CONSIDERATION OF REPORT OF THE
EXECUTIVE POLICY COMMITTEE

On motion of Mayor Norrie, the Report of the Executive Policy Committee, dated July 25th, 1990, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg,
July 25th, 1990

His Worship the Mayor and Councillors:-

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

Change of Commencement Time - Council Meeting - Wednesday, September 19th, 1990 File GC-4

1294 - 1. 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 Thursday, September 20th, 1990, is "Rosh Hashanah", the commencement of the Jewish New Year. The religious celebration commences at sundown of the previous day being September 19th, 1990. Inasmuch as Council has a regular meeting scheduled for that date commencing at 1:00 p.m. it has been deemed appropriate to advance the commencement of the September 19th, 1990 meeting rather than rescheduling same for another day entirely.

In this connection, your Executive Policy Committee recommends that Council commence its meeting at 9:00 a.m. on Wednesday, September 19th, 1990, instead of 1:00 p.m. and adjourn no later than 4:00 p.m. that day in order that members of Council participating in the religious holiday may do so without being absent from any portion of the Council meeting.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Appointment of Council Member Representative to the Management Board of the Corydon Avenue Business Improvement Zone File FL-7

1295 - 2. On July 11th, 1990, Council adopted a motion appointing the elected representatives to the Corydon Avenue Business Improvement Zone Management Board.

Section 6 of By-law No. 5378/90 provides for the appointment of a member of Council to the Management Board of the Corydon Avenue Business Improvement Zone.

Your Executive Policy Committee therefore recommends that in accordance with By-law No. 5378/90, Councillor Glen Murray be appointed as the Council member representative to the Corydon Avenue Business Improvement Zone Management Board.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Report of the Executive Policy Committee, dated July 25th, 1990

Tourism Winnipeg - Membership Fee
Files G-2 & FE(1990)

1296 - 3. On July 11th, 1990, Council referred back to your Executive Policy Committee, Clause 1 of your Committee's Report, dated July 4th, 1990, namely:-

"On March 31st, 1990, Council referred the following motion to your Executive Policy Committee, namely:-

'THAT a membership fee be added to the budget for Tourism Winnipeg;

AND THAT this authority be required to sell memberships in their organization;

AND THAT these fees be used to offset their operational costs.

Agenda	Current Budget	Line Item	
Pg. 87	Pg. 783	558701-001012	+ 100,000.00'

On May 16th, 1990, your Executive Policy Committee referred the referenced motion to Tourism Winnipeg for an opinion on the proposal.

The report of the Ad Hoc Committee of Council on Tourism as adopted by Council provides for a Board of Directors to co-ordinate tourism advertising and promotion and does not provide for membership on the Board.

Funding for Tourism Winnipeg was to be derived from an increase to the levy for Business Tax and matching funding from the City. While there is no specific reference in the report of the Ad Hoc Committee as to why membership fees were not part of the funding for Tourism Winnipeg, a subsequent report from the Acting Chief Commissioner, dated April 7th, 1988, states in response to comments by the Winnipeg Convention and Visitors Bureau, the following:-

'First, since the increase in the business tax is viewed as a form of membership fee, additional membership fees could be viewed as a form of double taxation.

Secondly, the proposed structure of the Board of Directors, being comprised of representatives from organizations directly involved in tourism, will allow the various organizations and individuals direct input into Tourism Winnipeg operations.

Having said this, once Tourism Winnipeg is up and running, if it appears that all tourism interests are not being adequately represented, then perhaps some form of membership fee structure could be investigated with the goal of broadening the membership base.'

Tourism Winnipeg has advised that implementation of a membership fee would alter the basis of its orientation and would also require significant changes to its by-laws.

Your Executive Policy Committee, after due consideration of the matter and in light of the comments from Tourism Winnipeg, recommends that no action be taken on the motion and that the matter be filed."

Your Executive Policy Committee, after reconsideration of the matter, recommends that no action be taken on the motion and that the matter be filed.

Moved by Mayor Norrie,
That the clause be filed.

Moved by Councillor Thomas,
Seconded by Councillor Mendelson,
BE IT RESOLVED that Clause 3 of the Report of the Executive Policy Committee be referred back to Executive Policy Committee with instructions to refer the matter to "Tourism Winnipeg" and that a membership fee structure and membership base be developed as part of a strategic plan for inclusion in their next budget presentation for the year 1991.

Report of the Executive Policy Committee, dated July 25th, 1990

The motion was put.

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

Yea: Councillors Boychuk, Golden, Mendelson, Murray, Reese, Selinger, Thomas, and Yuen. 8

Nay: Councillors Brown, Clement, Demare, Douglas, Duguid, Fleisher, Fraser, Gilroy, Laurendeau, Lazarenko, Lorenc, Mitchelson, Prystanski, Young, Mayor Norrie, and Councillor Eadie. 16

and the motion was declared lost.

The motion to file the clause was put.

The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Brown, Clement, Demare, Douglas, Duguid, Fleisher, Fraser, Gilroy, Laurendeau, Lazarenko, Lorenc, Mitchelson, Prystanski, Yuen, Mayor Norrie, and Councillor Eadie. 16

Nay: Councillors Boychuk, Golden, Mendelson, Murray, Reese, Selinger, Thomas, and Yuen. 8

and the motion was declared carried.

Moved by Councillor Laurendeau,
That Rule 8.6 of the Procedure By-law be suspended to allow members of Council to remove suit jackets in view of the warmth of the Chamber.

Carried.

Name Change for the Department of Environmental Planning File GP-1.8

1297 - 4. On June 20th, 1990, Council referred to the Committee on Planning and Community Services Clause 7 of the Report of the Executive Policy Committee, dated June 13th, 1990, namely:-

"Over the years, there has been constant confusion over which matters are handled by the Department of Environmental Planning because of the implications of the word 'Environmental'. Much time and effort is being spent in redirecting and deciphering matters which do not fall under the Department's jurisdiction.

With the growing emphasis being placed on preserving the environment and environmental control, there is increasing confusion over what the Department is responsible for. Changing the name to 'Department of Planning and Development' will bring the focus to the physical planning aspects (including building inspections) which more closely reflects its function.

The renaming of the Department would also reflect the prevailing descriptions of similar departments in other cities which have a similar structure reflecting parallel responsibilities.

Your Executive Policy Committee recommends that the name of the 'Department of Environmental Planning' be changed to the 'Department of Planning and Development' and that the title 'Director of Environmental Planning' be changed to 'Director of Planning and Development', effective January 1st, 1991.

Your Committee also recommended that By-law No. 4444/86 be amended to reflect the name change and that the City Solicitor be requested to prepare the necessary amending By-law."

The Committee on Planning and Community Services on June 25th, 1990, recommended that the Department of Environmental Planning be changed to the "Planning Department" and that the title "Director of Environmental Planning" be changed to "Director of Planning", effective January 1st, 1991, as the proposed name of the Department would be confused with that of the Department of Land Development.

Report of the Executive Policy Committee, dated July 25th, 1990

Your Executive Policy Committee recommends that the Department of Environmental Planning be changed to the "Planning Department" and that the title "Director of Environmental Planning" be changed to the "Director of Planning", effective January 1st, 1991.

Your Committee also recommends that By-law No. 4444/86 be amended to reflect the name change and that the City Solicitor be requested to prepare the necessary amending By-law.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Rain Forest Products File GG

1298 - 5. Council at its meeting held on July 11th, 1990, referred the following motion to your Committee, namely:-

"WHEREAS City Council is aware of the serious plight of the world's rain forests;

AND WHEREAS many organizations including World Wildlife Federation, International Monitory Fund and UNEP (United Nation Environment Program) have initiatives underway to halt the destruction of the rain forests and discourage purchase of rainforest woods;

AND WHEREAS Teak and Mahogany markets represent the largest pressure for forestry generated rain forest destruction;

AND WHEREAS The City of Winnipeg has purchased significant quantities of Teak and Mahogany and these woods are easily identifiable;

THEREFORE BE IT RESOLVED that the City of Winnipeg make every reasonable effort not to purchase Teak or Mahogany products;

AND BE IT FURTHER RESOLVED that the Committees conducting the environmental review of City Hall investigate the substitution of rain forest woods with recycled wood products and woods that have the least negative impact on the environment - specifically Beech, Birch, Oak, Larch and Spruce."

On July 11th, 1990, Council adopted the previously laid over Clause 9 of the Report of your Executive Policy Committee, dated June 13th, 1990, with respect to Rain Forest products.

The clause recommends, in part, that the non-use of wood products from the Amazon Rain Forest not be included in the overall City policy for procurement of environmentally sound products for the reasons outlined in Clause 9.

Your Executive Policy Committee, in light of the aforesaid Clause 9, recommends that no action be taken on the motion and that the matter be filed.

Moved by Mayor Norrie,
That the clause be filed.

Lost.

In view of the decision by Council not to file the clause, the Speaker introduced the original motion contained in the clause.

Report of the Executive Policy Committee, dated July 25th, 1990

The motion was put.

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

Yea: Councillors Boychuk, Brown, Clement, Demare, Duguid, Fraser, Golden, Laurendeau, Lorenc, Mendelson, Murray, O'Shaughnessy, Prystanski, Reese, Selinger, Thomas, Timmers, Young, Yuen, and Eadie. 20

Nay: Councillors Mitchelson, Timm-Rudolph, and Mayor Norrie. 3

and the original motion was declared carried.

Compensation for Electricity and Gas Tax Collected File FL-6

1299 - 6. On March 21st, 1990, Council referred the following motion to your Executive Policy Committee, namely:-

"WHEREAS the City of Winnipeg provides for the payment of realty taxes by mail and in person at the Civic Centre, five Community Offices, and two Branch Offices, at no cost to the individual taxpayer or the City-at-large;

AND WHEREAS the City also provides for payment at banks, at a cost to the taxpayer of Winnipeg in the payment of commissions to these agencies in an amount estimated to be $440,000.00 for 1990;

THEREFORE BE IT RESOLVED that Account No. 01-001111, Agents Commissions on Tax Collections, Page 783 of the 1990 Current Estimates, be eliminated, to provide a saving this year of $440,000.00."

The provision in the City's 1990 general budget of $440,000.00 for the subject matter pertains only to the compensation the City must pay for the electricity and gas taxes collected on its behalf by the utilities which sell those products to consumers in Winnipeg, namely:-

The Manitoba Hydro
The Winnipeg Hydro
The Inter-City Gas Corporation

That compensation is prescribed by The City of Winnipeg Act and Council does not have the authority to "eliminate" the account and save $440,000.00 as proposed in the resolution.

The legislation for the imposition of the tax is permissive and the tax is being imposed by the City under a By-law of Council. (It is expected to yield approximately $10,000,000.00 in 1990.)

However, once it is decided to impose the tax, the legislation for the payment by the City of a collection commission at a prescribed rate is mandatory under Section 668(17) of The City of Winnipeg Act which is hereunder cited:-

"Compensation of seller
668(17) The city shall compensate the seller for all services rendered by the seller hereunder to the extent of 5% of the amount collected and paid to the City by the seller."

There is absolutely nothing in the aforesaid budget provision of $440,000.00 for commissions on realty tax collections.

Report of the Executive Policy Committee, dated July 25th, 1990

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

Moved by Mayor Norrie,
That the clause be filed.

Lost.

Moved by Councillor Mendelson,
Seconded by Councillor Laurendeau,
WHEREAS the City of Winnipeg should have the authority to determine its own rate of compensation for taxes collected by other entities;

THEREFORE BE IT RESOLVED that the Official Delegation of the City of Winnipeg, through, if necessary, Executive Policy Committee request amendments to The City of Winnipeg Act to give the City the ultimate discretion to determine its own rate of compensation.

Carried.

Local Improvement Projects - Canadian National Railway File SL-1

1300 - 7. Council on 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."

The properties outlined in the following recommendation are used for the purpose of transportation and are currently unsuitable for building purposes, and as a result, do not benefit from the installation of local improvement projects. Consequently, 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.

Your Executive Policy Committee therefore recommends:-

1. That the following properties owned by the C.N.R. which are unsuitable for building purposes not be assessed for local improvement charges:-

   District 6

   Street Pavement (including Boulevards)

   a) De Vos Road from Pembina Highway to a point approximately 2,625 feet west of the west line of Pembina Highway

   Land Drainage Sewer

   a) De Vos Road from Pembina Highway to a point approximately 2,625 feet west of the west line of Pembina Highway

Report of the Executive Policy Committee, dated July 25th, 1990

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 Mayor Norrie,
Adoption of the clause.

Pursuant to The Municipal Council Conflict of Interest Act, Councillors Boychuk and Lazarenko advised that they would refrain from entering the discussion and from voting on the clause in view of the fact that they are employed by the Canadian National Railway and left the Chamber.

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

Councillors Boychuk and Lazarenko here returned to the Chamber.

Restoration of the Grey Nun's Convent
(St. Boniface Museum) File PR-9.3

1301 - 8. On May 30th, 1990, Council adopted the following recommendations of the Standing Committee on Protection, Parks and Culture:-

1. That the report entitled "Grey Nuns' Conservation Report" be received as information.

2. That the restoration project for the Grey Nuns' Convent (St. Boniface Museum) be approved, in principle, at this time.

3. That a financial plan for the project outlining potential funding contributions from the private sector, the Provincial Government and the St. Boniface Museum, be submitted by the St. Boniface Museum Board prior to the City entering into negotiations for a proposed cost-sharing agreement with the Federal Government.

4. The St. Boniface Museum Board be directed to strike an Ad Hoc Committee for the purpose of raising monies, soliciting donations and funding in all other sectors.

5. That the Proper Officers of the City do all things necessary to implement the foregoing.

On June 25th, 1990, the Committee on Protection, Parks and Culture re-affirmed its support for the restoration of the Grey Nuns' Convent (St. Boniface Museum) and directed that the financial plan, as submitted, be referred to The Board of Commissioners for review and report directly to your Executive Policy Committee.

The St. Boniface Museum Business Plan as received by your Committee, outlines project costs and expected contributions from the three levels of government, the St. Boniface Museum and from other potential sources. The subject Business Plan also outlines the partnership arrangements under which the agreement will be administered. Copy of the Business Plan referenced herein, is on file in the City Clerk's Department.

Your Executive Policy Committee recommends that the Business Plan, as submitted by the Curator of the St. Boniface Museum, relative to the proposed restoration of the Grey Nuns' Convent (St. Boniface Museum), be approved.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Report of the Executive Policy Committee, dated July 25th, 1990

Draft Legislation for Changes to The City of Winnipeg Act - Area Charges for Local ImprovementsFiles GL-5.1 and SL-1

1302 - 9. On June 21st, 1988, the Committee on Works and Operations requested the Administration to investigate and report back on the feasibility and financial implications should a recommendation be made to Council that the Province of Manitoba be requested to amend The City of Winnipeg Act to provide enabling legislation such that Council could declare the Bison/Letellier development area a separate local improvement district for installation of municipal services, thereby permitting the City to charge appropriate local improvement rates for wastewater, sewer, watermains, streets, etc. and to recover the full costs for the provision of such servicing.

The proposal for legislation changes to The City of Winnipeg Act is rooted in the request for municipal services by landowners in the Bison/ Letellier area of the University Ward in the Assiniboine Park-Fort Garry Community. The initiation of this request began in 1978 and ultimately resulted in two consultant studies, one public meeting, numerous delegations to the Community Committee and the Committee on Works and Operations, the latest being June 21st, 1988.

The Bison/Letellier service area is approximately 90 hectares and is bounded by Bison Drive on the north, Waverley Street on the west, the C.N.R. Letellier tracks on the east and Comdale Avenue on the south. (See map attachment Appendix "A"). There are approximately 100 separate property titles and 65 individual landowners. There are two key problems associated with servicing of this area; they are:-

1. The requirement of extension of trunk services for wastewater and land drainage sewers to be bridge-financed by the City.

2. A temporary shortfall in recovery costs by application of local improvement rates.

The position of the Committee on Works and Operations on November 17th, 1987, was that the shortfall between actual costs of providing municipal services and what the actual recoveries through local improvement charges would be, are to be funded by the private property owners.

On November 26th, 1988, at a public informational meeting, the landowners were presented with two broad options:-

1. Have The City of Winnipeg Act amended to allow assessment of all municipal services on a local improvement district basis, such that all costs could be recovered from the land benefitted similarly to what can now be done with trunk storm water drainage systems (land drainage).

2. Owners group together and enter into a servicing agreement with the City wherein all City shortfall costs would be paid up-front by the owners.

Option 1. was pursued by delegations to the Committee on Works and Operations on March 29th and June 21st, 1988, and subsequently the Committee requested an investigation and report on changes to The City of Winnipeg Act to provide for the creation of separate local improvement districts.

The documentation of history beginning in 1985 is provided in Appendix "B" and the report in Appendix "E" - Bison Drive/Letellier Development Area - Municipal Servicing Concept Study - October 22nd, 1987, provides further history and recommendations.

The Law Department in conjunction with the Finance Department and with input from the Works and Operations Division, have prepared "working draft" amendments of enabling legislation to The City of Winnipeg Act that would allow for the creation of local improvement districts. The full text of these proposed amendments is provided in Appendix "C". These amendments have been drafted such that they would be applicable not only to the Bison/Letellier area, but also to any other area of the City. As an example, the south Transcona area could be a

similar application. In preparation of the amendments, the Municipal Act and Business Improvement Zones of The City of Winnipeg Act were used in part as an example to follow. It should be noted that prior to unification, the area municipalities in many instances created local improvement districts for one or more services in accordance with the Municipal Act.

In essence the proposed amendments would provide for the creation of local improvement districts wherein all costs of municipal services for a specified area could be recovered through local improvement assessments in accordance with The City of Winnipeg Act against all those lands benefitting. The basis of these amendments is to provide for full cost recovery from a developing area rather than the City-at-large paying a portion of costs as it currently exists with the Local Improvements By-law. For comparison purposes this would be similar to what a Developer must do in terms of a Development Agreement, i.e. recover all costs from the area being developed.

In The City of Winnipeg Act, Section 346(2), Special Assessment for Trunk Storm Sewers, there is provision for creating a special assessment for lands determined to be benefitting from a trunk storm water drainage system. In a somewhat similar fashion, the proposed amendments would extend the powers of the City to enable creation of local improvement districts that would provide for a full range of municipal services within the boundaries of a district and provide for a full cost recovery from the lands benefitting.

Process for Creating a Local Improvement District

The process to create a local improvement district is contingent on landowners petitioning Council for the improvements. It is envisioned that landowners may approach an Operations Department office to formulate a district servicing concept before appearing at the Committee on Works and Operations. The necessary formal petition would be prepared by the Finance Department with engineering and planning detailed provided by other departments upon receipt of instructions from the Committee on Works and Operations. It would be essential at this stage that all required services within as well as outside the proposed district boundaries be determined and be consistent with current development agreement parameters. It is envisioned that the Committee on Works and Operations would be approached by a delegation or requested by a Community Committee to consider and support creation of the local improvement district.

Upon preparation of the formal petition, the interested landowners would then endeavour to secure sufficient support of landowners representing at least one-half of the value of the lands within the proposed district, and upon doing so would then present the petition to Council. It is necessary that the petition be sufficient and be so verified by the City Treasurer before being presented to Council. Council, upon receipt of such a petition, would refer it back to the appropriate Community Committee.

The Community Committee would advertise in a local newspaper, have written notice sent out to landowners and thereafter hold a public hearing and subsequently report back to Council through the appropriate Standing Committee within 60 days of the public hearing.

Council, after receipt of Committee reports, may vary the proposed district boundaries, and alter any of the improvements, costs and levies. Council would then decide whether or not to proceed to create a local improvement district. If the decision is made to proceed, then the By-law(s) receive first reading and the City Clerk proceeds with a local improvement advertisement, following which the landowners would have 30 days to petition against. It might well be that Council has changed the original proposal such that the boundaries, improvements, costs and levies might be quite different from that of the original petition and landowners who originally supported the local improvement district may now wish to petition against the proposed local improvements.

It should be noted that the landowners are only entitled to petition against the creation of all the district improvements and not any individual local improvement. In other words, it is an all or nothing deal. If no petition against, or one insufficiently signed against is received, Council may proceed with creation of the local improvement district defined in the first reading, by passage of second and third readings of the By-law(s). Appendix "D" charts the process and steps which land owners, the administration, Committees and Council must follow to form a local improvement district.

Report of the Executive Policy Committee, dated July 25th, 1990

Synopsis of the Draft Amendment

An overview of the proposed amendments in Appendix "C" is as follows:-

346.1(1) DEFINITIONS

Definitions of "Land Benefitted and Local Improvements" as applicable in this section.

346.1(2) PETITION FOR FORMATION OF LOCAL IMPROVEMENT DISTRICT

Landowners representing at least one-half of the value of the land can petition Council to initiate the creation of a local improvement district.

346.1(3) VERIFICATION OF PETITION

Verification of petition and contents.

346.1(4) CONTENTS OF PETITION

Contents of petition:-

- the area
- proposed improvements
- estimated costs
- lands to be assessed
- method and rate of assessment

346.1(5) ACTION BY COUNCIL

Upon receipt of a verified petition, Council will request Community Committee to conduct public hearings.

346.1(6)(a)(b) NOTICE

Notices by Community Committee for public hearing.

346.1(7) CONTENTS OF NOTICE

Contents of Notice:-

- the area affected
- proposed improvements
- estimated costs
- lands to be assessed
- method and rate of taxation
- time and place of public hearing

346.1(8)(a)(b)(c) HEARING AND RECOMMENDATIONS

Community Committee will hear representations and make recommendations to Council through Standing Committee.

346.1(9)(a)(b) ACTION BY COUNCIL

Council to make final determinations of local improvement district or decide not to proceed.

346.1(10)(a)(b) BY-LAWS

Council formulates By-law(s) for creation of local improvement district and authorizes the undertaking of local improvements.

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346.1(11)(a)(b) NOTICE OF BY-LAWS OR BY-LAWS

Newspaper publication and notice to landowners of the proposed local improvement district.

346.1(12) FORM OF NOTICES OF OBJECTION

City Treasurer shall determine form and acceptance of Notices of Objection.

346.1(13) PETITION AGAINST CREATION OF DISTRICT

City Treasurer receives and verifies Notices of Objection which constitute a petition against.

346.1(14)(a)(b)(c) VALIDITY OF PETITION AGAINST

Requirements of petition against to be valid and to be sufficient to receive Certificate of the City Treasurer.

346.1(15) SUFFICIENCY AND VALIDITY OF PETITION AGAINST

The City Treasurer shall determine the sufficiency and validity of any petition against the creation of a local improvement district.

346.1(16) EFFECT OF VALID PETITION

Council may proceed to second and third readings of By-law(s) in absence of a sufficient petition against.

346.1(17) INSUFFICIENT OR INVALID PETITION

Council may proceed to second and third readings of By-law(s) in absence of a sufficient petition against.

346.1(18) CITY-OWNED LANDS

City-owned lands will refrain from petitioning for or against.

346.1(19) LEVY FOR OUTSIDE WORK

Where municipal services are required for the district but are outside the local improvement district boundaries, Council may levy all or part of these costs against the land benefitted. This would be similar to a Development Agreement situation where services outside the development boundaries are installed in total or in part by the Developer.

346.1(20) LEVY WITHIN DISTRICT

There will be a uniform assessment against the lands within the local improvement district.

346.1(21) SECTIONS NOT APPLYING

The sections of Part 10 of The City of Winnipeg Act that would not apply.

IMPLICATIONS OF THE AMENDMENTS

The following implications should be considered with respect to the creation of a local improvement district.

1. In each case, the Committee on Works and Operations will have to refer the landowner's proposal to the administration for their investigation and report on the feasibility of the request for a petition. Consideration must be given to the implications of cost and administrative time. Consultants may be required to provide engineering studies and reports. This has been the case for the Bison/Letellier area and represents front-end costs that may not be recoverable.

Report of the Executive Policy Committee, dated July 25th, 1990

The administration report would involve several departments and culminate in a recommendation to the Committee on Works and Operations. The Committee will want to be satisfied that there is sufficient interest and good cause in proceeding and ultimately giving its approval for the preparation of a formal petition.

2. There is risk that one or more developer/owners may appeal to Council to proceed on a local improvement district basis rather than develop through the normal servicing agreement. If a developer garners one- half or more of the support required he could petition Council for use of these proposed amendments rather than assemble the remaining lands, which often takes a number of years. The City would be put in the position of financing subdivisions and consequently increase the debt load of the City rather than a developer doing the capital investment. This could be viewed as the City acting like a developer on behalf of one or more landowners. Future Councils would have to be cautious that local improvement districts are created only when and where justified.

3. It is envisioned that areas such as Headingley or South St. Vital for example could petition for a single service such as a water system. The proposed enabling legislation is not restrictive and therefore could be utilized for a single improvement.

4. The general thrust of Local Improvement By-law No. 98/72 is that there is a uniform levy rate throughout the City for improvements in any year. The local improvement rates for sewers, water and ornamental and lane lighting, are set by Council each year on the basis of estimated average cost for the respective services installed. In the case of pavements, sidewalks and boulevards, a pooled rate based on the actual cost of constructing all these improvements throughout the City in that year are used. There may be cases where the local improvement district area charge method may permit servicing at less cost to the landowners than proceeding under the current local improvement By-law No. 98/72. This may result in requests for creation of a local improvement district where a conventional local improvement should otherwise be utilized.

POLICY GUIDELINES FOR LOCAL IMPROVEMENT DISTRICT

If the amendments are incorporated into The City of Winnipeg Act, Council by policy should then establish guidelines for the administration and petitioning landowners to establish conditions that must be met prior to consideration by Council for the creation of a local improvement district.

The following are examples of policy guidelines that should be met before a formal petition is prepared:-

1. Landowners must appear before the Committee on Works and Operations. The Committee will consider their request to create a local improvement district and endorse the process to initiate a formal petition. Prior to this, the landowners should approach the appropriate District Office for help in outlining an appropriate servicing concept. Local improvement district boundaries should be consistent with appropriate servicing boundaries.

2. It should be adequately demonstrated that:-

    a) The cost of installation of local improvements will exceed the cost recovery from these improvements.

    b) There is a multiplicity of landowners involved making land assembly difficult.

    c) Landowners have made sufficient effort to assemble lands and enter into an agreement amongst themselves prior to applying for creation of a local improvement district.

    d) It is administratively impractical for the City to enter into separate agreements with each of the landowners.

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ALTERNATIVES AND IMPACTS

There are three distinct alternatives by which services could be installed in a developing area. All three have different financial impacts on the City.

Alternative I - Council decision to create a Local Improvement District

The City would have to provide funds in the Capital Budget and subsequently incur and carry a funded Capital debt. Assessment would be in the form of frontage foot levies and/or an area charge. Recovery, with interest, would take place over a number of years. The existing local improvement legislation provides the methods of recovery. Fundamental differences between a regular local improvement and this method are that if a district is created, all costs incurred may be recovered. This would mean that the cost of all internal improvements plus those outside the boundaries of the district would be recovered. Improvements outside the boundaries would include those needed for servicing the district as well as those required because of creation of the district, such as regional and/or collector street improvements, traffic lights, railway crossings and extension of trunk services.

With reference to the Bison/Letellier area, if a local improvement district is created, the City would incur a capital debt of approximately $5.7 million in 1987 dollars. The total costs would, in the long term, be recovered from within the local improvement district, resulting in no financial impact to the City-at-large.

In this alternative the City would borrow the money to finance the improvements and would carry a debt funded by the local improvement district. This debt would be reduced each year by annual levy against the district.

Alternative 2 - Regular Local Improvement

The City advertises a local improvement and, if successful, allocates capital and proceeds with the improvements. Frontage foot levies are applied and the City-at-large makes up the shortfall between the actual cost of providing the services and the actual amount of recovery through local improvement levies. City-at-large costs would include non-assessable items such as flankages and intersections along with the costs of oversizing services and widening street pavements.

In the case of Bison/Letellier, if a regular local improvement is enacted the City will incur a capital debt of approximately $5.678 million in 1987 dollars. Short-term recovery by local improvement frontage foot levy would be approximately $3.879 million, leaving an initial shortfall of $1.799 million. Over time, approximately $1.570 million could be recovered through land drainage trunk service charges and wastewater sewer payback by other benefitting lands. A permanent shortfall of $229,000.00 from the internal services plus an estimated shortfall of $750,000.00 for pavement improvements (not included in the above) would be borne by the City-at-large.

It should be noted that these shortfalls and large interim capital funding requirements led the Committee on Works and Operations at their meeting of June 21st, 1988, to seek an alternative method of financing the installation of services in the Bison/Letellier area, i.e. the request to investigate the feasibility of creating a local improvement district.

Alternative 3 - Servicing Agreement

The landowners could, at their own initiative, group together and enter into a common servicing agreement with the City in the same manner that a developer would. All costs would be borne by the group with appropriate oversizing and benefitting private land paybacks set out in the agreement. There would be no capital cost to the City.

Administratively this is the most desirable alternative. In the case of Bison/Letellier it is also the most unlikely. The idea was presented to the landowners at a November 26th, 1987 public informational meeting. There was no initiative taken at that time and it is felt that because there are approximately 65 individual landowners and over 100 property titles it would take a long time, if ever, to get the 100% consent required to enter into an agreement.

Report of the Executive Policy Committee, dated July 25th, 1990

SUMMARY

The three alternatives may be summarized as follows:-

By creation of a local improvement district, the City would front-end the total cost of the works but recover the entire debt in the long-term through annual levies. The City of Winnipeg Act would have to be amended and Council would have to establish policy guidelines relating to creation of local improvement districts. The process of creating a local improvement district would take a considerable amount of time, considerable efforts by landowners, administrative time and upfront costs. The process takes on the elements of being complicated because of the nature of engineering and financial detail and inputs required from various Committees, Departments and considerations of Council.

By enacting a regular local improvement, the City could recover costs by frontage levy. The City-at-large would absorb the cost differential between recovery and the actual servicing costs. It should be noted that local improvements for the Bison/Letellier area were advertised in the Spring of 1987 and not successfully petitioned against. In the Fall of 1987, the Committee on Works and Operations indicated that the shortfall between actual costs of providing municipal services and what the actual recoveries through local improvement charges would be, are to be funded by the private property owners in the Bison/Letellier development area. This, in effect, was a decision not to proceed with the local improvements as advertised.

By grouping together, the landowners could initiate a servicing agreement and front end the servicing costs. However, the number of individual landowners involved makes this alternative not readily achievable.

Your Executive Policy Committee recommends:-

1. That the amendments to The City of Winnipeg Act, as listed in Appendix "C-1", be submitted to the Province of Manitoba for implementation.

2. That the guidelines for processing and implementing the creation of local improvement districts, as discussed in this report, be approved by Council.

Moved by Mayor Norrie,
Adoption of the clause.

Moved by Councillor Laurendeau,
That the clause be referred to the Committee on Works and Operations.

The motion to refer the clause was put.

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

Yea: Councillors Brown, Clement, Demare, Duguid, Fraser, Golden, Laurendeau, Mitchelson, Prystanski, Reese, Selinger, Thomas, Timmers, Timm-Rudolph, Yuen, Mayor Norrie, and Councillor Eadie. 17

Nay: Councillors Boychuk, Douglas, Lazarenko, and Mendelson. 4

and the motion to refer the clause was declared carried.

(Note: Appendices referred to in the above clause are on file in the Office of the City Clerk.)

Report of the Executive Policy Committee, dated July 25th, 1990

Bill 79 - The Municipal Assessment and Consequential Amendments Act
Files AA-3 & GL-5.1

1303 - 10. On December 20th, 1989, Council adopted Clause 14 of the Report of your Executive Policy Committee, dated December 14th, 1989, with respect to Bill 79 - The Municipal Assessment and Consequential Amendments Act.

Section 10. - Appeals to The Court of Appeal as contained in the aforesaid Clause 14 reads, in part, as follows:-

> "Under Subsection 63(1) of Bill 79, a party to an appeal before the Court of Queen's Bench will only be able to appeal to the Court of Appeal on a question involving the jurisdiction of the Court of Queen's Bench on a point of law."

Your Executive Police Committee, after consideration of Subsection 63(1) of the Municipal Assessment and Consequential Amendments Act, recommends that Subsection 63(1) of the said Act be extended to permit an appeal as of right from the Court of Queen's Bench on an issue of liability to assessment and taxation and that the Proper Officers of the City request the Provincial Government to enact the change to Subsection 63(1).

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Agreement between the Director of Purchasing and The City of Winnipeg
File GP-1.12

1304 - 11. The current agreement between the Director of Purchasing and The City of Winnipeg is effective from September 25th, 1986 to September 24th, 1991, and allows for the City to notify the Director 90 days prior to the agreement termination date if it elects to continue the Director's employment.

In the current executive job market it would take approximately nine (9) months to one (1) year to secure comparable employment. In order to protect and plan for the financial stability of the Director and his family, he respectfully requested an earlier decision on the City's intention.

Your Executive Policy Committee recommends that the current agreement between the Director of Purchasing and The City of Winnipeg be extended for a further five-year period, i.e. to September 24th, 1996.

Moved by Mayor Norrie,
Adoption of the clause.

Moved by Councillor Reese,
Seconded by Councillor Thomas,
BE IT RESOLVED that Clauses 11 and 12 of the Report of the Executive Policy Committee dated July 25th, 1990, be referred back to the Board of Commissioners for a performance appraisal report for Council in order to assist Council in determining whether the contracts should be renewed and, if so, for how long.

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

Councillor Reese asked that with the concurrence of her seconder and with the permission of a majority of members of Council present she be allowed to withdraw her motion.

The request was put.

Report of the Executive Policy Committee, dated July 25th, 1990

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

Yea: Councillors Boychuk, Clement, Douglas, Duguid, Golden, Laurendeau, Lazarenko, Mendelson, Mitchelson, Murray, O'Shaughnessy, Prystanski, Reese, Thomas, Timmers, Young, Yuen, and Eadie. 18

Nay: Councillors Brown, Demare, Fraser, Gilroy, Lorenc, Timm- Rudolph, and Mayor Norrie. 7

and Councillor Reese was allowed to withdraw her motion.

The motion that the question be now put was declared carried.

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

Agreement between the Director of Ambulance Services and The City of Winnipeg File GP-1.26

1305 - 12. The current agreement between the Director of Ambulance Services and The City of Winnipeg is effective from May 1st, 1986 to April 30th, 1991, and allows for the City to notify the Director 90 days prior to the agreement termination date if it elects to continue the Director's employment.

In the current executive job market it would take approximately nine (9) months to one (1) year to secure comparable employment. In order to protect and plan for the financial stability of the Director and his family, he respectfully requested an earlier decision on the City's intention.

Your Executive Policy Committee recommends that the current agreement between the Director of Ambulance Services and The City of Winnipeg be extended for a further five-year period, i.e. to May 1st of 1996.

Moved by Mayor Norrie,
Adoption of the clause.

Moved by Councillor Reese,
Seconded by Councillor Thomas,
BE IT RESOLVED that Clauses 11 and 12 of the Report of the Executive Policy Committee dated July 25th, 1990, be referred back to the Board of Commissioners for a performance appraisal report for Council in order to assist Council in determining whether the contracts should be renewed and, if so, for how long.

Withdrawn.

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

New Directions for the Forks - Report and Recommendations of the Committee on Planning and Community Services File FR-3

1306 - 13. Your Executive Policy Committee has referred Clause 6 of the Report of the Committee on Planning and Community Services, dated June 25th, 1990, to a Special Meeting of the Executive Policy Committee. The aforesaid Clause 6 recommends new directions for the Forks.

Your Executive Policy Committee is of the opinion that a Special Meeting of the Committee is necessary to give the matter proper consideration. Your Executive Policy Committee recommends that Council, in accordance with Section 61.5 of the Procedure By-law, grant your Committee an extension of time of ninety days to deal with this matter.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Report of the Executive Policy Committee, dated July 25th, 1990

Request for Special Auditor's Reports
File FA-2

1307 - 14. On July 11th, 1990, Council referred the following motion to your Executive Policy Committee, namely:-

"WHEREAS Council has not been able to discuss the Auditor's report and to receive all the Special Auditor's reports;

AND WHEREAS this is one important duty of elected representatives;

THEREFORE BE IT RESOLVED THAT the Special Auditor's reports be made available to all Councillors for the August 1st, 1990 Council meeting."

Your Executive Policy Committee and all members of Council have been forwarded a report from the Board of Commissioners outlining the Special Auditor's Reports.

Your Committee therefore recommends that no action be taken on the motion and that the matter be filed.

Moved by Mayor Norrie,
That the clause be filed.

In amendment,

Moved by Councillor Golden,
Seconded by Councillor Thomas,
WHEREAS it is the responsibility and duty of Council to ascertain that the public funds have been fully accounted for, that the monies have been expended for the purpose for which they were appropriated by Council, and that the expenditures have been properly authorized etc.;

AND WHEREAS Sections 60 and 63 of The City of Winnipeg Act direct the Auditor to report directly to Council and not through the intermediary of the Board of Commissioners;

THEREFORE BE IT RESOLVED that the recommendation contained in Clause 15 of the Report of the Executive Policy Committee, dated July 25th, 1990, be not concurred in;

AND FURTHER BE IT RESOLVED that the Auditor be directed to make special audit reports available to all Councillors and to delete any names in the reports wherever necessary.

Councillor Eadie called Councillor Demare to the Chair and left the Chamber.

Councillor Eadie returned to the Chamber and resumed the Chair.

The motion for the adoption of the amendment was put.

The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Boychuk, Clement, Demare, Duguid, Fraser, Golden, Laurendeau, Lazarenko, Mitchelson, Murray, Reese, Selinger, Thomas, Timmers, Timm-Rudolph, and Young. 16

Nay: Councillors Brown, Douglas, Gilroy, Lorenc, Prystanski, Yuen, Mayor Norrie, and Councillor Eadie. 8

and the amendment was declared carried.

The clause, as amended, was put and declared carried.

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Management Philosophy File GP-1

1308 - 15. Although somewhat philosophical in nature, the following three recommendations establish a long-term framework for the development and direction of the organization. The first is an effort to put into words the values and directions which Councillors are collectively expressing to the administration.

The second encourages communication and deals with how decisions are made within the administration. It seeks Council endorsement of the second-removed principle as corporate policy.

The third authorizes an in-house redesign of the T.S.K. management structure with certain goals in mind, i.e. fewer and wider grades, provided such redesign is acceptable to the employees involved and does not increase average salaries, once implemented.

These recommendations are part of a broader plan. Council recently adopted a recommendation approving the Suggestion Awards Program. The Personnel Department is working to strengthen staff recognition programs and training programs. It is also expected to re-introduce a staff newsletter to provide corporate-wide communication of activities and issues.

Your Executive Policy Committee, after due consideration, recommends that Council adopt the following three recommendations related to Management Direction, Management Philosophy and Management Structure:-

1. A General Directive to the Administration

That the City Administration be given general direction to pursue constant improvement in "quality and productivity" by placing continuing emphasis in four areas:-

a) long-term financial stability because the City's ratepayers expect sound management with predictable impacts;
b) quality client service because people inside and outside the organization should be given what they have a right to expect;

c) A commitment to staff because the productivity of the City's municipal government is a direct reflection of the strength of its employees;

d) positive attitudes and open communications because even where there is need to balance conflicting perspectives, all people should be treated fairly and with respect.

2. Delegation and Communication Through the Second-Removed Principle

THAT every supervisory employee be granted a degree of authority such that an immediate supervisor has responsibility to act within the bounds of past experience and in accordance with the law, contractual agreement, standard department procedure and approved Council policy;

AND THAT where unusual or uncertain circumstances arise, supervisory employees be expected to communicate and consult up the line to determine if the "second-removed" supervisor can act within the scope of normal experience;

AND THAT wherever possible, the right to allocate resources and to approve expenditures and to hire, reward or discipline staff and to determine priorities within approved budgets and cost centres be delegated as close to the front line as operationally feasible, subject only to the requirement of two concurring supervisory levels - i.e. two signatures;

AND THAT more senior supervisory levels be expected to communicate directions and expectations, not only with those employees who have a direct reporting relationship, but also with those employees who are second-removed;

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AND THAT all employees have the right to appeal to their second- removed supervisor;

AND THAT all employees be encouraged to openly communicate up and down the line or laterally, as appropriate, in order to avoid surprises.

3. Management Structure

THAT after appropriate consultation, the Chief Commissioner be granted authority to revise the present management structure as designed by outside consultants (TSK), several years ago, such that the existing 18 grades, from the level of Commissioner down, be reduced to about 12 grades, thereby limiting distinctions between levels of management, supervisory and professional staff;

AND THAT in the course of reducing the number of levels within the management structure, the Chief Commissioner be directed to broaden the grades so that there is wider scope for recognizing career progression over time, provided that, once implemented, the average salary of all management, supervisory and professional staff does not increase as a result of the revised structure;

AND THAT the implementation of a revised management structure be conducted for existing Winnipeg Association of Public Services Officers exempt and M-Series employees on a voluntary basis such that there is an option to remain with the TSK system permanently, or transfer, provided that implementation is complete by the end of 1993;

AND THAT the revised structure be extended to cover employees in the Winnipeg Association of Public Service Officers, if that is the wish of the Association;

AND THAT the Chief Commissioner be directed to report annually to the Executive Policy Committee over the three-year implementation period, providing full details of progress-to-date in regard to the replacement of the TSK structure.

Moved by Mayor Norrie,
Adoption of the clause.

In amendment,

Moved by Councillor Reese,
Seconded by Councillor Thomas,

WHEREAS Thorne Stevenson & Kellogg did a Comprehensive Compensation Review of Specifications and Administrative and Management Positions in 1985 involving 600 interviews and the evaluation of 600 positions;

AND WHEREAS the salary survey sample included five cities including Edmonton, Toronto, Ottawa, the federal government, and a cross- section of eight Winnipeg-based private sector and public sector organizations, supplemented with data from a national salary survey;

AND WHEREAS every W.A.P.S.O. and M series job has been evaluated relative to the same set of criteria with fully documented results; AND WHEREAS the job evaluation results implementation was difficult and even at times contentious, but deemed necessary to gain control over the salary expenditures;

AND WHEREAS Council can choose to pay above average, at the average, or below average, Council chose in 1985 to pay national instead of provincial average, believing that it would increase the City's ability to attract talented employees;

AND WHEREAS in 1985 the City had a total of 890 employees in the M series and W.A.P.S.O. series for a payroll of $39.7 million in 1985 compared to 64 senior management, 504 supervisory and 443 technical or professional W.A.P.S.O. employees for a total of 1,011 in 1990 for a payroll of $51.8 million;

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THEREFORE BE IT RESOLVED:

(1) that item 3 be amended to read that the existing 18 grades be reduced to 10 grades, excluding the 64 most senior positions, and that the 21 steps and new 10-grade scale applying to the remaining 947 positions be based on the average pay of a cross-section of public and private sector organizations in Winnipeg,

(2) that the 64 most senior positions be put on contract and salaries be negotiated on a national average pay scale,

(3) that the implementation not be carried out prior to Council having a cost analysis of the revised management structure,

(4) that a two-track system be allowed for only a 3 year phasing-in period, and

(5) that the emphasis be put on a non-monetary award system and public recognition.

Moved by Councillor Laurendeau,
That the proposed amendment be referred to the Executive Policy Committee.

Carried.

The motion for the adoption of the clause was put.

Councillor Reese asked that the three recommendations as contained in the clause be dealt with separately.

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

The motion was put.

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

Yea: Councillors Boychuk, Brown, Clement, Demare, Fraser, Gilroy, Laurendeau, Lorenc, Mendelson, O'Shaughnessy, Prystanski, Timm-Rudolph, Young, and Mayor Norrie. 14

Nay: Councillors Douglas, Duguid, Fleisher, Golden, Lazarenko, Mitchelson, Reese, and Eadie. 8

and the motion to put the question was declared carried.

Recommendation No. 1 was put.

The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Boychuk, Brown, Clement, Demare, Douglas, Duguid, Fleisher, Fraser, Gilroy, Laurendeau, Lorenc, Mendelson, Mitchelson, Murray, O'Shaughnessy, Prystanski, Reese, Selinger, Thomas, Timm-Rudolph, Young, Mayor Norrie, and Councillor Eadie. 23

Nay: Councillors Golden and Lazarenko. 2

and Recommendation No. 1 was declared carried.

Recommendation No. 2 was put.

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The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Boychuk, Brown, Clement, Demare, Douglas, Duguid, Fleisher, Fraser, Gilroy, Laurendeau, Lorenc, Mendelson, Mitchelson, Murray, O'Shaughnessy, Prystanski, Reese, Selinger, Thomas, Timm-Rudolph, Young, Mayor Norrie, and Councillor Eadie. 23

Nay: Councillors Golden and Lazarenko. 2

and Recommendation No. 2 was declared carried.

Recommendation No. 3 was put.

The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Brown, Clement, Douglas, Duguid, Fleisher, Fraser, Gilroy, Laurendeau, Lorenc, Mendelson, Murray, O'Shaughnessy, Prystanski, Selinger, Thomas, Timm-Rudolph, Young, Mayor Norrie, and Councillor Eadie.19

Nay: Councillors Boychuk, Demare, Golden, Lazarenko, Mitchelson, and Reese. 6

and Recommendation No. 3 was declared carried.

Winnipeg Sports Facility Program - Allocation of Funds File GC-8.8

1309 - 16. On March 7th, 1990, Council adopted Clause 7 of the Report of the Executive Policy Committee, dated March 7th, 1990, regarding the Blumberg Softball Complex. The clause read, in part, as follows:-

"Your Executive Policy Committee recommends that $227,079.76 be allocated to completion of the Blumberg Softball Complex, such funds being transferred from unexpended Parks and Recreation Department Capital Projects from 1984, 1985 and 1987, as detailed in Appendix 'A'.

For the information of Council, if the above recommendation is approved, funds in the amount of $227,079.76 will be included as part of The City of Winnipeg's $5,000,000.00 contribution to the Tripartite Agreement."

The position of the City that the $227,079.76 be part of its contribution toward the Winnipeg Sport Facility Program has been rejected by the other partners.

In addition to the City's direct contribution toward completion of the softball complex, the Winnipeg Sport Facility Committee has recommended to the funding partners that $73,847.00 be approved for completion of the base contract and that $291,749.00 be approved to cover the cost of lighting three additional fields. City representatives on the Winnipeg Sport Facility Committee fully concur with the recommendations which will have enhanced this facility.

When funds from unexpended capital accounts totalling $227,079.76 were identified to offset the City's contribution toward additional costs associated with construction of the Blumberg Complex, an amount of $33,010.78 was inadvertently included from Land Dedication Reserve Accounts and a further $7,196.34 was included from capital accounts which had previously been closed. Unexpended capital accounts have been re-examined and Appendix "A" accurately reflects projects and amounts which can be utilized to offset the City's commitment.

The Winnipeg Sport Facility Committee has also recommended that $111,600.00 be allocated toward the purchase of equipment technically required for various sports to stage their respective competitions in a first class manner during the Western Canada Games. The recommended equipment purchases will not only enhance the Games events, but also be a legacy to sport after the Games.

Report of the Executive Policy Committee, dated July 25th, 1990

In the case of the racing lanes and storage reels required for swimming, the City will assume ownership and the equipment will be housed at Pan Am Pool for future major competitions. Your Executive Policy Committee recommends:-

1. That the Order of Council, dated March 7th, 1990, regarding funding for the Blumberg Softball Complex be rescinded and that:-

   a) $227,079.76 be allocated to completion of the Complex, such funds being transferred from unexpended Parks and Recreation Capital Projects from 1984, 1985 and 1987 (Appendix "A").

   b) The $227,079.76 contribution from the City be over and above the City's $5 million share of the Tri Party Sport Facility Funding Agreement (Appendix "B").

2. That the recommendation of the Winnipeg Sport Facility Committee to contribute $73,847.00 toward completion of the Blumberg base contract and $291,749.00 toward the cost of lighting the additional three fields be approved (Appendix "C").

3. That the recommendation of the Winnipeg Sport Facility Committee to contribute $111,600.00 toward technically required equipment for the 1990 Western Canada Summer Games be approved (Appendix "D").

Moved by Mayor Norrie,
Adoption of the clause.

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

Yea: Councillors Boychuk, Brown, Clement, Demare, Douglas, Duguid, Fleisher, Fraser, Gilroy, Golden, Laurendeau, Lazarenko, Lorenc, Mendelson, Mitchelson, Prystanski, Selinger, Timm-Rudolph, Mayor Norrie, and Councillor Eadie. 20

Nay: Councillors Murray, Reese, Thomas, Timmers, Young, and Yuen. 6

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

(Note: Appendices referred to in the above clause are on file in the Office of the City Clerk.)

On motion of Councillor Lorenc, Council recessed at 6:55 p.m.

Council reconvened at 8:06 p.m.

The Speaker, Councillor Eadie, in the Chair.

Same members present.

Appeals Against a Refusal of The Winnipeg Police Character Review Board to Issue a Certificate of Good Character File EL-9

1310 - 17. On November 14th, 1989, Mr. Dodd Maharaj appeared before the Committee on Planning and Community Services regarding an appeal against the refusal of the City of Winnipeg Character Review Board to issue a Certificate of Good Character to him under The Taxicab Act. Committee laid the matter over to its next meeting and requested a report from the Law Department.

On December 4th, 1989, the Committee on Planning and Community Services considered a report from the Law Department and was advised by the Superintendent (Crime) of The City of Winnipeg Police Department that the Chief of Police had approved Mr. Maharaj's application for a Certificate of Good Character under The Taxicab Act and accordingly, that his appeal had been withdrawn.

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Your Executive Policy Committee after consideration of this matter and at the request of the Committee on Planning and Community Services requested information on the issue.

The following information has been obtained:-

1. Applicable Legislation

(a) The City of Winnipeg License By-law

The City of Winnipeg License By-law (enacted under the authority of the City of Winnipeg Act) requires new applicants for certain types of business licenses to obtain a certificate from "The Character Review Board" that the applicant is of good character prior to such license being issued. The License By-law defines the "Character Review Board" as being a committee composed of not less than three of the following members of the Winnipeg Police Department:

Superintendent of Division No. 11;
An Inspector from within the Crime Division;
An Inspector from the Vice Division;
A Supervisor of Bureau of Police Records.

The License By-law provides that any person who is refused a Certificate by the Character Review Board may reapply to the Committee on Planning and Community Services which then considers the matter as a new application and can grant or refuse the Certificate.

(b) The Taxicab Act

The Taxicab Act establishes a Taxicab Board composed of:-

a) a Member of City Council;
b) the Chief Constable of the Winnipeg Police Force;
c) three other persons appointed by the Lieutenant- Governor in Council;

or the nominees of the persons listed above. That Act prohibits persons from operating taxicabs unless they hold a license from the Taxicab Board. The Act further provides that the Board shall not issue a license to the driver of a taxicab unless he produces a Certificate of Good Character

"i) from the Chief of Police of the City of Winnipeg; or

ii) from such other person as the Board may designate."

No "other person" has been designated by the Board as provided in paragraph (ii) above.

2. Right to Appeal and Obtain Reasons for Decisions

(a) The City of Winnipeg License By-law

As noted above, the License By-law enables any person who is refused a Certificate of Good Character by the Character Review Board to apply to the Committee on Planning and Community Services for such certificate. The by-law provides that the nature of the proceedings before the Committee on Planning and Community Services would be a hearing de novo (i.e. a complete new hearing at which new evidence could be admitted as opposed to a review by the Committee of the evidence received by the Character Review Board and the findings made by it).

The License By-law does not require the Character Review Board to provide reasons for its decision. However, the Courts have adopted standards of procedural fairness known as "the rules of natural justice" which would entitle a person appearing before the Committee on Planning and Community Services to request and receive details of any allegation that he is not of good character prior to the hearing.

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Historically, under the previous City of Winnipeg License By-law No. 260/72, Certificates of Good Character were issued at first instance by the Chief of Police and a requirement existed that the Chief of Police provide reasons for any refusal to issue such certificate. In 1983, a matter went to court involving the refusal of a Good Character Certificate by both the Chief of Police and the (then) Committee on Environment upon appeal and the question arose whether the Committee on Environment could receive new evidence which was not considered by the Chief of Police. Although the City was successful in that action, the court commented that a requirement that the Chief of Police give reasons for his refusal was inconsistent with the City's position that the hearing by the Standing Committee was a hearing de novo (as the reasons for the refusal of the Chief of Police were irrelevant to the Standing Committee's proceedings). As a result of that case the License By-law was amended and the requirement that the Chief of Police provide reasons was deleted.

(b) The Taxicab Act

The Taxicab Act contains no requirement that the Chief of Police provide reasons for a refusal of a Certificate of Good Character and provides no right of appeal from such refusal.

3. Existing Procedures

A person wishing to make application for a Certificate of Good Character pursuant to the License By-law or the Taxicab Act must attend in person to the Bureau of Police Records in the Public Safety Building to complete an application.

A computer check is then performed to determine whether the applicant has been involved with the police. If the applicant has a criminal record or has not lived in Winnipeg for at least one year or has outstanding charges he would be instructed to appear at the next meeting of the Character Review Board.

An applicant appearing before the Character Review Board would be asked questions concerning the information contained in his application form, with emphasis on the details of any criminal record information. The individual would also be given the opportunity to bring forward any information in support of his application. Following this the applicant would be excused and the members of the panel would deliberate in private. After arriving at a decision they would recall the applicant and advise him of their decision.

If the decision was to deny the application the person would be advised verbally of the reason for the denial. This would be followed up with a letter in which case the reason for the refusal would be included in the letter together with a copy of the applicable sections of the By-law dealing with the appeal provisions if it were an application pursuant to the City License By-law.

In the event that this was a case of an application under the Taxicab Act the individual would be advised verbally of the reason for refusal but there would be no follow-up letter as there is no appeal provision under the Taxicab Act. A letter would be sent to the Taxicab Board advising that the applicant had been denied a Certificate of Good Character.

In considering whether to grant or refuse an application for a Certificate of Good Character the members of the Character Review Board consider each case on its particular circumstances, however, as a general guideline the following matters are weighed:

Criminal Record

Where the applicant has criminal convictions that appear to be relevant to the trade he proposes to engage in (such as offences involving violence, weapons, drug trafficking, morals) or the person has shown a consistent pattern of criminal involvement, the Board will generally refuse the application if the offences occurred in the recent past. If however, the individual was eligible for a pardon, in that a period of three to five years had passed since the last conviction, a more liberal approach would be taken and the application may be granted depending on the circumstances of the offences and also the information obtained from the applicant.

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Outstanding Charges

If the applicant is awaiting trial or disposition on serious criminal charges or offences involving moral turpitude, the Board will generally refuse the application pending the disposition of the charges.

Warrants

In the event that there are warrants outstanding for the arrest of the individual on serious criminal charges in another jurisdiction, then the Board will again refuse the application and instruct the applicant to clear up the warrants before applying again.

Probation

If the applicant is on probation, the Board will ordinarily refuse the Certificate of Good Character and advise the applicant to reapply once the period of probation has been completed.

Confidential Information

On occasion the Board is in receipt of confidential information that an applicant is involved in criminal conduct which if proven would constitute grounds to refuse the application. In such situations the Board must carefully weigh the nature of the information together with the source of same in arriving at a decision on the application. In the event that the application is refused it is naturally not possible for the Board to advise the individual of the specific reason for refusing the application. Consequently the individual will normally be advised that the refusal is based on concern surrounding his criminal record and nothing specific with respect to the confidential information is disclosed.

The following table indicates the number of character applications dealt with since January 1st, 1988 under The City of Winnipeg License By-law and the Taxicab Act, the number of certificates issued without requiring the applicant to appear before the Character Review Board and the number of certificates refused.

YEAR	LICENSE BY-LAW	TAXICAB ACT	NON-APPEARANCE	REFUSALS
1988	316	353	48	4
1989	342	251	85	15
1990 (Jan-May 24)	129	223	35	8

It is noteworthy that the Chief of Police and Character Review Board have always interpreted their responsibility to provide a Certificate of Good Character as meaning a positive recommendation as to the person's character upon which the public may rely. For that reason there has been reluctance to issue such a certificate in situations where little is known about the applicant, as for example where he has not lived in Winnipeg for a sufficient period to establish a reputation or provide character references or where the person is the subject of a current police investigation or is awaiting trial on pending charges. This position is consistent with the terminology "Certificate of Good Character" as used in the legislation but it is inconsistent with the presumption of innocence which is contained in the Canadian Charter of Rights and Freedoms as well as with the common law principle that every person is entitled to be licensed to carry on his chosen trade in the absence of evidence why he should not be issued such a license.

Report of the Executive Policy Committee, dated July 25th, 1990

4. Available Alternatives

(a) The City of Winnipeg License By-law

SUGGESTED ALTERNATIVE

Make no amendment to the License By-law to require the Character Review Board to provide reasons but amend the by-law to provide that where an appeal is taken to the Committee on Planning and Community Services, the Police Department is required to submit a report outlining its position and identifying any evidence to be relied upon that the applicant is not of good character. This report would be provided in advance of the hearing to the Committee and to the applicant.

This alternative could codify one aspect of the rules of natural justice and would ensure that the applicant receives the Police Department's position in advance of the hearing by the Committee on Planning and Community Services.

ALTERNATIVE 1

Amend the License By-law to require the Character Review Board to provide reasons for its decision and provide more clearly in the License By-law that an appeal from that decision to the Committee on Planning and Community Services shall be dealt with as a new hearing.

ALTERNATIVE 2

Amend the License By-law to delete the requirement for a Certificate of Good Character and substitute a requirement that the applicant obtain a certificate that he has not been convicted of a criminal offence related to the nature of his trade within the three year period preceding his application. The By-law could require the Character Review Board to advise any applicant of the convictions which were taken into account if a Certificate is refused. It could further provide that where a person is refused a Certificate by the Character Review Board and reapplies to the Committee on Planning and Community Services, the Character Review Board would be required to provide Committee and the applicant with a statement of the particulars of the convictions which were taken into account in its refusal.

This alternative would make the criteria for the refusal of a character related certificate more precise and would eliminate refusals on the basis of pending charges and other considerations which may violate the Canadian Charter of Rights and Freedoms.

ALTERNATIVE 3

Make no amendments to the License By-law.

Under the existing situation, there is no guarantee that all persons refused a Good Character Certificate by the Character Review Board will be provided with reasons for their refusal. However, all persons who appeal against such a refusal will be entitled to receive the substance of the allegations that they are not of good character prior to the matter being considered by the Committee on Planning and Community Services.

(b) The Taxicab Act

SUGGESTED ALTERNATIVE

The City could recommend that the Taxicab Board designate the Character Review Board as the body responsible for providing Good Character Certificates and that a right of appeal from decisions of that Board (as to the Taxicab Board) be established.

This alternative would relieve the Chief of Police of the personal responsibility to issue Good Character Certificates as presently imposed under The Taxicab Act.

Report of the Executive Policy Committee, dated July 25th, 1990

ALTERNATIVE

The City could recommend that the Province amend The Taxicab Act so that:

1. The Chief of Police would no longer produce Certificates of Good Character but would simply provide the Taxicab Board with any criminal record of the applicant.

2. Issuance of a taxicab license would occur automatically where the applicant has no criminal record or, otherwise, at the discretion of the Taxicab Board.

Your Executive Policy Committee, after consideration of the above information, recommends:-

1. That the License By-law be amended to provide that where an appeal is taken to the Committee on Planning and Community Services, the Police Department be required to submit a report outlining its position and identifying any evidence to be relied upon that the applicant is not of good character (with the report to be provided in advance of the hearing to the Committee and to the applicant).

2. That the Taxicab Board be requested to designate the Character Review Board as the body responsible for providing good character certificates and that a right of appeal from decisions of that Board be established.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

1991 Capital Estimates File FC(1991)

1311 - 18. Your Executive Policy Committee has considered the impact of the 1991 Capital Estimates and the borrowing required.

Your Executive Policy Committee therefore recommends that a borrowing limit for mill rate-supported projects be established at not more than $75,000,000.00 in 1991 and adjusted annually to reflect the rate of inflation and in the long run to ensure no increase in the percentage of annual current revenue required to carry principle and interest (debt) charges.

Moved by Mayor Norrie,
Adoption of the clause.

In amendment,

Moved by Councillor Murray,
Seconded by Councillor Selinger,
WHEREAS the mill rate-supported borrowing for 1985 was $67,884,000; for 1986, $73,406,000; for 1987, $83,474,000; for 1988, $87,810,000; for 1989, $101,304,000; and for 1990, $88,636,000; AND WHEREAS the Executive Policy Committee wishes to keep the mill rate increase at 0%;

AND WHEREAS capital spending and annual debt and principle payments are a major upward pressure on the annual mill rate;

AND WHEREAS the City of Winnipeg is experiencing marginal and declining population growth and limited debt financing capability;

THEREFORE BE IT RESOLVED that Clause 19 of the Report of the Executive Policy Committee, dated July 25th, 1990, be amended by adding a further recommendation that an identification of approximately $10 million of lower priority projects be developed in order that Council will have an alternative to the $75 million capital budget scenario.

Report of the Executive Policy Committee, dated July 25th, 1990

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

The motion was put.

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

Yea: Councillors Duguid and Selinger. 2

Nay: Councillors Boychuk, Clement, Demare, Douglas, Fleisher, Fraser, Golden, Laurendeau, Lazarenko, Mendelson, Mitchelson, Murray, Prystanski, Reese, Thomas, Timmers, Timm-Rudolph, Young, Yuen, Mayor Norrie, and Councillor Eadie. 21

and the motion that the question be now put was declared lost.

The amendment was put.

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

Yea: Councillors Boychuk, Demare, Douglas, Duguid, Fleisher, Fraser, Golden, Laurendeau, Lazarenko, Lorenc, Mendelson, Murray, O'Shaughnessy, Prystanski, Reese, Selinger, Thomas, Timmers, Young, and Yuen. 20

Nay: Councillors Brown, Clement, Gilroy, Mitchelson, Timm- Rudolph, Mayor Norrie, and Councillor Eadie. 7

and the amendment was declared carried.

The clause, as amended, was put.

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

Yea: Councillors Boychuk, Clement, Demare, Douglas, Duguid, Fleisher, Fraser, Gilroy, Golden, Laurendeau, Lazarenko, Lorenc, Mendelson, Murray, O'Shaughnessy, Prystanski, Reese, Selinger, Thomas, Timmers, Young, Yuen, Mayor Norrie, and Councillor Eadie. 24

Nay: Councillors Brown, Mitchelson, and Timm-Rudolph. 3

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

1991 Current Estimates File FE(1991)

1312 - 19. Your Executive Policy Committee has considered the matter of direction to the administration in preparing the 1991 Current Estimates.

Your Committee, after considerable deliberation, recommends that The Board of Commissioners be instructed to prepare the 1991 Current Estimates with an objective of a municipal property tax rate increase of 0% over 1990 and that any alternate sources of revenue reduce the guideline.

Moved by Mayor Norrie,
Adoption of the clause.

In amendment,

Moved by Councillor Murray,
Seconded by Councillor Selinger,

WHEREAS the City of Winnipeg needs an 11.8% tax increase to maintain existing services;

AND WHEREAS the City of Winnipeg needs a consistent long-term taxation policy which gives the taxpayer certainty as to what to expect in mill rate levels;

Report of the Executive Policy Committee, dated July 25th, 1990

AND WHEREAS inflation is a fact of life and is running at approximately 5%;

AND WHEREAS the Executive Policy Committee proposes only one option: no mill rate increase and which is, in fact, an 11.8% budget cut without any plan or details on viability of this option;

BE IT THEREFORE RESOLVED that Clause 19 of the Report of the Executive Policy Committee, dated July 25th, 1990, be amended to include a mill rate scenario of 0 + 5% (inflation).

BE IT FURTHER RESOLVED that essential direct services including police, fire, street maintenance, public health, zoning and building inspections and parks be protected and that each department define and identify essential and non-essential services;

BE IT FURTHER RESOLVED that each department manager develop a department budget based on the above-mentioned mill rate increase.

Councillor Eadie called Councillor Demare to the Chair in order to participate in the debate, and after speaking, resumed the Chair.

Councillor Eadie called Councillor Demare to the Chair and left the Chamber.

Councillor Eadie returned to the Chamber and resumed the Chair.

The amendment was put.

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

Yea: Councillors Boychuk, Douglas, Duguid, Gilroy, Mendelson, Murray, Reese, Selinger, Thomas, Timmers, Young, Yuen, and Mayor Norrie. 13

Nay: Councillors Brown, Clement, Demare, Fleisher, Fraser, Golden, Laurendeau, Lazarenko, Lorenc, Mitchelson, O'Shaughnessy, Prystanski, Timm-Rudolph, and Eadie. 14

and the amendment was declared lost.

The motion for the adoption of the clause was put.

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

Yea: Councillors Brown, Clement, Demare, Fleisher, Fraser, Golden, Laurendeau, Lazarenko, Lorenc, Mitchelson, O'Shaughnessy, Timm-Rudolph, and Eadie. 13

Nay: Councillors Boychuk, Douglas, Duguid, Gilroy, Mendelson, Murray, Prystanski, Reese, Selinger, Thomas, Timmers, Young, Yuen, and Mayor Norrie. 14

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

1990/1992 Collective Agreement - The City of Winnipeg and the Winnipeg Police Senior Officers' Association
File GU-4.3.10

1313 - 20. On July 18th, 1990, the City of Winnipeg and the Winnipeg Police Senior Officers' Association reached a tentative agreement on the terms of settlement for a revised Collective Agreement.

The attached Memorandum of Agreement outlines the agreed-to amendments to the 1988/90 Collective Agreement and the attached Summary of Costs details the financial implications of the proposed settlement.

Report of the Executive Policy Committee, dated July 25th, 1990

Your Executive Policy Committee recommends that the attached changes to the 1988/1990 Collective Agreement between The City of Winnipeg and the Winnipeg Police Senior Officers' Association be approved, subject to ratification by the membership of the Association; and that the Proper Officers of the City be authorized to execute a revised Collective Agreement for the period May 20th, 1990 to December 26th, 1992.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

(Note: See Minute No. 1316 for attachment.)

Application under The Manitoba Environment Act - New Provencher Bridge File SB-13

1314 - 21. On May 17th, 1990, the City was advised that an environmental impact assessment (EIA) would have to be carried out and an environmental license issued before proceeding with the building of the new Provencher Bridge. It is proposed that the new Provencher Bridge will be opened in the Spring of 1992.

Given that March 31st, 1991, is the latest date for tendering the new bridge, the EIA must be completed and an environmental license issued by March 1st, 1991. If the EIA can be carried out in 7 months and it appears that this can be done, then it is suggested that the work must be assigned by August 1st, 1990. Failure to meet the date will result in delaying the opening of the new bridge by one year, to 1993.

The cost of carrying out the environmental impact assessment at the new Provencher Bridge site is estimated to be $115,000.00.

Your Executive Policy Committee recommends:-

1. That the Proper Officers of the City be authorized to do all things necessary regarding the submission of an "Environmental Act Proposal Form" and attachments thereto to the appropriate Provincial officials.

2. That the services of an environmental consultant be retained to undertake the environmental assessment for the new Provencher Bridge with an estimated budget of $115,000.00.

3. That the necessary funds for the environmental assessment referred to in 2. above, be re-allocated from the monies approved for the York and St. Mary Avenue extensions in the 1990 Capital Budget.

Moved by Mayor Norrie,
Adoption of the clause.

The motion for the adoption of the clause was put.

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

Yea: Councillors Brown, Douglas, Gilroy, Laurendeau, Prystanski, Mayor Norrie, and Councillor Eadie. 7

Nay: Councillors Boychuk, Clement, Demare, Duguid, Fraser, Golden, Lazarenko, Mitchelson, Reese, Selinger, Thomas, Young, and Yuen. 13

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

Report of the Executive Policy Committee, dated July 25th, 1990

Application under The Manitoba Environment Act - York and St. Mary Avenue Extensions File SB-13

1315 - 22. On November 28th, 1989, the Environmental Services Branch of the Province of Manitoba advised the City that an environmental impact assessment (EIA) would have to be carried out and an environmental license issued before proceeding with the York and St. Mary Avenue extensions.

Under Clause 4.3 of the terms and conditions of the Streets Agreement between the City of Winnipeg and the Canadian National Railway Company which deals with redevelopment of the East Yards, the City is obliged to complete construction of the York and St. Mary Avenue extensions on or before November 15th, 1992.

In order to carry out the EIA, the schedule for the York and St. Mary Avenue extensions has been revised from that originally contemplated. The revised schedule for this project is illustrated in Exhibit A, copy of which is on file in the Office of the City Clerk. While this schedule allows for the obligation under the Streets Agreement for the extensions to be open to traffic by November 15th, 1992, to be met, it has very little tolerance for any additional or unexpected delays.

A review of the schedule for the York and St. Mary Avenue extensions reveals the following:-

1. The design of the underpass structure is required to be substantially complete by January 31st, 1991. It is currently approximately 30% complete and is being delayed in part because the St. Mary Avenue alignment has yet to be resolved. The latest date for resumption of design of the St. Mary Avenue underpass structure is October 15th, 1990.

2. The NTA application submitted in April, 1990, is expected to be approved by August 31st, 1990.

3. The construction schedule requires that the latest date for tendering of the structure be March 31st, 1991.

The rail diversion work which precedes the Phase I structure work must be completed by June 15th, 1991, to allow for the Phase I underpass structure to be completed by October 1st, 1991. The importance of this is to allow the second phase rail diversion to be constructed prior to the commencement of winter in late 1991. The Phase II structure is to be constructed in the winter of 1991/92. The third stage of rail diversion would be carried out prior to June 15th, 1992 in order to allow completion of the underpass structures by October 1st, 1992 and construction of the pavement through the underpass structures by November 15th, 1992.

Through the summer construction season of 1992, the utilities and roads would also be under construction.

Of the roads to be constructed, York Avenue from Pioneer Boulevard to the Provencher Bridge and Pioneer Boulevard from York Avenue to Water Avenue, would be required in 1991. In addition to the above, it is planned to construct the underground utilities in 1991. Construction of St. Mary Avenue from Pioneer Boulevard to the existing Provencher Bridge would occur during the summer of 1992. Construction of the York and St. Mary Avenue pavements between Main Street and Pioneer Boulevard, as well as Main Street from Graham Avenue to Broadway, would occur in 1992.

Given that March 31st, 1991 is the latest date for tendering of the structures, the EIA must be completed and an environmental license issued by March 1st, 1991. The 30 day lead time would permit tendering of the rail diversion work to be carried out.

Assuming the EIA can be carried out effectively in 7 months (March 1st, 1991), then this work must be assigned to a consultant by August 1st, 1990. This is the most critical of all elements of the project. Failure to meet the date will result in delaying the opening of the facility by one year to 1993.

Report of the Executive Policy Committee, dated July 25th, 1990

The estimated cost of carrying out the EIA for the York and St. Mary Avenue extensions is $59,000.00. The 1990 Capital Budget contains a provision of $10,499,000.00 for the York and St. Mary Avenue extensions. A reallocation of $59,000.00 from this provision is required to carry out the EIA.

Potentially the most significant environmental impact is considered to be the impact on heritage resources. Preliminary excavations have indicated a substantial amount of artifact material in the St. Mary Avenue right-of-way between the railway tracks and Pioneer Boulevard. This matter has had the ongoing involvement of the staff from the Historic Resources Branch, Manitoba Department of Culture, Heritage and Recreation, who have offered advice concerning the assessment and mitigation of the impact on heritage resources.

The advice of the Historic Resources Branch is to carry out a public archaeology program, similar to that being done at The Forks site. At present, the terms of reference for this undertaking are being prepared and the program is to take place through August and September of this year. The reasons for this are twofold:-

a) The archaeological exploration must be done in any event and the City will be better served during the EIA process, if it is already proceeding with the required archaeological mitigation measures.

b) A delay in the archaeology program to 1991 would limit the construction activity in that year, pushing additional work into 1992. There is concern about doing most of the construction work on this project in 1992.

While the assessment and mitigation of the impact on heritage resources falls within the terms of reference of the EIA, it would be more expeditious to carry out such an undertaking separate and simultaneous with the EIA. The EIA will cross-reference this separate and distinct study and its conclusions with respect to mitigation requirements will be forwarded to the Environmental Services Branch.

The cost of carrying out both the environmental impact assessment and mitigation of the impact on heritage resources by the York and St. Mary Avenue extensions, including carrying out the public archaeology program, is estimated to be $179,000.00. A reallocation of this amount from the 1990 Capital Budget provision for the York and St. Mary Avenue extensions would be required to complete the assessment and mitigation of the impact on heritage resources.

Your Executive Policy Committee recommends:-

1. That the schedule for completion of the York and St. Mary Avenue extensions as outlined herein be received as information.

2. That the Proper Officers of the City be authorized to do all things necessary regarding the submission of an "Environmental Act Proposal Form" and attachments thereto to the appropriate Provincial officials.

3. That the services of an environmental consultant be retained to undertake the environmental assessment for the York and St. Mary Avenue extensions with an estimated budget of $59,000.00.

4. That the services of a consultant be retained to carry out archaeological mitigative measures for the York and St. Mary Avenue extensions with an estimated budget of $120,000.00.

5. That the necessary funds for the environmental assessment and the archaeological mitigative measures referred to in 3. and 4. respectively above, be re-allocated from the monies approved for the York and St. Mary Avenue extensions in the 1990 Capital Budget.

Moved by Mayor Norrie,
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 in view of the fact that he is employed by the Canadian National Railway and left the Chamber.

Report of the Executive Policy Committee, dated July 25th, 1990

The hour of midnight having arrived, Council continued in session.

Thursday, August 2nd, 1990.

The motion for the adoption of the clause was put.

The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Brown, Clement, Douglas, Fleisher, Gilroy, Laurendeau, Lorenc, Mitchelson, O'Shaughnessy, Prystanski, Yuen, Mayor Norrie, and Councillor Eadie. 13

Nay: Councillors Demare, Fraser, Golden, Mendelson, Murray, Reese, Selinger, Thomas, Timmers, and Young. 10

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

Councillor Boychuk here returned to the Chamber.

1316 – Attachment referred to in Clause 20 of the Report of the Executive Policy Committee, dated July 25th, 1990.

(NOTE: SEE PAGES 1714 TO 1727 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENTS).

CONSIDERATION OF REPORT OF THE
EXECUTIVE POLICY COMMITTEE

On motion of Mayor Norrie, the rule was suspended and the Report of the Executive Policy Committee, dated August 1st, 1990, was considered.

West Committee Room,
Council Building, Winnipeg,
August 1st, 1990.

His Worship the Mayor and Councillors:

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

Agreement between The Shoal Lake Indian Band No. 40, The Province of Manitoba and The City of Winnipeg
File WW-3

1317 - 1. On June 21st, 1989, Council adopted a recommendation that The City of Winnipeg enter into the Tripartite Agreement for protection of the water supply of The City of Winnipeg at Shoal Lake. Section 61 of the Tripartite Agreement requires that Shoal Lake Indian Band No. 40 and Canada enter into an agreement under such terms and conditions acceptable to the Province and to The City of Winnipeg respecting the economy and the environment at Shoal Lake and at I.R. 40. Such agreement was to be executed by June 30th, 1990.

On May 30th, 1990, Council approved a 60-day extension to the above-referenced deadline for the Band and Canada to execute such an agreement.

Shoal Lake Indian Band No. 40 and Canada have now concluded the terms of an agreement (attached hereto as Schedule "A"). This Agreement has been reviewed by the Law Department and the Waterworks, Waste and Disposal Department and both Departments are of the opinion that the agreement is satisfactory to the needs and requirements of The City of Winnipeg. Accordingly, both Departments recommend that the agreement be approved by Council and that notice of Council's approval be forwarded to Shoal Lake Indian Band No. 40 and Canada.

The City has been advised that the agreement is satisfactory to the needs of the Province of Manitoba and that the agreement will be going to Cabinet in the very near future for approval by the Province.

The agreement is presently in the process of ratification by the Band and a ratification vote will take place prior to the expiration date of the extension which is August 29th, 1990.

Further, the City Law Department is in receipt of a letter, dated July 27th, 1990, from Mr. G. P. Kerr, Regional Director General, Ontario Region of Indian and Northern Affairs Canada, supporting the Tripartite Agreement (attached hereto as Schedule "B").

Your Executive Policy Committee therefore recommends:-

1. That in accordance with Clause 61 of the Tripartite Agreement between Shoal Lake Indian Band No. 40, The Province of Manitoba and The City of Winnipeg (the "Tripartite Agreement"), the Council of The City of Winnipeg approve an agreement between Shoal Lake Indian Band No. 40 and Canada in the form attached hereto as Schedule "A".

Report of the Executive Policy Committee, dated August 1st, 1990

2. That Shoal Lake Indian Band No. 40 and the Government of Canada be so advised.

Moved by Mayor Norrie,
Adoption of the report.

Carried.

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

(Note: See Minute No. 1318 for attachments.)

1318 - Attachment referred to in Clause 1 of the Report of the Executive Policy Committee, dated August 1st, 1990.

(NOTE: SEE PAGES 1730 TO 1737 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENTS).

EXECUTIVE POLICY COMMITTEE
MOTIONS

Moved by Councillor Yuen,
Seconded by Councillor Murray,
1319 - THAT Council note with sorrow the passing of Mr. Gordon Richard Fines, former Alderman for Ward Two of the former City of Winnipeg between the years 1954 to 1960, and 1967 to 1971, and a Member of the Legislative Assembly between the years 1949 to 1953;

AND THAT Council expresses its condolences to Mrs. Fines and family.

Carried by Silent Standing Vote.

Moved by Councillor Yuen,
Seconded by Councillor Murray,
1320 - THAT Councillor Wade be granted leave of absence from Council this afternoon inasmuch as he is recuperating from open-heart surgery.

Carried.

Moved by Councillor Reese,
Seconded by Councillor Thomas,
1321 - WHEREAS the Executive Policy Committee has decided to not recommend approval of the 1991 to 1995 capital budget and has referred it to the Board of Commissioners;

AND WHEREAS the Executive Policy Committee also referred the 1991 annual capital budget and the 1992 to 1996 five-year capital budget;

AND WHEREAS there are no set priorities;

THEREFORE BE IT RESOLVED that Council recommend to the Board of Commissioners that no new bridges, such as the Charleswood bridge, nor new major roadways be recommended until the Board recommends to Council an overall transportation scheme based on priorities.

Required to Stand as
Notice of Motion.

Moved by Councillor Reese,
Seconded by Councillor Thomas,
1322 - WHEREAS the mill rate-supported borrowing for capital growth projects was 10% in 1985, 11% in 1986, 33% in 1987, 38% in 1988, 49.3% in 1989 and 33.85% in 1990;

AND WHEREAS the City incurs costs for new infrastructure built to service new development;

AND WHEREAS land development charges should be set at a level necessary to recover the City's costs, in keeping with the principle of "user pay";

THEREFORE BE IT RESOLVED:

(1) that the negotiating committee request the province, in consultation with the City, to draft and pass necessary legislation to bring new land development charges into effect; and

(2) that an administrative committee be established to recommend to Council, on an ongoing basis, the City cost levels associated with a proposal for development or redevelopment of any specific land parcel.

Required to Stand as Notice of Motion.

Moved by Councillor Selinger,
Seconded by Councillor Timmers,
1323 - WHEREAS the Western Canada Summer Games have been well organized and implemented;

AND WHEREAS the Western Canada Summer Games have been a great success;

AND WHEREAS the City of Winnipeg has received numerous benefits due to the Western Canada Summer Games in terms of its reputation, facilities, and good will;

AND WHEREAS many citizens volunteered to make the Western Canada Summer Games a success;

THEREFORE BE IT RESOLVED that City Council officially thank and express appreciation to the Board of Directors, management, and volunteers of the Western Canada Summer Games organization.

Carried.

EXECUTIVE POLICY COMMITTEE
CONSIDERATION OF BY-LAWS

1324 - On motion of Mayor Norrie, By-law No. 5491/90, a By-law of the City of Winnipeg to defer the payment of the special assessment for Local Improvements in respect to certain lands benefited thereby on St. Mary's Road in said City, was read a first, second and third time, the rule being suspended for the third reading of the By-law, and was passed and ordered to be signed and sealed. File No. SL-3.

On motion of Mayor Norrie, the rule was suspended and 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. 5495/90, a By-law of The City of Winnipeg to amend By-law No. 3219/82, being The City of Winnipeg Parks and Recreation By-law. File No. PR-2.10.

By-law No. 5498/90, a By-law of The City of Winnipeg to adopt a seal for the City. File No. GK-1.

By-law No. 5499/90, a By-law of The City of Winnipeg to defer the payment of the special assessment for Local Improvements in respect to certain lands benefited thereby on Riverbend Avenue in said City. File No. SL-3.