charities Endorsement Act. The Minister advises that The Charities Endorsement Act was set up to have one central approval authority in situations where a charity wishes to canvas province-wide. He is concerned therefore to alter this procedure in a manner such that all province-wide solicitations, including those within the City of Winnipeg, must first be referred to the Civic Charities Endorsement Bureau for its input and recommendations before the Consumers' Bureau could give its approval or rejection. To do this for the City of Winnipeg would, he believes, require doing so for all municipalities within the province. This would certainly appear to defeat the very purpose of why the Act was established in 1956.

Your Committee recommends that the Official Delegation be authorized to again meet with the appropriate Provincial representatives for the purpose of reiterating the request of the City of Winnipeg for the implementation of the following recommended amendment to The Charities Endorsement Act by deleting the present wording of Section 2(5) and substituting therefor the following:

"2(5) Before giving an authorization under subsection (1), the minister shall require the Civic Charities Endorsement Bureau of The City of Winnipeg to report thereon to him with respect to the matter, with its recommendation as to whether the authorization should be given, and such recommendation, when provided, shall be in the form of the usual permit issued by the Winnipeg Civic Charities Endorsement Bureau."

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Adult Videos File GG-2

1481 - 8. On June 26th, 1990, your Committee on Finance and Administration requested the Administration to submit a report on whether it is within the scope of the City's jurisdiction to regulate adult video outlets by way of licensing.

On September 4th, 1990, your Committee has considered a report from the Commissioner of Finance and Administration, dated July 10th, 1990, advising that The City of Winnipeg Act prevents the City from enacting by-laws which are "inconsistent with Provincial Law". The Courts have interpreted this expression to hold that inconsistency exists not only where a by-law contradicts Provincial Law but also where the by-law is a supplement to an area of Provincial Law where the Province appears to have intended to enact an exhaustive regulation with respect to that particular subject matter or can be said to have "occupied the field".

The Amusements Act, CCSM, C. A70 confers authority upon the Manitoba Film Classification Board to classify films (including home videos) and to license and regulate all persons who rent, distribute or sell films. Section 11 of The Amusements Act states that the Act is intended "to provide a comprehensive procedure for the classification and regulation of films ...". At this date no classification system relating to home videos nor licensing requirements for distributors of home videos is in effect but the Film Classification Board and Province of Manitoba have indicated that they are considering same.

Report of the Committee on Finance and Administration, dated September 4th, 1990

It is clear that if a licensing and classification system is brought into effect by the Province of Manitoba and Film Classification Board, the City would be precluded from attempting to enforce any concurrent licensing jurisdiction. At the present time, the absence of a provincial system creates some doubt as to whether the City could exercise its general licensing powers. However, it is probably the case that absolute jurisdiction in these areas has been granted to the Film Classification Board and that the City has no remaining licensing jurisdiction.

To the extent that the City might argue that its licensing jurisdiction applies until such time as a provincial licensing and classification system comes into force, the following limitations apply:

1. The City has no power to license retail sales transactions. It could therefore, at most, regulate persons renting home videos or dealing in second hand videos. It could not regulate with respect to the sale of new videos;

2. Any licensing power would have to be exercised with respect to the trade of video outlets generally. The City would have no jurisdiction to classify adult video outlets as a particular trade for specific regulation;

3. The City's licensing powers would not extend to the regulation or censorship of the subject matter of materials rented or dealt in.

Your Committee on Finance and Administration recommends that the Province of Manitoba be requested to proceed quickly to classify home videos and to also include in the classification a category of X-rated videos.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

1482 – Attachments referred to in Clause 1 of the Report of the Committee on Finance and Administration, dated September 4th, 1990.

(NOTE: SEE PAGES 1962 TO 1966 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENTS)

1483 – Attachments referred to in Clause 2 of the Report of the Committee on Finance and Administration, dated September 4th, 1990.

(NOTE: SEE PAGES 1967 TO 1969 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENTS)

1484 – Attachments referred to in Clause 3 of the Report of the Committee on Finance and Administration, dated September 4th, 1990.

(NOTE: SEE PAGES 1970 TO 1972 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENTS)

1485 – Attachments referred to in Clause 4 of the Report of the Committee on Finance and Administration, dated September 4th, 1990.

(NOTE: SEE PAGES 1973 TO 1975 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENTS)

1486 – Attachments referred to in Clause 5 of the Report of the Committee on Finance and Administration, dated September 4th, 1990.

(NOTE: SEE PAGES 1976 TO 1980 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENTS

1487 – Attachments referred to in Clause 6 of the Report of the Committee on Finance and Administration, dated September 4th, 1990.

(NOTE: SEE PAGES 1981 TO 1982 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENTS

COMMITTEE ON FINANCE AND ADMINISTRATION
CONSIDERATION OF BY-LAWS

1488 - On motion of Councillor Gilroy, the following By-laws were each read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:-

By-law No. 5500/90, a By-law of the City of Winnipeg to provide for the disposition of certain Cash Dedication Reserve Funds. File Nos. PR-2 and PR-7.

By-law No. 5521/90, a By-law of the City of Winnipeg to amend By-law No. 40007/85, being The City of Winnipeg License By-law. File No. EL-1.33.