CONSIDERATION OF REPORT OF THE
EXECUTIVE POLICY COMMITTEE

On motion of Councillor Brown, the report of the Executive Policy Committee, dated October 3rd, 1990, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg,
October 3rd, 1990.

His Worship the Mayor and Councillors:

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

**Local Improvement Projects - Canadian National Railway and Canadian Pacific Railway File SL-1**

1535 - 1. Council, at its meeting held November 5th, 1980, adopted a policy governing local improvements abutting railway properties which are unfit for building purposes. This policy was amended by Council at its meeting of August 19th, 1981 and March 21st, 1984, and reads as follows:-

> "If the Commissioner of Works and Operations deems that railway properties on which rails are laid for the purpose of rail transportation are unfit for building purposes, that a recommendation be forwarded to Council prior to advertising the local improvements that the property be deemed unfit for building purposes, subject to the condition that if at any time the property is deemed to be a buildable site, and prior to allowing any connection to the underground services or any access to surface improvements, the City Treasurer shall initiate steps to collect the appropriate local improvement costs (either cash or amortized) at the same rate and during the same number of years as in the original term - all subject to the provisions of Chapter 109, Province of Manitoba Statutes (1965) and Privy Council Order No. 1979/607."

In order to ensure the construction of needed local improvements, it is proposed that the properties outlined in the attached Appendix "A" which are owned by the Canadian National Railway and Canadian Pacific Railway company are used for the purpose of transportation and are deemed unsuitable for building purposes be exempted from the payment of local improvement levies in accordance with the above policy. The representatives of the railways (as has been demonstrated in the past) will petition against the installation of these projects, thus jeopardizing (if not defeating) these needed improvements.

However, if at a future time the purpose of said lands changes and they are then classified as buildable sites, the City shall be empowered to recoup local improvement costs for the installation of services, prior to any connections being made to underground improvements such as sewer and watermains, and access to above-ground improvements such as paved streets - all subject to the provisions of Chapter 109, Province of Manitoba Statutes (1965) and Privy Council Order 1979/607.

Chapter 109 of the Province of Manitoba Statutes allows for taxation for local improvements to C.N.R. and C.P.R. properties within the borders of the former City of Winnipeg only if the local improvement is a direct benefit to the railway operations of the companies or operations in connection therewith.

Concurrence in this recommendation would ensure that needed local improvements could be installed, as railway property frontage would not be considered assessable and therefore would not be allowed to petition against these projects.

**Report of the Executive Policy Committee, dated October 3rd, 1990**

Your Executive Policy Committee recommends:-

1. That the properties listed in Appendix "A" and owned by the C.N.R. and C.P.R. which are unsuitable for building purposes not be assessed for local improvement charges.

2. That if at any time these properties are deemed to be buildable sites, that prior to allowing any connection from underground services or access from surface improvements, the City Treasurer initiate steps to collect the appropriate local improvement costs.

Moved by Councillor Brown,
Adoption of the clause.

Pursuant to The Municipal Council Conflict of Interest Act, Councillor Boychuk advised Council that he would refrain from entering the discussion and from voting on the clause because of a potential conflict of interest in that he is employed with the Canadian National Railway, and left the Council Chamber.

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

Councillor Boychuk here returned to the Chamber.

(Note: See Minute No. 1549 for attachment.)

**Proposed Amendment to The Greater Winnipeg Development Plan - Plan Winnipeg, By-law No. 2960/81 - by redesignating lands located between the proposed extension of McGregor Street and Ferrier Street, South of the C.P.R. Bergen Cut-off, from an "Industrial" Policy Area to a "Suburban Residential Neighbourhood" Policy Area - Lord Selkirk-West Kildonan Community**
**File EP-1.1(PW 39/89)**

1536 - 2. Council, on November 29th, 1989, adopted Clause 8 of the Report of your Executive Policy Committee, dated November 22nd, 1989, in connection with the above matter.

Pursuant to Section 575(14) of The City of Winnipeg Act, Council on December 20th, 1989, considered By-law No. 5270/89, a By-law of the City of Winnipeg to amend By-law 2960/81, a By-law establishing Plan Winnipeg, being a statement of the City's policy and general proposals in respect of the development or use of the land in the City and Additional Zone deemed by The City of Winnipeg Act to be The Greater Winnipeg Development Plan, which by-law was amended and received second reading.

On December 21st, 1989, this matter was forwarded to the Minister for Urban Affairs, who in turn, forwarded the By-law to The Municipal Board for report and recommendation, copy of which is on file in the City Clerk's Department.

Pursuant to the provisions of Section 584(5)(c) of The City of Winnipeg Act, (S.M. 1989-90,c.10), the Minister for Urban Affairs concurs with the recommendation of The Municipal Board to approve City of Winnipeg By-law No. 5270/89 subject to the condition that it be amended as follows:-

1. to exclude from the redesignation all land lying north of Swailes Avenue; and

2. to delete paragraph 2 (added by amendment on second reading).

**Report of the Executive Policy Committee, dated October 3rd, 1990**

In accordance with Sections 584(7) and (8), the Minister for Urban Affairs requests that Council amend the By-law to meet the above condition and forward the amended by-law for his approval prior to third reading.

Your Executive Policy Committee recommends that By-law No. 5270/89 be amended by:-

1. Excluding all the land lying north of Swailes Avenue from the redesignation.

2. Deleting paragraph 2.

Your Executive Policy Committee further recommends that prior to third reading of the by-law, as further amended, that the referenced by-law be forwarded to the Minister for Urban Affairs for approval.

Moved by Councillor Brown,
Adoption of the clause.

Carried.

**Three Week Meeting Cycle of Standing Committees and Council File GC-4**

1537 - 3. Section 6.4 of The Procedure By-law requires that Council set the date of the first meeting of Council of the next calendar year, including the Schedule of Meetings and the period during which Council shall prorogue, at a meeting prior to January 1st of the next calendar year.

The three week meeting cycle of Council and Standing Committees was instituted by Council on April 6th, 1983, and the practice has continued each year since. Council instituted the prorogation of meetings of the Standing Committees and Council commencing in the year 1988.

A review of the three week meeting cycle of Council has been conducted by the City Clerk's Department, including prorogation of Standing Committees and Council for the month of August.

Section 12(2) of The City of Winnipeg Act authorizes Council to establish its own meeting dates, places and times. Council passed By-law No. 5400/90, being The Procedure By-law, which presently provides for a three-week schedule of meetings.

Council can, by resolution, establish alternate dates to meet or cancel regular meetings of Council, should Council so desire.

Section 37(1)(a) of The City of Winnipeg Act provides that each Community Committee shall establish a schedule of meetings at a regular time and place to consider the business of the Community. Therefore, it will be up to each Community Committee to decide whether or not it will prorogue during the month of August in 1991.

Your Executive Policy Committee recommends that the attached meeting schedule be adopted in accordance with Sub-section 6.4 of The Procedure By-law, being By-law No. 5400/90.

Moved by Councillor Brown,
Adoption of the clause.

Carried.

(Note: Copy of the Schedule of Meetings, as adopted by Council, is on file in the Office of the City Clerk.

**Report of the Executive Policy Committee, dated October 3rd, 1990**

**United Fire Fighters of Winnipeg - Local 867 - 1990 Negotiations - Interim Wage Increase File GU-4.2**

1538 - 4. The United Fire Fighters of Winnipeg have made a request to the Arbitration Board to order an interim wage increase, to be paid in its entirety, in 1990. The Board has instructed the parties to appear on October 22nd, 1990, to put forward their arguments on this issue.

At a meeting held on September 11th, 1990, the Arbitration panel appointed to adjudicate the outstanding bargaining issues between the parties was asked, by both sides, to mediate the disputed items in accordance with Section 11(1) of the Fire Department's Arbitration Act. A hearing date of October 29th, 1990, has been established for this purpose in an attempt to secure a collective agreement or to narrow the number of outstanding issues. Dates for the arbitration hearings were also established with meetings scheduled for November 26th, 27th and 28th and also for December 12th and 17th, 1990.

Because of the late dates for the mediation/arbitration hearings it is unlikely that the Board's award, should mediation not succeed fully, would be published or implemented in 1990. That would result in the 1990 portion of a wage increase, representing some ten months of retroactivity, being paid in 1991 and being taxed at 1991 rates. This is a situation the Union would like to avoid or, at least, mitigate.

At previous arbitrations between the parties this very issue has arisen on several occasions (1984 and 1988) with the Board being asked by the Union to grant an interim wage increase. The City's position, in both instances, was to oppose the granting of such an interim award. In both 1984 and 1988, the Chairman ordered an interim payment of 3% and 2% respectively.

Past experience indicates that the provision of an interim wage increase at this time, to address the Union's concerns regarding income tax implications, on a voluntary basis would foster an amount of goodwill between the parties. It would also eliminate an issue of unnecessary confrontation between the parties that the Board would be forced to rule on.

Your Executive Policy Committee recommends that the City of Winnipeg offer a 4.76% interim wage increase (effective February 25th, 1990) to the United Fire Fighters of Winnipeg, Local 867, on the clear understanding that the Arbitration Board recognizes and acknowledges that the interim award will form part of the overall compensation package and that it will not detrimentally affect the ability of either party to negotiate or mediate.

Moved by Councillor Brown,
Adoption of the clause.

Carried.

**Institutional Appointments - Community and Race Relations Committee File GC-7**

1539 - 5. Council at its meeting held July 11th, 1990, adopted a report of the Executive Policy Committee dated July 4th, 1990, which amongst other things, established eleven institutional members of the City's Community and Race Relations Committee. One of the organizations named in the Committee's report was the Manitoba Federation of Labour.

The Manitoba Federation of Labour has advised that the jurisdiction of their organization is related to matters of provincial concerns while municipal issues are dealt with by the Winnipeg Labour Council and accordingly the request for a representative to sit on the Committee has been referred to them. Subsequently, the Winnipeg Labour Council advised the City of the name of their appointment to the Committee.

Your Executive Policy Committee recommends that in order that there be no future misunderstanding on this matter, the Institutional Membership on the Community and Race Relations Committee be altered to provide that the Winnipeg Labour Council be substituted for the Manitoba Federation of Labour.

**Report of the Executive Policy Committee, dated October 3rd, 1990**

Moved by Councillor Brown,
Adoption of the clause.

Pursuant to The Municipal Council Conflict of Interest Act, Councillor Young advised Council that he would refrain from entering the discussion and from voting on both Clause 5 and Clause 6 because of a potential conflict of interest in that he is employed with the Manitoba Human Rights Commission, and left the Council Chamber.

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

**Councillor Appointment - Community and Race Relations Committee File GC-7**

1540 - 6. Your Executive Policy Committee recommends that Councillor E. Gilroy be appointed as the Council representative on the Community and Race Relations Committee.

Moved by Councillor Brown,
Adoption of the clause.

Carried.

(Note: See Minute No. 1539 for Councillor Young's conflict of interest declaration under the previous clause.)

Councillor Young here returned to the Chamber.

**Winnipeg Enterprises Corporation - Request for Reimbursement of Costs Relative to Amateur Sport Usage at the Winnipeg Stadium Files F-5 & GC-8.8**

1541 - 7. At its meeting held on March 1st, 1983, the Committee on Finance approved the extension of leases for the Arena and Stadium to the Winnipeg Enterprises Corporation to the year 2002.

The City had initially planned to construct a baseball field at Alexander Park. However, prior to construction the Provincial Government, in 1987, approached the City with a proposal that a tripartite agreement be signed between The Province of Manitoba, The City of Winnipeg and the Manitoba Sports Federation whereby each party would contribute $5 million over a five-year period for construction of major sports facilities in The City of Winnipeg. This led to lengthy and detailed negotiations with The City of Winnipeg being represented by His Worship Mayor Norrie; the Province by The Honourable L. Desjardins; and the Manitoba Sports Federation by its President, Mr. D. Mackenzie. The City negotiated a position whereby the other two parties recognize the contribution of the City towards a soccer complex and a baseball stadium. In the final agreement, the City was credited for an expenditure of $2.6 million for a baseball stadium. The City's representatives also negotiated an agreement that the Winnipeg Stadium would be the site for said baseball stadium with artificial turf installed to create a multi- purpose facility. The City's negotiating team included Councillors Savoie, Stefanson, and Mitchelson with Commissioner Lunney and the General Manager of Parks and Recreation, Mr. W. J. Swail representing the administration.

As a result of the aforementioned $2.6 million upgrading of the Winnipeg Stadium for multi-purpose use which included the upgrading of the existing playing field with an artificial surface, The City of Winnipeg, the Winnipeg Enterprises Corporation, and the Manitoba Sports Federation Inc. entered into an agreement to provide suitable access arrangements for amateur sport to the facility. The Agreement provides, amongst other things, for the following:-

**Report of the Executive Policy Committee, dated October 3rd, 1990**

"10(1) The Federation agrees to pay Enterprises for making the Winnipeg Stadium available to amateur athletes on the basis of the schedule of fees attached hereto and marked Schedule "A" to this agreement for the period April 1st, 1988 to November 1st, 1988, and thereafter on the basis of a schedule of fees to be established annually by Enterprises not later than the first day of January in each year, commencing in 1989.

10(2) Enterprises agrees that fees set for use of the Winnipeg Stadium by amateur athletes each season shall not increase by more than 10% over the fee charged by Enterprises for a similar use of the facility in the previous season.

10(4) In addition, the Federation agrees to reimburse Enterprises, for each public or private event, an additional sum equal to actual staffing costs incurred by Enterprises in making use of the Winnipeg Stadium available to amateur athletes and, in the case lighting is required, the sum of $40.00 per burn hour.

15(2) It is understood and agreed that the terms of this agreement shall be reviewed by the parties on an annual basis on or before the 15th day of December in each year commencing in 1988, to ensure:-

(a) Amateur athletes are receiving fair and equitable access to the Winnipeg Stadium; and

(b) Enterprises is receiving reasonable compensation for the use of the Winnipeg Stadium by amateur athletes and the parties agreed that such amendments as may be necessary to this agreement will be made to ensure the foregoing."

On February 22nd, 1989, your Executive Policy Committee considered an application by the Winnipeg Enterprises Corporation that The City of Winnipeg reimburse the Corporation for the deficit incurred through the use of the Winnipeg Stadium by amateur athletes. The Committee subsequently passed the following resolution:-

"That pursuant to Section 15(2)(b) of the existing agreement, that the parties to said agreement review the issue of concern in connection with the costs incurred relative to the use of Winnipeg Stadium by amateur sports, and further that Councillor C. Lorenc and Commissioner R. Lunney be named the City's representatives for review purposes."

At its meeting held on May 2nd, 1990, Executive Policy Committee considered a report dated May 1st, 1990, submitted by Councillor Douglas, relative to the Winnipeg Enterprises Corporation's request for reimbursement of costs relative to amateur sport usage at the Winnipeg Stadium and directed that:-

"His Worship the Mayor and Councillor Douglas, with the help of administration, be directed to negotiate an agreement with the Winnipeg Enterprises Corporation and the Winnipeg Sports Federation providing that the Corporation shall account to the City of Winnipeg for its management of the use of Winnipeg Stadium by amateur sport organizations in each fiscal year."

"That Executive Policy Committee recommend to the Winnipeg Enterprises Corporation that the only way to resolve the issue with respect to liability is not to allow an accumulation."

Representatives met on May 7th, 1990, and reviewed this issue in detail and no such agreement was evident. Civic representatives then requested the other parties to confirm their position in writing within seven (7) days.

By letters dated June 18th and July 3rd, 1990, (copies of which are on file in the City Clerk's Department) the Manitoba Sports Federation and the Winnipeg Enterprises Corporation respectively advised His Worship the Mayor that, in the opinion of the aforementioned entities, The City of Winnipeg is obligated to assume financial responsibility for costs relative to amateur sport usage at the Winnipeg Stadium under the Tripartite Sports Facilities Agreement.

**Report of the Executive Policy Committee, dated October 3rd, 1990**

To date, the City of Winnipeg is in receipt of invoices from the Winnipeg Enterprises Corporation to the following effect:-

| | |
|---|---|
| 1988 | $20,671.00 |
| 1989 | 94,046.00 |
| 1990 | 70,784.66 |
| Total | $185,501.66 |

In the opinion of the Law Department, the Tripartite Sports Facilities Agreement does not obligate The City of Winnipeg to assume liability for costs associated with amateur sport usage at the Winnipeg Stadium. Therefore, notwithstanding previous discussions held with the Manitoba Sports Federation and Winnipeg Enterprises Corporation, the City is not responsible for such charges unless specifically approved by Council. However, the Law Department further advises that the Tripartite Agreement contains abundant provision for review and adjustment of fees charged, which is the responsibility of the Winnipeg Enterprises Corporation.

Your Executive Policy Committee recommends that Council advise the Manitoba Sports Federation and the Winnipeg Enterprises Corporation that The City of Winnipeg will not accept liability for costs relative to amateur sport usage at the Winnipeg Stadium under the Tripartite Sports Facilities Agreement which was signed on December 3rd, 1987.

Moved by Councillor Brown,
Adoption of the clause.

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

The motion to refer was put.

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

Yea: Councillors Boychuk, Brown, Clement, Demare, Duguid, Fleisher, Fraser, Golden, Lorenc, McKee, Mitchelson, Prystanski, Timmers, Timm-Rudolph, and Eadie. 15

Nay: Councillors Wade, Murray, Reese, Selinger, Thomas, and Young. 6

and the motion to refer was declared carried.

**Establishment of a Task Force to Examine Violence Against Women File GF**

1542 - 8. Council at its meeting held on December 20th, 1989, referred the following motion to your Executive Policy Committee, namely:-

"WHEREAS violence against women is on the rise in Winnipeg. Reported cases of sexual assault alone have jumped 24% between 1987 and 1988 rising from 634 to 791 cases. It is known that many, if not most, of these crimes go unreported. (There has been a steady increase in sexual assaults since 1985: 1985 - 587; 1986 - 613; 1987 - 634; 1988 - 791);

AND WHEREAS the recent slaughter of 14 women with the stated motive of an attack on feminists is the latest horror in an increasing trend of violence against women. Winnipeg has recently experienced the brutal murder of Mrs. Shimizu and her daughter, and Mrs. Reid and children. Since Helen Betty Osborne's sexual assault and murder, the evidence is leading to the conclusion that our City and Province have become increasingly unsafe places for women;

**Report of the Executive Policy Committee, dated October 3rd, 1990**

AND WHEREAS the City of Winnipeg has primary responsibility for urban planning, environmental design, public safety and protection, public health, emergency services and significant participation in social services and moral leadership, all of which are tools for reducing opportunities for violence in our City;

BE IT RESOLVED that a task force be established to examine violence against women and recommend policies and actions the City can take to promote safety and security for women and reduce or eliminate opportunities for violence. Specifically the task force on violence against women shall examine:

- Planning and urban design and their relationship to violent crime. This should include lighting, staffing and organization of parking and other public facilities, building security, design of buildings and impact on pedestrian street traffic, urban 'dead zones', activity mix and land usage, transit systems, transit shelter location and design, telephone locations, means of access to emergency and police services.

- The response systems and efficiency of existing emergency and protection services in preventing or intervening in violent crimes against women.

- The involvement of women in the police force including their role in the development of policy, management and delivery of services. The perception that women have of the protection services and its effect on their ability to seek assistance in violent crimes.

- The role of municipal health and social services in preventing and responding to violent crime against women. (Specifically in identifying, reporting and supporting women who have been victims of violent crime.)

- Review the role of the City of Winnipeg as an employer in handling abuse and harassment of women in the workplace. Further, to examine the knowledge and attitudes towards women of City employees who are responders to women in crises.

- Survey policies and actions of other civic administrations in preventing and intervening in violent crimes against women. - Review ways in which the City can support women in protecting and empowering themselves to reduce the threat of violence against them. Examine education programs which assist men in recognizing and altering their denigrating or violent behaviour.

- The Task Force shall be composed of 14 people, 2 Councillors and 12 citizens appointed by concerned organizations: one nominee from each of the following organizations:

    - Evolve (Klinic)
    - Winnipeg Chamber of Commerce
    - Winnipeg Labour Council
    - Woman Member of the Winnipeg Police Force
    - Ma Mawi Wi Chi Itata Centre
    - Manitoba Action Committee on the Status of Women
    - Native Women in Transition Centre
    - Women Studies Department (joint program of University of Winnipeg and University of Manitoba)
    - Power
    - Manitoba Society of Seniors and Age and Opportunities Centre
    - A Woman University Student (Nominated by the City's University and College Students Associations)
    - Immigrant Women's Association of Manitoba.

The Task Force is intended to give voice to a symbolic group of 14 people a majority of which would be women. It is also intended to be large enough to establish sub-committees to expedite its mandate.

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The Task Force shall report with recommendations by January, 1991. It shall be provided with a secretariat of a committee clerk, mailing and advertising privileges, a phone and usual committee administration support.

The Task Force will have the right to hold advertised public meetings, consult experts and request information and representation from the City Administration."

On January 10th, 1990, your Executive Policy Committee referred the matter to The Board of Commissioners for report on all relevant matters. In addition, a number of specific issues were detailed for the Board's examination. The Executive Policy Committee also requested that the Board's report be referred to the Committee on Planning and Community Services and the Committee on Protection, Parks and Culture prior to submission to the Executive Policy Committee.

At its meeting held on March 20th, 1990, The Board of Commissioners considered a report from its Research and Policy Analysis Branch and referred the matter to the Commissioner of Planning and Community Services. The Commissioner of Planning and Community Services has had discussions with the Social Planning Council of Winnipeg, and as a result of these discussions the Social Planning Council of Winnipeg has prepared and submitted the attached proposal (Appendix "A") titled "Urban Safety for Women & Children Fact Finding Group".

The Council motion of December 20th, 1989, proposes that the City take steps to study methods of service delivery improvement in the areas of the City's existing jurisdiction that impact on the problem of reducing violence against women. In fact, a number of City Departments, i.e. Police, Health, Social Services, Parks, Environmental Planning, already routinely confront aspects of this issue as part of their ongoing mandates. Therefore, the suggested study could serve a useful purpose in identifying services currently available as well as areas of improvement.

The motion enumerates a number of areas of current City service in which there are reasonable grounds to believe that changes in policy or practice may be effective in ameliorating the problem. Such areas include:

- the effects of planning and environmental design
- the emergency response system
- the role of health and social service systems in identification and education.

The Fact Finding Group proposed by the Social Planning Council of Winnipeg will consist of a core group of individuals drawn from relevant sectors of society, and will review various systems in the City which could contribute to ensuring safe planning. For example, areas such as the transit system, underground parking, shopping centres, recreational facilities, parks, riverbanks, etc., to name a few, would be reviewed from the standpoint of urban safety. The study will also include a review of what other cities/government jurisdictions are doing, and although the focus will be on violence towards women and children, the benefits from the implementation of its recommendations will accrue to the general community, particularly the most vulnerable such as the elderly, the disabled, aboriginal people, visible and immigrant minorities.

The Social Planning Council of Winnipeg has identified the cost of the project to be $29,500.00 shared on the following basis:

| | |
|---|---|
| City of Winnipeg | $15,000.00 |
| Social Planning Council of Winnipeg | 6,500.00 |
| Secretary of State (application needs to be made) | 8,000.00 |
| TOTAL | $29,500.00 |

An additional appropriation in the amount of $15,000.00 is being requested to cover the City's share in the cost of this project.

**Report of the Executive Policy Committee, dated October 3rd, 1990**

Your Executive Policy Committee recommends:

1. That the attached proposal, (Appendix "A"), submitted by the Social Planning Council of Winnipeg regarding the above be approved subject to the membership of the proposed Fact Finding Group including a representative of Council for the City of Winnipeg to be appointed by His Worship Mayor Norrie, a representative of Women in Prostitution and representation from the Winnipeg Police Department and through this representation, the Committee on Protection, Parks and Culture be provided with ongoing status reports.

2. That an additional appropriation in the amount of $15,000.00 be approved as the City's share in the cost of the project.

3. That the proper officers of the City of Winnipeg be authorized to do all things necessary to implement the intent of the above, including the execution of any documents related thereto.

Moved by Councillor Brown,
Adoption of the clause.

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

Carried.

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

(Note: See Minute No. 1550 for attachment.)

**1991 Local Improvement Charges for Ornamental Street Lighting and Wood Pole Lane Lighting - By-law 98/72**
**File SL-1**

1543 - 9. On March 7th, 1990, Council approved the rates for 1990 local improvement works implemented under By-law No. 98/72, namely Ornamental Street Lighting, Ornamental Lane Lighting, and Wood Pole Lane Lighting.

Winnipeg Hydro in consultation with Manitoba Hydro, annually review the costs and charges established by By-law No. 98/72 to ensure that they reflect the current construction costs.

The result of the review indicates that the assessment for Ornamental Street Lighting and Ornamental Lane Lighting should be increased. The Ornamental Lane Lighting rate reflects Manitoba Hydro construction costs. Winnipeg Hydro has not installed Ornamental Lane Lighting since the fixtures can be attached to commercial building walls.
If a request for Ornamental Lane Lighting should arise within Winnipeg Hydro's jurisdiction, the request will be examined at that time.

The Wood Pole Lane Lighting costs shall remain unchanged.

Your Executive Policy Committee recommends:

1. That the charges to the benefitting property owners for ornamental street lighting and wood pole lane lighting be adjusted as follows:-

| | | |
|---|---|---|
| ornamental street lighting | - | from $8.80 for each foot of frontage to $9.20 for each foot of frontage |
| ornamental lane lighting | - | from $4.35 for each foot of frontage to $4.55 for each foot of frontage |
| wood pole lane lighting | - | $1.00 for each foot of frontage (no change) |

2. That the new rates become effective upon adoption by Council and shall apply to the proposed 1991 Local Improvement works intended to be advertised thereafter.

**Report of the Executive Policy Committee, dated October 3rd, 1990**

3. That the City Solicitor be requested to prepare the required amendment to By-law No. 98/72.

Moved by Councillor Brown,
Adoption of the clause.

Carried.

**Task Force to Conduct a Coordinated Environmental Review of City Hall**
**File WT-1.3**

1544 - 10. On April 18th, 1990, Council referred to your Executive Policy Committee the following motion:-

"WHEREAS the City of Winnipeg is the largest employer in the Province (14,000 full and part-time staff), with some 750 people working in the 510 Main Street area alone;

AND WHEREAS the 'City Hall' Administrative Buildings are major consumers of energy and materials, as well as producers of solid waste;

AND WHEREAS many environmental initiatives have been proposed by City staff and City Councillors including those dealing with paper recycling, purchasing, and the energy efficiency of Council buildings, but an overall co-ordinated review of City Hall environmental performance has not been proposed;

AND WHEREAS the CFC Task Force is a body under the authority of the Board of Commissioners with the expertise to undertake such an environmental review and has individual members that are already involved in some of these initiatives; AND

WHEREAS the cost of such an environmental review would be minimal and cost savings will likely be realized through reduction in energy and solid waste budgets;

AND WHEREAS the City of Winnipeg, as the new centre for Sustainable Development, must set an example for the businesses and people of our City and show that Council is serious about environmental protection;

THEREFORE BE IT RESOLVED that the Board of Commissioners strike a task force, similar to the CFC Task Force to conduct a co- ordinated environmental review of City Hall (510 Main Street) and that this review include an assessment of:

- building facilities, (lighting, heating, ventilation);

- purchasing policy;

- waste disposal and recycling;

- the potential for employees to participate in programmes to enhance the environmental performance of City Hall (a 'Green' City Hall Programme);

AND BE IT FURTHER RESOLVED that the Task Force be launched in June during Environment Week, and that a report of recommendations be presented to Council by September 1st, 1990, on how operations at City Hall (510 Main Street) can be carried on in a manner that promotes environmental protection."

Many environmental initiatives have been proposed by civic staff and Councillors, including those dealing with paper recycling, purchasing and the energy efficiency of the Administration and Council Buildings; however, an overall coordinated review of City Hall environmental performance has not been proposed.

**Report of the Executive Policy Committee, dated October 3rd, 1990**

The CFC Task Force, under the authority of The Board of Commissioners, has members with the expertise to undertake part of this environmental review. However, other departments will have to be involved in this new Task Force.

The Task Force to conduct a coordinated environmental review of City Hall will consist of a representative from the following departments to address the assessment of the four areas:-

- Energy Management Coordinator - building facilities

- Purchasing Department - purchasing policy

- Waterworks, Waste and Disposal Department - waste disposal and recycling

- Personnel Department - employee participation

- Civic Properties Department - building manager

It should be noted that the following work is already underway and will assist this Task Force in completing its review:-

1. Energy Management Coordinator has begun a review of the building facilities at City Hall as part of the City Energy Management Program.

2. The Purchasing Department will be in receipt of the report entitled "Purchasing of Products Containing Post Consumer Wastes and/or Products which are Environmentally Sound" prepared by M. M. Dillon Consultants (Toronto). This report was prepared on behalf of 14 jurisdictions, of which The City of Winnipeg is a member. This group is referred to as "ACCESS" - Association of Canadian Cities for Environmentally Sound Strategies.

3. The Waterworks, Waste and Disposal Department will be in receipt of the report entitled "Winnipeg Waste Minimization and Recycling" prepared by M. M. Dillon Consultants (Winnipeg). It is anticipated that the cost of this environmental review will be minimal and the cost savings will likely be realized through reduction in energy and solid waste.

Your Executive Policy Committee recommends that a Task Force be established to conduct a coordinated environmental review of City Hall, consisting of the Energy Management Coordinator and representatives from the following departments:-

- Purchasing
- Waterworks, Waste and Disposal
- Personnel
- Civic Properties

Moved by Councillor Brown,
Adoption of the clause.

Carried.

**Proposed Amendment to the Greater Winnipeg Development Plan - Plan Winnipeg, By-law 2960/81 - to permit the Extension of Water Services along Liberty Street - Assiniboine Park-Fort Garry Community File EP-1.1(PW(43/90)**

1545 - 11. Residents and property owners on Liberty Street have petitioned for the construction of a watermain from the west property line of Elmhurst Street to the west property line of Liberty Street, and also in Liberty Street from the south property line of Wilkes Avenue to the south property line of Howe Avenue, to be constructed as a local improvement at an estimated cost of $350,000.00.

**Report of the Executive Policy Committee, dated October 3rd, 1990**

During review of the 1990 Capital Estimates the Assiniboine Park-Fort Garry Community Committee recommended construction of a new watermain in Wilkes Avenue from the west property line of Elmhurst Road to the west property line of Liberty Street, and also in Liberty Street from the south property line of Wilkes Avenue to the south property line of Howe Avenue at an estimated cost of $350,000.00.

When the Committee on Works and Operations reviewed the Capital Estimates, Local Improvements Section, it recommended that no change be made to include these projects. The Board of Commissioners concurred in the recommendation of the Standing Committee. When Executive Policy Committee considered this matter on March 5th, 1990, it agreed with the Standing Committee and The Board of Commissioners. However, Executive Policy Committee also recommended that these local improvements be referred to the administration for consideration in any supplementary program.

At its meeting held on April 3rd, 1990, the Committee on Works and Operations considered a communication from the Executive Policy Committee, dated March 8th, 1990, recommending the above local improvements for inclusion in the supplementary list, subject to sufficient funds being available. At that time, Committee on Works and Operations was advised that these projects were outside the Urban Limit Line.

Committee on Works and Operations on April 24th, 1990, agreed with the recommendation of the Executive Policy Committee and requested the Commissioner of Works and Operations to include the local improvements in the supplementary list, subject to sufficient funds being available.

At its meeting held on July 17th, 1990, the Committee on Works and Operations received as information a status report on the local improvement program from the Director of Operations, dated July 6th, 1990. The report advised that the local improvements on Wilkes Avenue and Liberty Street were beyond the urban limit line and that Provincial Government involvement and approval was required prior to the project being advertised.

Liberty Street is a semi-rural residential area located south of Wilkes Avenue, immediately west of Elmhurst Road. At present, municipal water services extend along Elmhurst Road, terminating near the intersection of Elmhurst Road and Wilkes Avenue.

The area lying south of Wilkes Avenue is outside the Urban Limit Line and is designated as a "Rural" Policy Area. The Director of Environmental Planning is of the opinion the proposed extension of municipal water service is in conflict with the provisions set out in Plan Winnipeg.

The Director of Environmental Planning advises that Policy 3 (1)(b) of Plan Winnipeg prohibits the approval of applications beyond the Urban Limit Line which require the extension of the City's sewer or water system. This policy relates to Policy and Objective 17 (Rural Areas/Land Uses and Minimum Site Areas) which requires the maintenance of agriculture and related support functions as the principal use in "Rural" Policy Areas. That policy requires a minimum site area of 40 acres and is stated to be subject to Policy 3(1)(b) prohibiting extension of the sewer or water system beyond the Urban Limit Line. In more general terms, the policies and objectives of the Plan do not contemplate the extension of City services beyond the Urban Limit Line, whether to accommodate new or existing development.

The Director of Environmental Planning advises that this position has been consistent since the inception of Plan Winnipeg. In 1989, in response to a request for information regarding the extension of municipal services to East St. Paul, the Director of Environmental Planning indicated that any proposal to extend municipal services to lands designated as "Areas of Limited Urban Expansion" in East St. Paul contravened the intent of the policies and objectives of Plan Winnipeg. Also, in 1989, a new Section 3(1)(f) was added to provide an exception stipulating that notwithstanding the "Rural" Policy Area designation of the Red River Exhibition Site, the City would allow extension of the existing municipal water system in Portage Avenue beyond the Urban Limit Line to provide water service for operation of short-term urban oriented events.

**Report of the Executive Policy Committee, dated October 3rd, 1990**

The Director of Environmental Planning advises that the proposal to amend Plan Winnipeg to permit the extension of municipal water services to Liberty Street differs significantly from the petition relative to the Red River Exhibition site, inasmuch as City water services do not already extend beyond the Urban Limit Line, nor is the servicing of an established semi-rural residential street within a "Rural" Policy Area considered to be an exceptional or unique circumstance. Furthermore, the insertion of a "notwithstanding" clause into Plan Winnipeg to permit the extension of municipal water services to a semi-rural residential area beyond the Urban Limit Line will establish a major precedent. Although Plan Winnipeg prohibits the subdivision of lands in "Rural" Policy Areas to parcels of less than 40 acres, there are several areas adjacent to the Urban Limit Line where semi-rural development was permitted prior to the adoption of Plan Winnipeg. Similarly, there are several areas designated as "Large Lot Residential Development" Policy Areas which are outside the Urban Limit Line but within reasonable proximity to municipal water services.

The Director of Environmental Planning is of the opinion the provision of municipal water service to Liberty Street as an exception to the general provisions contained in Plan Winnipeg will increase the pressure for services beyond the established urban area and will precipitate similar petitions from residents/property owners in these areas. The Director of Environmental Planning advises this petition is considered to be premature in light of the current debate relative to the provision of water services to the Headingley area. The Headingley Action Area Plan, which is presently being prepared, is premised on policies and objectives contained in Plan Winnipeg. A decision to allow the extension of municipal water services to Liberty Street would fundamentally alter the policy basis on which discussions with area residents have been founded and could prejudice the City's options in addressing the issues in the Headingley Area.

The provision of municipal water services to unserviced semi- rural residential development outside the Urban Limit Line, whether to address concerns over water quality or declining quantities, is rapidly emerging as a major issue which must be addressed by Council. The Director of Environmental Planning advises that rather than establishing a precedent based on a decision to allow services to be extended to Liberty Street as an exception to the fundamental principles contained in Plan Winnipeg, it is in the City's best interest to allow the Headingley Action Area Plan to be completed and to establish an over-all policy based on the findings of that study.

The City Solicitor advises the properties in question were established before the classification of the subject lands as "Rural", requiring a minimum 40-acre lot size. If the lands were not already developed the City could not approve their subdivisions for large lot residential use without amendment of the Plan, and could not approve subdivision into 40-acre parcels serviced by a City water line.

The City Solicitor advises that a supporting argument would have to be that the wording of the above policies literally prohibits only subdivision approvals for new development involving servicing by a City water line, but leaves the City free to install a water line subsequent to earlier subdivision. In furtherance of that position, it would have to be argued that an exception by amendment to allow extension of a water line to the Red River Exhibition site, notwithstanding the "Rural" designation, was legally unnecessary.

The City Solicitor further advises that in his opinion a court would conclude that extension of water service as proposed would require an amendment to the Plan to express a further exception to its policy intent that the City will not extend sewer and water services beyond the Urban Limit Line. The City Solicitor is of the further opinion that no court would likely accept the proposition that the exception for the Red River Exhibition site by amendment was unnecessary and the Plan intends that Council be free to extend water services beyond the Urban Limit Line to service an existing development - thus leaving Council free to do in two stages what it cannot do in one. The City Solicitor also advises there maybe reasons to distinguish this case from other rural areas, but in his opinion the courts would rule that the Plan makes no distinction at present and the distinction must be found in the Plan or added by amendment.

**Report of the Executive Policy Committee, dated October 3rd, 1990**

In order to comply with the instructions of the Committee on Works and Operations of April 24th, 1990, an amendment to the Greater Winnipeg Development Plan will have to be proceeded with in order to allow for the installation of watermain extension along Liberty Street as a local improvement.

The Committee on Planning and Community Services considered this matter at its meeting held on September 10th, 1990, and recommended that the application to amend Plan Winnipeg not proceed to a Public meeting as the Committee is of the opinion that the extension of the water service will create pressure for the splitting of the large lots into smaller lots to pay for the costs associated with the local improvement levy and the increased taxes. The Committee is also of the opinion that Council does not need this pressure at this time.

Your Executive Policy Committee does not concur in the recommendation of the Committee on Planning and Community Services and recommends that the petition and draft by-law to amend the Greater Winnipeg Development Plan (Plan Winnipeg, By-law 2960/81) to allow for the installation of watermain extension along Liberty Street as a local improvement, be referred back to the Executive Policy Committee to consult with the Assiniboine Park-Fort Garry Community Committee pursuant to Section 575(2) of The City of Winnipeg Act.

Your Committee further recommends that the Minister for Urban Affairs be advised of the proposed amendment pursuant to Section 574 of The City of Winnipeg Act.

Moved by Councillor Brown,
Adoption of the clause.

The motion for the adoption of the clause was put. Councillor Timm-Rudolph called for the yeas and nays, which were as follows:-

Yea: Councillors Brown, Clement, Demare, Fleisher, Fraser, Gilroy, Golden, Kaufmann, Lorenc, O'Shaughnessy, Prystanski, and Young. 12

Nay: Councillors Wade, Boychuk, Douglas, Lazarenko, McKee, Mendelson, Murray, Reese, Selinger, Thomas, Timmers, Timm-Rudolph, Yuen, and Eadie. 14

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

**Amendments to The Handbill and Poster By-law No. 1076/75 and Streets By-law No. 1481/77; Erection of posters, signs and banners in public places including streets and buildings under the City's control**
**Files ER-1.5 and SC- 3.1**

1546 - 12. In the Law Department's opinion, certain amendments to The Handbill and Poster By-law and Streets By-law are necessary in order to cause the by-laws to comply with The Canadian Charter of Rights and Freedoms and with general principles of municipal law. This view was confirmed by the Manitoba Court of Appeal in statements made by its Judges in hearing an injunction application in an action challenging the two by- laws.

The recommended amendments are summarized as follows:

1. Delegations to the Commissioner of discretionary authority to approve the posting of signs are eliminated.

2. A process is established whereby the Commissioner will approve the mounting of signs upon utility poles within streets on the basis of objective criteria contained in the by-law which relate to safety and aesthetics;

3. Unauthorized placement of signs upon public property such as utility poles and public buildings is prohibited;

**Report of the Executive Policy Committee, dated October 3rd, 1990**

4. The by-law requires the designation of notice boards or poster areas within certain public buildings and contemplates the erection of outdoor notice boards upon which members of the public could place notices on an unrestricted basis.

On September 17th, 1975, the City of Winnipeg enacted the Handbill and Poster By-law No. 1076/75. In enacting this by-law the City relied upon its general jurisdiction under The City of Winnipeg Act to make regulations not contrary to law for the health and safety and welfare of its inhabitants and for the peace, order and good government of the City. Section 8 of By-law No. 1076/75 provided as follows:

> "8. Posting of Notices
>
> No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, utility pole, parking meter, traffic sign, fence, barricade, hoarding, or tree located in a public place, or upon or in any public structure or building which is owned or under the control of the City or upon any private fence, barricade, hoarding or structure located in a public place, except as may be authorized by the Commissioner or authorized or required by law."

On March 16th, 1977, the City enacted the current Streets By- law No. 1481/77. Section 4.04 of the Streets By-law prohibits the placement of any poster, banner, advertising device or sign over a street or on a structure or tree in a street without first having obtained permission from the Commissioner of Works and Operations. The By-law provides that the Commissioner may require the posting of an indemnity bond from any person seeking such permission. The Streets By-law was enacted pursuant to Section 500 of The City of Winnipeg Act which provides that the City shall have the power

> "to prevent or control, or, in the discretion of the council in each case, to permit or license any act or the placing or maintaining of anything in a street, and to prevent or control a nuisance or dangerous condition in or near a street...".

In 1980, certain persons were charged under Section 8 of The Handbill and Poster By-law for having affixed notices without being authorized to do so by the Commissioner. Provincial Court Judge I. Dubienski held that Section 8 of the By-law was invalid because Council had delegated an absolute discretionary authority to the Commissioner.

On May 8th, 1985, the City re-enacted Section 8 of the Handbill and Poster By-law to provide as follows:

> "8. Posting of Notices
>
> No person shall post, affix, erect, place or maintain any notice, poster, or other paper or device, calculated to attract the attention of the public, in any public place or upon any lamp post, utility pole, parking meter, traffic sign, fence, barricade, hoarding or tree located in a public place, or upon or in any public structure or building which is owned or under the control of the City or upon any private fence, barricade, hoarding or structure located in a public place, except as may be specifically authorized or permitted under the City of Winnipeg Traffic By-law No. 1573/77, the City of Winnipeg Streets By-law No. 1481/77 or an authorized or required by law."

On September 29th, 1988, proceedings were brought by Joanne Morrison and Christian Cassidy in the Court of Queen's Bench seeking a declaration that Section 8 of the Handbill and Poster By-law and Section 4.04 of the Streets By-law were void on the grounds that the by-law provisions infringed their fundamental freedom of expression as guaranteed under The Canadian Charter of Rights and Freedoms. It was further argued that the By-laws contained an invalid delegation of authority to the Commissioner. Morrison and Cassidy applied for an interim injunction restraining the City from enforcing Section 8 of the Handbill and Poster By-law and Section 4.04 of the Streets By-law. The Manitoba Court of Appeal granted that application on November 4th, 1988 and restrained the City from enforcing the by-law provisions for a period of thirty days. The Court of Appeal was of the view that the by-laws conferred an unfettered discretion upon a city official which it regarded as unlawful. The trial on the merits of their action is pending.

**Report of the Executive Policy Committee, dated October 3rd, 1990**

On December 8th, 1988, the Law Department submitted a report to the Board of Commissioners recommending that the Handbill and Poster By-law and Streets By-law be amended to impose an absolute prohibition against the posting of notices excepting garage sale signs in any public place or upon any lamp post, utility pole or similar structure. The report noted that "no permits to affix posters have been issued by the Streets and Transportation Department pursuant to the Streets By-law in the last decade save and except for permits issued to the Festival Du Voyageur to erect signs at specific locations on Provencher Boulevard. For several years, Winnipeg Hydro, without the issuance of a permit, has placed signs and banners on its poles situated in streets at the request of and in most cases at the cost of certain organizations. Examples include United Way, Festival of Modern Dance, Contemporary Dancers, Folklorama and Winnipeg Art Gallery".

The Board of Commissioners considered the Law Department's report on July 12th, 1989 and referred the matter back with instructions to prepare a revised by-law to allow Winnipeg Hydro to continue its practice of erecting banners and signs on its poles for certain organizations such as the United Way. The Board of Commissioners further suggested that the proposed by-laws provide specifically for the placement of advertising on transit shelters, benches at bus stops and other similar structures. Pursuant to these instructions, the Law Department revised the draft by-laws to create the following exceptions to the general prohibition against posting signs or notices in any public place or upon a city structure:

1. The mounting of banners, flags or signs promoting the Children's Hospital, Winnipeg Art Gallery, The United Way, Festival du Voyageur, Folklorama, Oktoberfest, Canada Day or the Western Canada Summer Games, by Winnipeg Hydro or Manitoba Hydro, on their respective lamp posts or utility poles by means of brackets designed for that purpose.

2. The existence or placement of advertising on transit passenger shelters and benches pursuant to agreements with the City for the design, manufacture, installation and maintenance of the said transit passenger shelters and benches.

The above amendments were considered by Council on April 4th, 1990, and were referred back to your Executive Policy Committee. On April 11th, 1990, the Committee requested the Board of Commissioners to provide a further report including a complete history on the issue.

On August 13th, 1990, the Winnipeg Public Library received a request from a political party to erect posters concerning the Provincial Election within a Branch Library. In the course of reviewing that request, it was noted that the City had no specific policy concerning the placement of notices and posters within its public buildings and that certain notices and posters were permitted as a matter of administrative discretion even though Section 8 of The Handbill and Poster By-law contains a blanket prohibition against the posting of notices and posters within buildings which are owned or under the control of the City.

On August 14th, 1990, the Law Department submitted a report to the Chief Commissioner concerning the posting of notices within City Libraries and other buildings recommending the following:

1. That the City's administration immediately adopt uniform regulations regarding the placement of notices and posters within its public buildings;

2. That department heads of relevant departments designate areas for the placement of posters and notices;

3. That the Handbill and Poster By-law be amended as soon as possible to incorporate regulations regarding the placement of notices and posters within the City's public buildings.

**Report of the Executive Policy Committee, dated October 3rd, 1990**

Applicable Principles of Law

In order for a by-law restricting the placement of notices and posters to be upheld by the Courts, it is necessary that it comply with the following:

1. General Municipal Law

   General principles of Municipal Law require that the City have specific or implied authority over the subject matter of the by- law. By-laws within the scope of municipal jurisdiction must be enacted in good faith and the by-law provisions must be neither vague nor arbitrary.

   The law requires further that unless the municipal charter specifically so permits, council can not:

   a) Pass a by-law which confers a discretionary power upon one of its committees or an administrative officer. By-laws which confer such discretionary powers are struck down by the Courts on the finding that council has delegated its legislative power.

   b) Approve individual requests itself on a case by case discretionary basis.

2. The Canadian Charter of Rights and Freedoms

   By-laws which are inconsistent with the guarantees contained in the Charter, as those guarantees have been interpreted by the Courts, will be held to be invalid. Charter cases have held that the guarantee of freedom of expression contained in the Charter will be violated by municipal by-laws which seek to control the posting of notices on the basis of content or differentiate as to what person or organization can post notices. Charter cases have generally upheld those municipal by-laws which regulate only the manner and means of posting and seek to deal with the legitimate municipal concerns of maintaining public order and aesthetics. The cases show that by-laws restricting the posting of notices on public property are most likely to be upheld where alternate means of posting exist or are provided by the municipality.

Alternatives

1. Recommended Alternative (encompassed in the by-law amendments).

   The by-law amendments are recommended as being necessary controls to achieve the following objectives:

   1. Promote an attractive and harmonious appearance within public places throughout the city;

   2. Protect the safety of the public and of city employees who service utility poles;

   3. Reduce traffic hazards;

   4. Further the objectives of existing civic plans and programs such as The Clean and Beautiful Winnipeg program;

   5. Reduce public expense associated with the clean-up of indiscriminate posting on public property.

   It is recommended that concurrently with the enactment of these by-laws outdoor kiosks be erected as suggested by your Executive Policy Committee at its meeting of April 11th, 1990, and that notice boards and poster areas be designated within those areas of buildings under the jurisdiction and control of the City of Winnipeg to which significant numbers of the public have access. These measures would maximize the space available to the public for the posting of signs and notices in a manner which is consistent with the above objectives.

**Report of the Executive Policy Committee, dated October 3rd, 1990**

Alternative I

The City might enact a complete prohibition against the placement of notices, signs and banners upon lamp posts, city buildings and within public places.

This alternative would remove the discriminatory aspect of the existing scheme but would preclude such public posting as has previously been permitted and deemed to be desirable.

This scheme might not be consistent with the guarantee to freedom of expression as contained in the Charter as the Courts might very well hold that a prohibition is an excessive manner of advancing the City's concerns.

Alternative II

The City could impose an overall prohibition against the placement of notices, signs and banners upon utility poles, city buildings and within public places with a specific exception to the mounting of banners, flags and signs by Winnipeg Hydro and Manitoba Hydro on their respective utility poles to promote certain specified organizations.

A scheme of permitting certain flags and banners to be placed upon utility poles where the by-law specifically so provides would be consistent with Section 500 of The City of Winnipeg Act which permits the City "in the discretion of the Council in each case to permit...the placing or maintaining of anything in a street". Accordingly, this mechanism would probably comply with the general rules of municipal law. However, because this alternative relates to the content of the devices to be posted, there is a recognized danger that the scheme could be held to be inconsistent with the freedom of expression guarantee prescribed under the Charter.

This alternative would make it necessary for any organization wishing to erect signs upon utility poles to go to City Council for a specific by-law amendment.

Alternative III

Executive Policy Committee at its meeting of April 18th, 1990, suggested a closer look at the possibility of issuing temporary waivers through a Standing Committee.

In the Law Department's opinion, there is no manner in which such a scheme would withstand a legal challenge under the existing legislation and The Charter of Rights.

Your Executive Policy Committee recommends:

1. That City Council enact By-laws numbered 5380/90 and 5381/90 to amend the Handbill and Poster By-law No. 1076/75 and the Streets By-law No. 1481/77.

2. That the City of Winnipeg erect outdoor notice boards for the posting of notices by members of the public within those areas of the City which experience heavy pedestrian traffic including the Downtown and Exchange Districts, Osborne Village, Corydon Avenue, West Broadway, the Provencher/Tache area, and the Wolseley/Sherbrook area.

3. That Department Heads having authority over city-occupied buildings containing areas to which significant numbers of the public have access designate notice boards and postering areas within those buildings upon which members of the public may place notices and posters in accordance with the provisions of the Handbill and Poster By-law.

Moved by Councillor Brown,
Adoption of the clause.

Carried.

**Report of the Executive Policy Committee, dated October 3rd, 1990**

**Core Area Initiative Proposed Program Authorization Amendments**
**Files FR-3 (PA 2 and PA 5)**

1547 - 13. The Committee on Planning and Community Services on June 25th, 1990, considered a communication dated April 19th, 1990, from His Worship Mayor Norrie with respect to the transfer of $750,000.00 out of Program Authorization 2.0 Exchange District Redevelopment into Program Authorization 5.0 the Strategic Capital Program, to meet the commitment to the German-Canadian Cultural Centre, copy of which is on file in the City Clerk's Department.

The Committee on Planning and Community Services recommended that the proposed transfer of $750,000.00 out of Program Authorization 2.0 Exchange District Redevelopment into Program Authorization 5.0 the Strategic Capital Program in order to enable the German-Canadian Congress Cultural Centre to establish at the Forks Site, not be approved.

The Committee on Planning and Community Services further recommended that Core Area funds in the amount of $750,000.00 from the Program Authorization 2.0 Exchange District Redevelopment Program be committed for the development of the German-Canadian Congress Cultural Centre Project, provided that it is located in the Exchange District.

Your Executive Policy Committee concurs in the recommendation of the Committee on Planning and Community Services and recommends that Core Area funds in the amount of $750,000.00 from the Program Authorization 2.0 Exchange District Redevelopment Program be committed for the development of the German-Canadian Congress Cultural Centre Project, provided that it is located in the Exchange District, and also subject to the adoption by Council of Clause 9 of the Report of the Committee on Finance and Administration, dated September 25th, 1990, relative to the "Pantages Playhouse Theatre/German Canadian Congress Joint Venture Draft Agreement".

Moved by Councillor Brown,
Adoption of the clause.

Carried.

**Council Meeting - October 31st, 1990**
**File GC-4**

1548 - 14. On October 18th, 1989, Council adopted the "Schedule of Council and Committee Meetings" for the year 1990.

Your Executive Policy Committee has been advised that Wednesday, October 31st, 1990, is the annual "Halloween" celebration and that a number of members of Council are intending to participate in the various forms of activity for that particular evening with members of their respective families.

Your Executive Policy Committee deems it appropriate to advance the commencement of the Council meeting scheduled for Wednesday, October 31st, 1990, and therefore recommends that the referenced Council meeting commence at 9:00 a.m. that date and adjourn no later than 4:00 p.m. in the afternoon in order to permit Council member participation in the historical celebration.

Moved by Councillor Brown,
Adoption of the clause.

Carried.

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

1549 – Attachment referred to in Clause 1 of the Report of the Executive Policy Committee, dated October 3rd, 1990.

(NOTE: SEE PAGE 2077 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

1550 – Attachment referred to in Clause 8 of the Report of the Executive Policy Committee, dated October 3rd, 1990.

(NOTE: SEE PAGES 2078 TO 2081 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

CONSIDERATION OF REPORT OF THE
EXECUTIVE POLICY COMMITTEE

On motion of Councillor Brown, the rule was suspended and the Report of the Executive Policy Committee, dated October 10th, 1990, was considered.

West Committee Room,
Council Building,
October 10th, 1990.

His Worship the Mayor and Councillors:

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

**Appointment to the Position of Commissioner of Protection, Parks and Culture File GP-1.20**

1551 - 1. The position of Commissioner of Protection, Parks and Culture became vacant on April 7th, 1990, upon the resignation of Mr. Robert F. Lunney.

During April, 1990, the vacant position was bulletined internally and advertised externally both in the Winnipeg Free Press and the Globe and Mail. At the same time, the management consulting firm of Ernst & Young was retained to assist the Ad Hoc Committee in recruiting a suitable candidate to fill the vacancy.

This Commissioner position involves leadership responsibilities in two very diverse areas - namely, public safety on the one hand; parks and recreation on the other. The challenge in this recruitment was to find an accomplished senior manager who could speak with credibility to both public and staff on matters related to public safety and, at the same time, to manage with a very "hands on" approach, the large workforce of the Parks and Recreation Department.

Five applications from internal candidates and 31 applications from external candidates were received in response to the bulletin and advertisements of the vacancy. In addition, the consultants conducted an extensive search for suitable candidates from across the country. The consultants produced a "long list" of candidates for the consideration of the Ad Hoc Committee, who subsequently short-listed four external candidates to be interviewed. Those candidates were interviewed by the Ad Hoc Committee with the assistance of the Chief Commissioner, the Director of Personnel, and two representatives of Ernst & Young. Subsequently, two candidates were interviewed a second time. After careful consideration of all aspects of this matter, it was the recommendation of the Ad Hoc Committee that Mr. Loren Reynolds be appointed to the position.

Mr. Loren Reynolds has over 25 years of experience with the Canadian Armed Forces. After graduation from Naval Military College, Mr. Reynolds underwent pilot training and spent eight years as a Navy pilot. Thereafter, he achieved progressively more responsible managerial and senior executive positions. He currently holds the rank of Colonel and until recently, held the position of Base Commander and Chief Executive Officer of Canadian Forces Base Winnipeg. He has just taken on the position of Deputy Chief of Staff for Air Force Operations in Winnipeg.

Canadian Forces Base Winnipeg not only performs normal Air Force operations, but also is the worldwide headquarters of the Canadian Air Command to which the base provides support and training. Canadian Forces Base Winnipeg employs over 3,300 combined military and civilian personnel and involves an annual operating budget of $215 million. Mr. Reynolds is known for his high standards, personable style and "management by walking around" approach, which have contributed to excellent interpersonal labour relations at Canadian Forces Base Winnipeg, and good relations between the Base and outside organizations and government agencies.

**Report of the Executive Policy Committee, dated October 10th, 1990**

Mr. Reynolds has also demonstrated leadership in strategic planning, policy development, and budget and resource allocation. The most recent comprehensive evaluation of Canadian Forces Base Winnipeg's performance resulted in an excellent rating of which Mr. Reynolds is justifiably proud.

Mr. Reynolds has completed three years of study toward a Bachelor of Commerce degree and many post-graduate courses with the military. Recently, Mr. Reynolds has taken an intensive French language course at the Base and is fully bilingual.

Because of his excellent management and leadership abilities, the Ad Hoc Committee highly recommended Mr. Reynolds for appointment to this position.

Your Executive Policy Committee recommends that Mr. Loren H. Reynolds be appointed to the position of Commissioner of Protection, Parks and Culture at Management Salary Level "U", step 1, ($3,285.00 bi- weekly, $85,410.00 per annum), on a five-year contract basis.

Moved by Councillor Brown,
Adoption of the report

Moved by Councillor Kaufmann,
That the question be now put

Carried

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

Councillors Golden and Wade asked to be recorded as voting against the report in accordance with Section 50.7 of the Procedure By-law.

EXECUTIVE POLICY COMMITTEE
MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Moved by Councillor Mendelson,
Seconded by Councillor Murray,
1552 - THAT Section 8(7)(b), Contribution Limit, contained in By-law No. 5550/90, being The Campaign Expenses and Contributions By-law, be amended by substituting the numerals "$500.00" for the numerals $750.00" where they appear in the second last line thereof.

With the permission of Council and her seconder, Councillor Mendelson withdrew her motion.

MOTIONS

Moved by Councillor Wade,
Seconded by Mayor Norrie,
1553 - THAT Council note with sorrow the passing of Mr. Robert T. Taft, a member of the first Council for the unified City of Winnipeg and former Chief Constable and Alderman for the former City of Winnipeg;

AND THAT Council express its condolences to Mrs. Taft and family.

Carried by Silent Standing Vote.

Moved by Councillor Eadie,
Seconded by Councillor Gilroy,
1554 - THAT this Council notes with sorrow, the death on September 25th, 1990, of Roland J. Belot, Clerk of the Committee on Finance and Administration;

AND THAT the sympathies of Council are extended at this time to Mrs. Belot and family in their bereavement.

Carried by Silent Standing Vote.

## EXECUTIVE POLICY COMMITTEE
## CONSIDERATION OF BY-LAWS

1555 - On motion of Councillor Brown, 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. 5380/90, a By-law of The City of Winnipeg to amend By-law No. 1076/75 being the Handbill and Poster By-law of the said City. File Nos. ER-1.5 and SC-3.1.

By-law No. 5381/90, a By-law of The City of Winnipeg to amend By-law No. 1481/77, being the City of Winnipeg Streets By-law. File Nos. ER-1.5 and SC-3.1.

Councillor Brown moved that the rule be suspended and By-law No. 5270/89, a By-law of the City of Winnipeg to amend By-law No. 2960/81, a By-law establishing Plan Winnipeg, being a statement of the City's policy and general proposals in respect of the development or use of the land in the City and Additional Zone, deemed by The City of Winnipeg Act to be The Greater Winnipeg Development Plan, be read a third time. File No. PW 39/89.

In amendment,

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

WHEREAS:

(a) On December 20th, 1989, Council gave second reading to By-law 5270/89 to amend Plan Winnipeg and referred it to the Minister for Urban Affairs pursuant to The City of Winnipeg Act, and

(b) Pursuant to that Act the Minister has approved By-law 5270/89, subject to it being amended:

1. to exclude from the re-designation all land lying north of Swailes Avenue; and

2. to delete paragraph 2;

BE IT RESOLVED that By-law 5270/89, be introduced for third reading and amended:

1. by excluding from the re-designation under paragraph 1 thereof all land lying north of Swailes Avenue; and

2. by deleting paragraph 2 thereof;

and that By-law No. 5270/89 as so amended, be referred to the Minister for approval.

Carried.