CONSIDERATION OF REPORT OF THE

EXECUTIVE POLICY COMMITTEE

On motion of Councillor Brown, the report of the Executive Policy Committee, dated July 3rd, 1991, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg,
July 3rd, 1991.

His Worship the Mayor and Councillors:-

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

Late Payment Penalty Charge on Sundry Accounts Receivable. File F

1035 - 1. In order for the Board of Commissioners to be able to impose the late penalty charge, Council must specifically delegate it with the authority to do so. Sections 106 and 107 of The City of Winnipeg Act, which details the general and ancillary powers of the City, provide the authority pursuant to which Council may establish the late penalty charge on sundry accounts receivable.

On April 4th, 1991, the Board of Commissioners concurred that a late penalty charged be assessed monthly on sundry accounts receivable which are outstanding for more than thirty (30) days.

The recommended penalty of 1 1/2% per month with monthly compounding equates to an annual rate of 19.56% which is not considered excessive but is sufficient to encourage customers to pay their accounts. This is the same penalty currently charged by Manitoba Hydro, Winnipeg Hydro and Centra Gas. Sundry accounts receivable refer to billings that are rendered for work done for the general public on work orders and for services provided, such as arena, pool and refuse facility usage. Certain billings are to be exempt from late penalty charges. These would include inter-departmental billings, billings to Federal and Provincial governments and/or agencies, school divisions and municipalities.

Your Executive Policy Committee recommends:-

1. That Council approve by by-law the charging of a late payment penalty of 1 1/2% compounded monthly on all sundry accounts receivable which are outstanding more than 30 days.

2. That Council delegate to the Board of Commissioners the authority to revise the late payment penalty rate.

3. That in future, the penalty rate be reviewed annually by the Board of Commissioners and amended as required.

4. That the City Solicitor be requested to prepare the necessary by-law to implement the above.

Moved by Councillor Brown,
Adoption of the clause.

Moved by Councillor Reese,
That Clause 1 of the report of the Executive Policy Committee be referred back to Executive Policy Committee.

The motion to refer the clause was put and declared lost.

Report of the Executive Policy Committee, dated July 3rd, 1991.

Moved by Councillor Reese,
Seconded by Councillor Boychuk,
THAT Clause 1 of the Executive Policy Committee report dated July 3rd, 1991, be referred back to Executive Policy Committee;

AND THAT the Board of Commissioners report to Council all the fees that would be affected by this penalty fee of 1 ½%;

AND FURTHER THAT the Board of Commissioners provide justification for having this authority to increase or decrease the penalty fee;

AND ALSO THAT the revenue received from this source be reported.

The motion to refer with instructions was put. Councillor Reese called for the yeas and nays, which were as follows:-

Yea: Councillor Boychuk, Diamant, Duguid, Golden, Hyman, Lazarenko, Mitchelson, Reese, Selinger, Thomas and Young. 11

Nay: Councillors Brown, Clement, Demare, Douglas, Fleisher, Fraser, Gilroy, Lorenc, Mendelson, Prystanski, Timmers, Timm-Rudolph, Yuen, Mayor Norrie and Councillor Wade. 15

and the motion to refer with instructions was declared lost.

In amendment,

Moved by Councillor Golden,
Seconded by Councillor Timm-Rudolph,
THAT Clause 1 of the Report of Executive Policy Committee, dated July 3rd, 1991, be amended by deleting Recommendation 2.

The amendment was put.

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

Yea: Councillors Boychuk, Demare, Diamant, Duguid, Golden, Hyman, Lazarenko, Mendelson, Mitchelson, Reese, Selinger, Thomas, Timm-Rudolph and Yuen. 14

Nay: Councillors Brown, Clement, Douglas, Fleisher, Fraser, Gilroy, Lorenc, Prystanski, Timmers, Young, Mayor Norrie and Councillor Wade. 12

and the amendment was declared carried.

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

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

Yea: Councillors Brown, Clement, Demare, Diamant, Douglas, Duguid, Fleisher, Fraser, Gilroy, Hyman, Lorenc, Mendelson, Mitchelson, Prystanski, Selinger, Thomas, Timmers, Timm-Rudolph, Young, Yuen, Mayor Norrie and Councillor Wade. 22
Nay: Councillors Boychuk, Golden, Lazarenko and Reese. 4

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

Report of the Executive Policy Committee, dated July 3rd, 1991.

Amendment to Solid Wastes By-law No. 1340/76 - Fees for Disposal of Solid Wastes File WT-1.2

1036 - 2. Council, at its meeting held on July 21st, 1976, adopted a uniform Solid Wastes By-law No. 1340/76. The adoption of this by-law provided for a uniform fee schedule for the disposal of solid wastes at the City's waste disposal sites. This schedule has been revised and a new fee schedule instituted, effective December 20th, 1978, July 27th, 1983, September 5th, 1984, May 31st, 1989, April 18th, 1990, August 1st, 1990 and December 12th, 1990.

Council at its meeting held on March 20th, 1991, during its review of the 1991 Current Estimates, passed motions increasing the tipping fee charged at the City's landfill sites from $20.00 to $25.00 per tonne, effective July 1st, 1991; and from $25.00 to $30.00 per tonne, effective July 1st, 1992.

On March 20th, 1991, Council also passed a resolution instituting a fee of $2.00 per load for any privately delivered solid waste not exceeding one (1) tonne in weight, effective July 1st, 1991.

The latest revision to Schedule "A" was made effective December 12th, 1990, by by-law No. 5571/90, amending the City of Winnipeg Solid Wastes By-law No. 1340/76, and is still in effect. This amendment set the disposal fee at $20.00 per tonne.

The $2.00 per load fee for privately delivered solid waste is a new charge. Up to this point, loads weighing one (1) tonne or less were allowed disposal privileges free of charge. It is expected that revenue of $60,000.00 will be realized from the approximate 30,000 loads that will be privately delivered to the City's Summit Road and Brady Road Landfill sites between July 1st and December 31st, 1991.

Your Executive Policy Committee recommends:-

1. That in accordance with the Council decision of March 20th, 1991, the attached Schedule "A" - Amendment to The City of Winnipeg Solid Wastes By-law No. 1340/76, be passed by Council, and become effective July 1st, 1991 and July 1st, 1992, respectively.

2. That the City Solicitor be requested to prepare the required amending by-law to implement the above.

Moved by Councillor Brown,
Adoption of the clause.

Moved by Councillor Reese,
That the clause be referred back to Executive Policy Committee.

The motion to refer was put and declared lost.

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

Carried.

The motion for the adoption of the clause was put.

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

Yea: Councillors Boychuk, Brown, Clement, Demare, Diamant, Duguid, Fraser, Hyman, Lorenc, Mendelson, Murray, O'Shaughnessy, Thomas, Timmers, Young, Yuen, Mayor Norrie and Councillor Wade. 18

Report of the Executive Policy Committee, dated July 3rd, 1991.

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

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

(Note: See Minute No. 1045 for attachment.)

Election of Zone Board Members to the Ellice Avenue/Sargent Avenue Business Improvement Zone. File FL-7.7

1037 - 3. Council at its meeting held on May 29th, 1991, referred the following motion to your Executive Policy Committee, namely:-

"WHEREAS Council on March 6th, 1991, passed By-law No. 5650/91, a By-law of The City of Winnipeg to designate a Business Improvement Zone to be known as the 'Ellice Avenue/Sargent Avenue Business Improvement Zone', and establish a Management Board for the Zone;

AND WHEREAS an election for the zone board members of the first board was held in accordance with the terms of said by-law;

AND WHEREAS Section 6 of the by-law provides that the membership shall consist of seven (7) members from the zone who each shall be from a business which is located in the zone, and who shall be appointed in accordance with the process provided in Sections 8 to 11 inclusive, of By-law No. 5650/91;

AND WHEREAS the initial term of office of the seven zone board members shall be as follows:-

1. Four (4) zone board members shall hold office from the date of appointment to the first meeting of Council in January, 1994;

2. Three (3) zone board members shall hold office from the date of appointment to the first meeting of Council in January, 1993;

AND WHEREAS the said by-law provides that the City Clerk's certification as to the tabulation of ballots and the placement of the nominees in their respective category shall be final and not subject to appeal;

AND WHEREAS the results of the election are not conclusive, in that a tie vote exists for the fourth zone board member to hold office for a term to expire January, 1994; and the seventh and final zone board member to hold office for a term to expire January, 1993;

NOW THEREFORE BE IT RESOLVED that the matter of the election of zone board members be referred to the Executive Policy Committee to recommend the fourth zone board member who shall hold office for a term to expire January, 1994, and for a seventh and final zone board member to hold office for a term to expire January, 1993;

NOW THEREFORE BE IT FURTHER RESOLVED that the matter of appointment of a Member of Council to the Management Board of the Ellice Avenue/Sargent Avenue Business Improvement Zone be referred to the Executive Policy Committee for recommendation to Council in accordance with Section 6 of By-law No. 5650/91."

Your Executive Policy Committee recommends that the following candidates be appointed to the Management Board of the Ellice Avenue/Sargent Avenue Business Improvement Zone to hold office for a term to expire January, 1994, namely:

1. Switek, Mary (Mary Switek Law Office)

2. Unger, John (John's Hair Designers)

Report of the Executive Policy Committee, dated July 3rd, 1991.

3. Katsabanis, George (Homer's Restaurant)

4. Knight, Frank (No. 1 Legion)

and further recommends that the following candidates be appointed to the Management Board of the Ellice Avenue/Sargent Avenue Business Improvement Zone to hold office for a term to expire January, 1993, namely:

5. Dolynchuk, Larry (Waddell Appliance)

6. Lamonaco, Gerardo (Sorrento Pizza)

7. Salgveiro, John (J.S. Furniture Ltd.)

For the information of Council, on June 12th, 1991, Council appointed Councillor E. Gilroy as the Council representative to the Management Board of the Ellice Avenue/Sargent Avenue Business Improvement Zone.

Moved by Councillor Brown,
Adoption of the clause.

Carried.

Travel Policy Governing In-Province and Out-of-Province Travel for Council Members and Civic Employees.
File GU-2.10

1038 - 4. On April 18th, 1979, Council adopted Report "A" of the Committee on Finance dated April 3rd, 1979, titled "Proposed Policy and Procedures Governing Out-of-Town Travel Allowance for Council Members and Civic Employees". (Copy of Exhibit "A" on file in the Office of the City Clerk.)

Subsequent amendments to that policy adjusted the rates for various modes of travel to keep pace with rising costs and clarify certain travel category regulations resulting in the current policy for Travel In and Outside Manitoba. In addition, specific instructions were issued by the Board of Commissioners for out-of-town conferences and conventions (November 20th, 1978 - Exhibit "B"). The Board of Commissioners on September 5th, 1985, also issued instructions concerning air travel bonus points. (Exhibit "C").

The current travel policy has on occasion led to confusion and misinterpretation. A complete and clear guidance document is required. In addition, the amount of compensation paid for travel by private vehicle (equivalent airfare) has been difficult to administer because of the complexity of identifying equivalent airfare.

As a result of the numerous amendments to the policy over a period of time, regulations and procedures have, on occasion, been misinterpreted. The new policy is written with the objective of providing a consolidated document which will provide the necessary clarifications to all those who will be governed by the policy. (See Appendix II for comparison of changes between the old and new policies copy of which is on file in the Office of the City Clerk.)

The Policy Statement is made so that participants will govern themselves under a stated basic travel philosophy which is generally consistent with previous policy and practices.

Definitions have been embodied in the policy to assist individuals in submitting claims. These definitions stipulate the travel purposes which are covered by this policy. Confusion about travel within Manitoba exists whereby individuals claim Car Allowance usage under the Travel Policy. Adhering to policy definitions will also provide consistent reporting on the City's travel activities.

Required Authorizations contained in the previous policy have been simplified in tabular form. Instructions and regulations issued by the Board of Commissioners concerning frequency of travel are now included.

Report of the Executive Policy Committee, dated July 3rd, 1991.

Transportation - Emphasis is placed on making travel arrangements well in advance in order to secure economical transportation.

It is proposed that air bonus travel points which accrue to an employee while on City business be utilized for future business trips.

It has been confirmed with Revenue Canada that under Income Tax regulations the allowance paid to claimants in-lieu-of airfare is considered "unreasonable" when the individual receiving an allowance derives "personal benefit" over and above the amount required to travel by private vehicle. Since the objective of the policy is to fairly compensate claimants for costs expended while conducting City business as well as control expenditures, it is reasonable to reimburse employees in a manner which, while being equitable, will not produce a taxable benefit.
It is assumed that adding to an employee's tax burden is not desirable from either the City's or employee's standpoint. In order to achieve the aforementioned objective, the options considered focus on a "reasonable" per-kilometre rate.

Accommodation and Per Diem categories have been clarified to identify the required expenditures due to airline requirements. Greater latitude has been added to allow for these circumstances while at the same time emphasising economy. Dining gratuities are identified as a component of the per diem rate.

The Per Diem rate outside Canada is now specifically defined as being in U.S. dollars. This is in accordance with past practice. It is also recognized that in certain instances the U.S. per diem rate may not be adequate to cover expenses, therefore reimbursement based on actual costs has been stipulated.

Miscellaneous Expenses have been catalogued based on past experience. The $5.00 amount for taxis without receipt has been limited to Winnipeg transportation term LK terminals in other cities would normally be by commercial transport for which receipts are readily obtainable. It should be noted that receipts identify reimbursements for actual expenditures which nullifies those items as being taxable benefits for income tax purposes.

Your Executive Policy Committee recommends that Council rescind the current Travel Policy with respect to In-Province and Out-of-Province travel and approve the policy as detailed in the attached Appendix I, governing travel for the City of Winnipeg.

Moved by Councillor Brown,
Adoption of the clause.

Carried.

(Note: See Minute No. 1046 for attachment.)

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

1039 - 5. Your Executive Policy Committee on July 3rd, 1991, laid over consideration of Clause 12 of the Report of the Committee on Planning and Community Services, dated October 15th, 1990, relative to rezoning of property located on the south side of McGillivray Boulevard, between Kenaston Boulevard and Dovercourt Drive.

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

Report of the Executive Policy Committee, dated July 3rd, 1991.

Moved by Councillor Brown,
Adoption of the clause.

Carried.

North Main Development Corporation.
Files FG-1.1(N) and FR-3(PA 10)

1040 - 6. Your Executive Policy Committee on July 3rd, 1991, laid over consideration of Clause 1 of Report "A" of the Committee on Finance and Administration dated March 12th, 1991, relative to the North Main Development Corporation pending receipt of a response from the Ad Hoc Committee on North Main Street Revitalization.

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

Moved by Councillor Brown,
Adoption of the clause.

Carried.

Presentation of Audit Reports to all Members of Council at the same time they are presented to the Audit Committee and Executive Policy Committee. File FA-2

1041 - 7. Council at its meeting held on March 6th, 1991, referred the following motion to your Executive Policy Committee, namely:-

"That the Audit Reports to Council be presented to all members of Council at the same time as they are presented to the Audit Committee and Executive Policy Committee."

On April 3rd, 1991, your Committee referred the referenced matter to the Audit Committee for consideration and recommendation back to the Executive Policy Committee.

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

Moved by Councillor Brown,
Adoption of the clause.

The motion for the adoption of the clause was put.

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

Yea: Councillors Brown, Clement, Demare, Douglas, Gilroy, Lorenc, Mitchelson, Prystanski, Young, Yuen, Mayor Norrie and Councillor Wade. 12

Nay: Councillors Boychuk, Diamant, Duguid, Fraser, Golden, Hyman, Mendelson, Murray, Reese, Thomas, Timmers and Timm-Rudolph. 12

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

Report of the Executive Policy Committee, dated July 3rd, 1991.

Status of Hiring Freeze and Vacancy Information - Reorganization of Departmental Structures - Long Term Strategies - 1991 Current Budget.
File FE(1991)

1042 - 8. Your Executive Policy Committee considered a report from the Ad Hoc Committee on Service Levels relative to the "Status of the Hiring Freeze and Vacancy Information", "Reorganization of Departmental Structures", and "Long Term Strategies" to be considered for the 1992 Current Budget, and has concurred in the following recommendations relative thereto, namely:-

1. Status of Hiring Freeze and Vacancy Information:

The hiring freeze is being maintained for all WAPSO and M series positions. Other positions are not subject to the hiring freeze and may be filled under two conditions:-

i) That overall vacancies be maintained at a level such that the vacancy management deduction requirements for the 1991 Current Budget are met, and

ii) That information on the type and number of vacancies and hirings be gathered.

Although the hiring freeze is still in place for the WAPSO and M Series positions there has not been an appreciable decrease in the number of hirings in these positions. This underlines the need for a more comprehensive strategy if efficiencies in service levels are to be attained.

The administration has started to gather general information on levels of employment, vacancies and hiring in the City. There are still gaps in the format of the information and additional efforts will be necessary if this information is to be of assistance in developing the 1992 Current Budget.

RECOMMENDATIONS:

1. That the administration prepare for early September, 1991, a format for the reporting of vacancies and hirings common for all departments with the information received from this format to be reported to Executive Policy Committee on a quarterly basis.

2. That the administration prepare a report by early September, 1991, on the status of the vacancy management deduction indicating to what extent the targets established in the 1991 Current Budget are being met. Where there are discrepancies, these should be explained and strategies proposed for overcoming any potential shortfall in the vacancy management deduction.

2. Reorganization of Departmental Structures

In preparation for the 1992 Current Budget, some initial work needs to be done on the review of staffing levels and overall operations. The administration has indicated, during the Works Yard debate, that the six district concept is being adjusted through time. The Ad Hoc Committee on Service Levels has proposed a meeting with the Operations and Parks and Recreation Departments to review their service levels. In meeting with these departments, the Committee should also investigate the potential for savings that could accrue from changes to the six district concept.

RECOMMENDATIONS:

1. That the Ad Hoc Committee on Service Levels meet during early July with the Departments of Works and Operations and Parks and Recreation to review their service levels.

2. That following the above meetings the Ad Hoc Committee request the administration to prepare recommendations on proposals for changes to the six district concept that can be included in the 1992 Current Budget.

Report of the Executive Policy Committee, dated July 3rd, 1991.

3. Long Term Strategies to be considered for the 1992 Current Budget

If efficiencies are to be achieved, a long term strategy for reducing staffing levels while minimizing service reduction is necessary. For the 1992 Current Budget targets should be established for reductions in staffing levels. These reductions should be met through attrition, early retirements, retraining and redeployment. The target should be set before the departmental budgets are completed.

As well, a target should be set for a reduction in the total salary allocation using voluntary programs. For example, a co-ordinated 5 day/4 day bi-weekly schedule could mean a 10% reduction in the salaries of those participating. Other programs could be established which allowed employees to take certain times off without pay. For these voluntary programs to work there needs to be as much flexibility as possible.

RECOMMENDATIONS:

1. That the 1992 Current Budget include a management deduction strategy at least as high as the 1991 level.

2. That a reduction of from 1 to 1.5% in the level of staffing in the city be targeted for the 1992 budget using early retirements, attrition, redeployment and retraining.

3. That a reduction in total salary allocation of 0.5 to 1% be targeted for the 1992 budget after adjustment for 1991 wage settlements, using voluntary reduced work week programs.

4. That the administration prepare by early September, 1991, proposed programs of redeployment and retraining to accommodate the above recommendations. These programs should incorporate the rehiring on a first call-back basis of employees who may lose their positions due to budget cuts in the 1991 and 1992 Current Budget.

Your Executive Policy Committee recommends that the specific recommendations as detailed above under relative sub-headings be approved.

Moved by Councillor Brown,
Adoption of the clause.

In amendment,

Moved by Councillor Golden,
Seconded by Councillor Clement,
THAT Clause 8 of the Report of the Executive Policy Committee, dated July 3rd, 1991, be amended as follows:-

(a) Delete the words "of from" where they appear in the first line on Recommendation 2. and insert the words "of a minimum of" therein;

(b) Delete the words "a reduction in total salary allocation of" where they appear in the first line of Recommendation 3. and insert the words "a minimum of" therein.

Carried.

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

Report of the Executive Policy Committee, dated July 3rd, 1991.

Joint Funding of Hughes Inquiry and payment by The City of Winnipeg of Legal Fees incurred for purposes of representing City employees before the Hughes Inquiry. Files GF-2 and GL.

1043 - 9. The Department of Justice of the Province of Manitoba, through the Acting Assistant Deputy Minister, suggested that the Province of Manitoba and The City of Winnipeg cost share on a 50/50 basis the cost of the Hughes Inquiry.

At the first session of the Hughes Inquiry, held on June 6th, 1991, certain individuals and bargaining groups were given status before the Inquiry and it is now apparent which employees of the City may require the assistance of legal counsel to assure that they are properly represented at the Inquiry.

Council has requested that a public inquiry be ordered by the Minister of Justice and Attorney-General for purposes of reviewing the circumstances that led to the laying of charges, the prosecution, and the stay of proceedings in the Pollock matter.

By Order in Council No. 440, dated May 1st, 1991, the Minister of Justice and Attorney-General ordered that there be an inquiry into and concerning:

(a) the correctness and adequacy of the process and procedure applied;

(b) the good faith, objectiveness and professional standards with which these processes and procedures were applied and decisions made.

On June 6th, 1991, several parties were given status at the Inquiry, including The City of Winnipeg, the Winnipeg Police Association, the Winnipeg Police Senior Officers' Association and, for limited purposes, officers Feener (now retired) and Kushneryk, both of whom appear on the Inquiry's witness list.

On May 27th, 1991, the Acting Assistant Deputy Minister, Department of Justice, Province of Manitoba, wrote to the Chief Commissioner suggesting that the Province of Manitoba and The City of Winnipeg cost share, on a 50/50 basis, the cost of the Hughes Inquiry.

Mr. E.W. Olson of the law firm of Thompson, Dorfman, Sweatman has been retained by the City Solicitor for purposes of representing The City of Winnipeg and the Winnipeg Police Department before the Inquiry.

In performing that function, it is impossible for Mr. Olson to represent all employees of the City and, in particular, certain employees of the Winnipeg Police Department that are members of either the Winnipeg Police Association or the Winnipeg Police Senior Officers' Association, in that, from time to time, conflicts may arise between the position of the City, as employer, and the position of the individuals and/or their respective Association.

In recognition of the above and of requests that have been received from employees for assistance in providing legal representation, it is apparent that the Winnipeg Police Association, the Winnipeg Police Senior Officers' Association and certain employees do require legal representation at the Inquiry.

With respect to the Winnipeg Police Association and the Winnipeg Police Senior Officers' Association and their respective memberships, the Collective Agreements provide as follows:

Winnipeg Police Association

Article III-10 Civil Liability
If an action or proceeding is brought against any member of the Force for an alleged tort committed by him in the performance of his duties, whether on or off duty, or an action or proceeding is brought against any member for an alleged disciplinary default or complaint, under the Law Enforcement Review Act, then:

Report of the Executive Policy Committee, dated July 3rd, 1991.

(a) The member, upon being served with any legal process, or upon receipt of any notification of any action or proceeding as hereinbefore referred to being commenced against him, shall advise the City through the Chief of Police of any such notification or legal process.

(b) The City shall pay any damages or costs awarded against any such member in any such action or proceedings, and all legal fees, and/or

(c) The City shall pay any sum required to be paid by such member in connection with the settlement of any claim made against such member if such settlement is approved by the City before the same is finalized; provided such actions do not constitute a gross disregard or neglect of his duty as a Police Officer or other Police Employee, as the case may be.

(d) The City and the Association agree to continue discussions on legal fees during the term of this agreement.

Winnipeg Police Senior Officers' Association

Article IV-11 Civil Liability is the same as Article III-10 of the Winnipeg Police Association.

In the opinion of the City Solicitor, the above-quoted article of the Collective Agreement does not require that the City pay for legal services incurred before the Inquiry either by the respective Associations or its members. However, given past practice and the circumstances of how this Inquiry came about, it is appropriate that the City pay the legal fees for certain employees who will appear before the Inquiry. To facilitate a common position on the part of the employees, it is appropriate that they be represented by their respective Association and to that end the City pay the legal fees for counsel representing the Association.

With that in mind and for purposes of limiting the City's exposure in regard to payment of such legal fees, the following is recommended:

1. That the Winnipeg Police Association be informed that, subject to accounts being approved by the City Solicitor, its counsel, Mr. Douglas N. Abra of the law firm of Hill & Abra, be entitled to payment of legal fees incurred in representing the Winnipeg Police Association.

2. That the Winnipeg Police Senior Officers' Association be informed that, subject to accounts being approved by the City Solicitor, its counsel, Mr. Mel Myers, Q.C. of the law firm of Myers Weinberg Kussin Weinstein Bryk, be entitled to payment of legal fees incurred in representing the Winnipeg Police Senior Officers' Association.

3. That the Chief of Police be informed that, in the event of some conflict in position between himself and the City, he is entitled to counsel. For that purpose, it is to be noted that he has engaged Mr. Robert A. Dewar of the law firm of Pitblado & Hoskin.

4. That the same approach be taken by the City as has been taken by the Province with respect to payment of legal fees for counsel to the Inquiry and that legal fees be paid at the rate of $150.00 per hour, subject to accounts being approved by the City Solicitor and being reduced where junior counsel is being relied upon for such legal assistance.

5. That as the hearings in the Inquiry proceed, consideration will be given to whether it is appropriate to pay any legal fees on behalf of officers Feener (now retired) and/or Kushneryk.

6. That employees of The Board of Commissioners be entitled to payment of legal fees incurred in representing the City of Winnipeg.

The Acting Assistant Deputy Minister, Department of Justice, by way of communication, dated May 27th, 1991, suggested what he believed to be the most expeditious and appropriate method for administering the costs of the Inquiry.

Report of the Executive Policy Committee, dated July 3rd, 1991.

It is estimated that the Inquiry will cost in the range of $70,000.00 to $150,000.00. In addition, there will be the City's costs for the legal services outlined above.

The cost of the Inquiry will be charged to Account No. 01-558601-001113 and when the total costs are known, a request for additional appropriation will be submitted to the Committee on Finance and Administration for approval.

Your Executive Policy Committee recommends:-

1. That the Province of Manitoba and The City of Winnipeg cost share on a 50/50 basis the costs of the Hughes Inquiry.

2. That The City of Winnipeg undertake the payment of legal fees incurred for purposes of representing employees of the City before the Hughes Inquiry.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the above.

Moved by Councillor Brown,
Adoption of the clause.

Carried.

Moved by Councillor Golden,
That Rule 10 of the Procedure By-law No. 5400/90 be suspended to revert back to reconsider Clause 9 of the Report of the Executive Policy Committee, dated July 3rd, 1991.

The motion to suspend the rule was put.

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

Yea: Councillors Boychuk, Brown, Clement, Demare, Diamant, Duguid, Fleisher, Fraser, Gilroy, Golden, Lazarenko, Mendelson, Mitchelson, Murray, O'Shaughnessy, Prystanski, Reese, Selinger, Thomas, Timmers and Yuen. 21

Nay: Councillor Douglas, Mayor Norrie and Councillor Wade. 3

and the motion to suspend the rule was declared carried.

Council proceeded to reconsider Clause 9 regarding the joint funding of the Hughes Inquiry and payment of legal fees.

Moved by Councillor Brown,
Adoption of the clause.

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

Carried.

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

Councillor Golden asked to be recorded as voting against the motion, pursuant to Section 50.7 of the Procedure By-law.

Appointment of a Returning Officer.
File GL-5.1

1044 - 10. By statute, the Returning Officer for the City of Winnipeg is a member of the Winnipeg Wards Boundaries Commission which is to begin meeting shortly regarding boundary changes.

Report of the Executive Policy Committee, dated July 3rd, 1991.

The City of Winnipeg Act provides for the establishment of a Winnipeg Wards Boundaries Commission and the Returning Officer of the City of Winnipeg is one of the three members named therein. The Act also provides that at a time when the Commission is required to perform any duties under the Act and there is a vacancy in any of the offices mentioned in the Act, that the Enumerator can act in place of the Returning Officer.

The Enumerator in this case is the City Assessor, Mr. R.L. Brown. Due to the heavy workload on assessment issues, it is proposed that Council appoint Mr. Douglas W. King as Returning Officer until such time as a new City Clerk is appointed. Council has the authority to appoint Mr. King by by-law as Returning Officer under section
10(1) of the Local Authorities Election Act.

Your Executive Policy Committee recommends that Mr. Douglas W. King, Acting City Clerk, be appointed as Returning Officer until such time as a permanent appointment to the position of City Clerk is made, and that the appropriate by-law be prepared in this connection.

Moved Councillor Brown,
Adoption of the clause.

Carried.

1045 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1046 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

EXECUTIVE POLICY COMMITTEE

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Moved by Councillor Clement,
Seconded by Councillor Demare,

1047 - WHEREAS City Council has approved a wage and benefit settlement package that will cause an additional $36 million in costs to be paid by the City of Winnipeg taxpayer over the 3-year duration of the Collective Agreement;

AND WHEREAS the existing burden on the City taxpayer, both business and residential, is already too high;

AND WHEREAS there has been an ongoing and consistent effort by City Council to reduce its expenditures as witnessed by a $22 million plus slashing of expenditures as adopted in the 1991 Current Estimates;

NOW THEREFORE BE IT RESOLVED that the approved increased wages and benefits as a total package be accommodated within the previous year's level of wage and benefit expenditures as it applied to C.U.P.E. Local 500.

Pursuant to Section 5(1) of the Municipal Council Conflict of Interest Act, Councillor Prystanski advised Council that he would refrain from entering into the discussion and from voting on the motion, due to his employment association with C.U.P.E., and here left the Chamber.

The Deputy Speaker called Councillor Thomas to the Chair in order to participate in the debate.

Moved by Councillor Reese,
That the Notice of Motion be referred to the Ad Hoc Committees on Service Levels and Budget Process.

The motion to refer was put.

Mayor Norrie called for the yeas and nays, which were as follows:-

Yea: Councillors Boychuk, Diamant, Douglas, Duguid, Gilroy, Hyman, Lazarenko, Mendelson, Murray, Reese, Selinger, Timmers, Yuen, Mayor Norrie and Councillor Thomas. 15

Nay: Councillors Wade, Brown, Clement, Demare, Fleisher, Fraser, Golden, Lorenc, Mitchelson, O'Shaughnessy, Timm-Rudolph and Young. 12

and the motion to refer was declared carried.

Councillor Prystanski here returned to the Chamber.

Councillor Wade here resumed the Chair.

Moved by Councillor Golden,
Seconded by Councillor Fleisher,

1048 - WHEREAS City Council is split on whether or not the City of Winnipeg should have an Ombudsman;

AND WHEREAS the estimated costs of $400,000.00 will negatively impact on the current budget of the City of Winnipeg to the extent that real property taxes would be raised further;

THEREFORE BE IT RESOLVED that City Council request the Province of Manitoba to fund and provide an Ombudsman service for the City of Winnipeg from and through the Provincial Ombudsman's Offices.

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

In amendment,

Moved by Councillor Diamant,
Seconded by Councillor Hyman,

THAT the motion relative to the Ombudsman issue be amended by deleting the resolve paragraph and inserting the following:

"THEREFORE BE IT RESOLVED that City Council request the Province of Manitoba to cost share with the City on a 50/50 basis on Ombudsman Services for the City of Winnipeg;

AND THEREFORE BE IT FURTHER RESOLVED that the total cost of Ombudsman services not exceed $150,000.00."

Moved by Councillor Mitchelson,

That the motion and the proposed amendment be referred to the Executive Policy Committee.

Carried.

Councillor Golden asked to be recorded as voting against the motion to refer, pursuant to Section 50.7 of the Procedure By-law.

EXECUTIVE POLICY COMMITTEE

MOTIONS

Moved by Councillor Wade,
Seconded by Councillor Selinger,

1049 - THAT Council place on record its profound sorrow at the death of John (Jack) Schimnowski, an Alderman of the former City of St. Boniface, which occurred on Saturday, June 29th, 1991 at the St. Boniface Hospital;

Mr. Schimnowski served on the Council of the former City of St. Boniface for a number of years. He also served on the Board of Adjustment for Metro Council. Mr. Schimnowski served with honour and dignity in his capacity as an elected representative;

The Council of The City of Winnipeg extends to the members of Mr. Schimnowski's family its deepest sympathy and condolences in their bereavement.

Carried By Silent Standing Vote.

Moved by Councillor Selinger,
Seconded by Councillor Timmers,

1050 - WHEREAS the Provincial Government is proposing to enact legislation to restrict access to the availability of rubbing alcohol, vanilla, Lysol and various solvents to assist in controlling substance abuse;

AND WHEREAS periodic undercover operations are pursued by the Police Department to eliminate or reduce sales of these substances;

AND WHEREAS on July 3rd, 1991, the Executive Policy Committee placed its concern on record and agreed that action must be taken to encourage the Province of Manitoba to proclaim the appropriate controls;

EXECUTIVE POLICY COMMITTEE - MOTIONS (continued)

BE IT RESOLVED that the City of Winnipeg forward a request to the Government of the Province of Manitoba to immediately proclaim the proposed solvent abuse legislation to restrict solvent sales in the City of Winnipeg and the Province of Manitoba in order to assist in the controlling of all substance abuse.

Carried.

Moved by Councillor Murray,
Seconded by Councillor Duguid,
1051 - WHEREAS the Citizens' Commission on Municipal Representation completed its mandate within the 90 days, as requested, and prior to the last Council meeting, before the Province's Legislative Committee Hearings;

AND WHEREAS the Citizens' Commission on Municipal Representation fairly and thoughtfully addressed the issues of the size and structure of Council;

AND WHEREAS the Commission was a truly independent and unprejudiced body;

BE IT RESOLVED that Council adopt the recommendations of the Commission, namely:-

1. That The City of Winnipeg Act be amended to reduce the number of wards and the number of councillors to twenty-three;

2. That the changes made in 1989 to strengthen the role of the mayor and the Executive Policy Committee be retained with one addition: the mayor be granted the power to remove the chairpersons of the four standing committees;

3. That the issues of party affiliation and subsidization of elections be given an in-depth examination by a committee with a broader mandate and more time to study;

4. That The City of Winnipeg Act be amended to increase the percentage deviation of each electoral ward in order to permit a maximum population of 30,000 per ward;

5. That the ward and community boundaries be as delineated in the Commission's report;

6. That the names of the wards and community committee areas be as recommended in the Commission's report;

7. That the present boundaries be adjusted to provide the following number of wards in each community:

City Centre	4
St. James-Charleswood	3
Lord Selkirk-West Kildonan	4
East Kildonan-Transcona	4
St. Boniface-St. Vital	4
Assiniboine Park-Fort Garry	4

8. That the six community committees be retained;

9. That the community committees correspond to the six communities as delineated in the Commission's report;

10. That references to resident advisory groups in The City of Winnipeg Act be deleted; and that the City examine mechanisms to strengthen citizen participation;

EXECUTIVE POLICY COMMITTEE – MOTIONS (continued)

AND BE IT FURTHER RESOLVED that Council thank Mr. H. Middlestead, Mr. R. J. Fergusson and Mr. S. Trachtenberg for their hard work and commitment that ensured a fair and successful fulfilment of their commission's mandate.

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

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

The motion to suspend the rule was put.

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

Yea: Councillors Boychuk, Diamant, Duguid, Fleisher, Golden, Hyman, Lazarenko, Mendelson, Murray, Reese, Selinger, Thomas, Timmers, Young, Yuen and Wade. 16

Nay: Councillors Brown, Clement, Demare, Fraser, Lorenc, Mitchelson, O'Shaughnessy, Prystanski, Timm-Rudolph and Mayor Norrie. 10

and the motion to suspend the rule was declared lost not having received the necessary two-thirds majority vote as required by Section 3 of the Procedure By-law.

EXECUTIVE POLICY COMMITTEE

CONSIDERATION OF BY-LAWS

1052 - On motion of Councillor Brown, By-law No. 5720/91, a By-law of the City of Winnipeg to amend By-law No. 1996/78, being a By-law relating to Cemeteries, 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. PC.

On motion of Councillor Brown, the rule was suspended and By- law No. 5726/91, a By-law of the City of Winnipeg to appoint Douglas William King Returning Officer for The City of Winnipeg and to fix and provide the remuneration for such position, 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. GL-5.1.