CONSIDERATION OF REPORT OF THE COMMITTEE ON FINANCE AND ADMINISTRATION

The Executive Policy Committee has had before it the Report of the Committee on Finance and Administration, dated February 19th, 1991, has concurred in the recommendations contained therein, except as noted below, and submits same to Council for approval and adoption.

On motion of Councillor Selinger, the Report of the Committee on Finance and Administration, dated February 19th, 1991, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg.
February 19th, 1991.

His Worship the Mayor and Councillors:

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

Application for Exemption from the City of Winnipeg License By-law No. 4007/85 - Variety Club of Manitoba - Tent 58, Inc.
File EL-1

546 - 1. The Variety Club of Manitoba - Tent 58, Inc. in letter dated December 29th, 1989 requested an exemption from the application of certain provisions of the City of Winnipeg License By-law to billiard tables which it proposed to use to conduct fund-raising events throughout the City. Following receipt of a report from the License Branch that the City would forego revenue of approximately $10.00 in granting the exemption, on April 18th, 1990 Council passed By-law No. 5424/90 exempting the Variety Club of Manitoba - Tent 58, Inc. from licensing for the period from November 10th, 1989 to March 31st, 1990.

On May 7th, 1990 the Variety Club requested a further exemption for the period from September 15th, 1990 to March 31st, 1991 to repeat the fund-raising event and in report dated August 21st, 1990, the City Treasurer recommended that a permanent exemption be given to the Variety Club of Manitoba - Tent 58, Inc. to permit the fund-raising event proposed, as well as any future fund-raising events which might be undertaken in the future.

On September 25th, 1990, the Committee on Finance and Administration referred the matter to the Ad Hoc Committee on Licensing which to date has not been considered by that Committee. The Variety Club on January 21st, 1991 requested that in the meantime, a temporary exemption to cover a fund-raising event scheduled to take place in the near future be granted.

As it is not known when the Ad Hoc Committee on Licensing will have an opportunity to consider the recommendation that the Variety Club of Manitoba - Tent 58, Inc. be granted a permanent exemption from licensing, your Committee on Finance and Administration is of the opinion that a temporary exemption should be given to the Club to allow the event planned for March 7th, 1991 to April 30th, 1991 to proceed.

Your Committee on Finance and Administration submits for favourable consideration draft by-law to amend By-law No. 4007/85 being the City of Winnipeg License By-law exempting the Variety Club of Manitoba - Tent 58, Inc., from certain provisions of the City of Winnipeg License By-law for the period from March 7th, 1991 to April 30th, 1991.

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

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Offer to Purchase - Part Lot 14, Plan 6097 - Standard Aero Limited - St. James-Assiniboia Community
File FI-2.4(26)

547 - 2. REFERRED BACK BY EXECUTIVE POLICY COMMITTEE TO THE COMMITTEE ON FINANCE AND ADMINISTRATION (Note: See page 681)

Proposed Acquisition of 821 St. Matthews Avenue - City Centre-Fort Rouge Community File FI-2(22)

548 - 3. Your Committee on Finance and Administration has considered the attached Item 1 of Report No. 1A of the Technical Advisory Committee on City Properties, dated February 5th, 1991, in connection with the referenced acquisition.

On September 6th, 1990, the Board of Commissioners considered a report dated August 27th, 1990, from the General Manager of Winnipeg Hydro recommending acquisition of the subject property, identified on attached Misc. Plan No. CCFR 8005/2 for the purposes of facilitating redevelopment of Hydro Sub-Station No. 4; and instructed the Land Surveys and Real Estate Department to negotiate and obtain an Option to Purchase the property.

The proposed purchase price falls within the City's market value range, although at the higher end of that range. The owner has advised that the proposed purchase price is lower than her purchase price of $77,000.00. The outstanding mortgages on the property are estimated at $68,000.00. Also, two independent appraisals secured by the owner in December 1985 and August 1989, indicated values in excess of the proposed purchase price.

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The planned development requires a zoning variance (DAV 18/91) and proposed lane closing which are now being processed. The variance application was granted by the City Centre-Fort Rouge Community Committee on February 12th, 1991. However, the earliest that the lane closing component can be dealt with is May 29th, 1991, when it is scheduled to be presented to Council for second and third reading. As it is understood that the variance if granted will be subject to the successful closing of the lane (DAC 1/91) the recommendation to exercise the Option is being forwarded at this time due to the fact that there is not a Council meeting between the anticipated date of lane closing approval on May 29th, 1991 and when the Option expires on June 16th, 1991.

Winnipeg Hydro has identified Work Order 40-118117--5587010424 which provides adequate funding for this proposed acquisition.

Your Committee on Finance and Administration recommends that Council authorize the execution of the Option to Purchase 821 St. Matthews Avenue at a price of $70,000.00 and in accordance with the terms and conditions contained herein subject to the approval of a zoning variance.

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

Moved by Councillor Selinger,
Adoption of the clause.

Carried

Summary of Acquisitions, Leases and Sales of Property - July 1st, 1990 to September 30th, 1990 and October 1st, 1990 to December 31st, 1990 File FI-2.5

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

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

Your Committee on Finance and Administration submits for the information of Council, the attached summary of acquisitions, leases and sales of property approved by the Committee during the period July 1st, 1990 to December 31st, 1990.

Moved by Councillor Selinger,
That the clause be received as information.

Carried.

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

Amendment to the Winnipeg Police Pension Plan By-law No. 2148/78 File GU-3.10

550 - 5. Your Committee on Finance and Administration has been advised that the City's Negotiating Committee and the Winnipeg Police Officers Association have agreed to withdraw any reference to distribution of actuarial surplus during the recent contract renewal, provided this matter was discussed at the Pension Board.

Following several Pension Board meetings, it was agreed that the January 1st, 1989 remaining surplus of $3,747,000.00 would be distributed by transfer of 50% to the Supplementary Account, to provide for future cost of living adjustment to retirees' pension and 50% to a Contingency Reserve, within the Fund to allow the City to reduce the current service cost to 100% of Employee Contributions for 1989, 1990 and 1991 with the balance to remain as liabilities. The amount available to reduce the City's share of excess contributions for 1989 is $298,051.00, for 1990 it

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is $334,642.00 and for 1991 it is estimated at $350,000.00. The amendment also provides that actuarial surpluses disclosed after January, 1989 and before January 1st, 1995, will be shared in proportion of the employees' and City's contributions to the Fund. The employees' share will be transferred to the Supplementary Account with the City's share transferred to the Contingency Reserve, to be used to offset any future excess contributions, or applied against any unfunded liability.

The actuary has advised that as this amendment creates no new benefits, it will not increase the actuarial liabilities nor will it increase costs to the City.

Your Committee on Finance and Administration submits for favourable consideration draft by-law to amend the Winnipeg Police Pension Plan By-law No. 2148/78, by amending Schedule "A" to provide for the disposition of the January 1st, 1989 actuarial surplus, and any future surpluses disclosed in actuarial valuations carried out prior to January 1st, 1995.

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

Amendment to Policy for Grants C301 - Administered by the Committee on Finance and Administration File FG-1

551 - 6. - Subsection c) of the City's Policy for Grants C301 administered by your Committee on Finance and Administration, reads as follows:-

"c) requests for souvenirs, mementoes, dinners, luncheons and receptions received from non-governmental organizations which are national or international in scope (at least four provinces or states), be acknowledged by offering a souvenir or memento of the City, or a cash donation for the purpose of assisting with a luncheon, dinner or reception, the cost of such items not to exceed $2.00 per registered delegate, or a total of $1,000 whichever is the lesser."

Your Committee on Finance and Administration has reviewed the above Subsection and is of the opinion that its present policy providing for cash donations for luncheons, dinners and receptions to assist non- governmental organizations which are national or international in scope should be discontinued.

Your Committee on Finance and Administration recommends that the Policy for Grants Administered by the Committee on Finance and Administration be amended by deleting all the phraseology following the word "City"in the fourth line therein. The amended Subsection c) to read as follows:-

"c) requests for souvenirs, mementoes, dinners, luncheons and receptions received from non-governmental organizations which are national or international in scope (at least four provinces or states), be acknowledged by offering a souvenir or memento of the City."

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Your Committee on Finance and Administration also recommends that the Proper Officers of the City do all things necessary to implement the foregoing.

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

Exemption under the Soldiers' Taxation Relief Act File FL-2.3

552 - 7. The Soldiers' Taxation Relief Act provides for the granting of relief from taxation in certain cases in an amount not to exceed $50.00 in each case. The amount so rebated by a municipality is recoverable in full through the Province of Manitoba.

Applications have been received for relief from taxation for the year 1990 under provisions of this Act and the City Treasurer has satisfied himself as to the bona fide and merit of each application. The total amount of these grants is $850.00 and have been received from residents of the following areas, namely:-

East Kildonan-Transcona	$ 50.00
St. Boniface-St. Vital	150.00
St. James-Assiniboia	350.00
Assiniboine Park-Fort Garry	50.00
Lord Selkirk-West Kildonan	150.00
City Centre-Fort Rouge	100.00
	$850.00

Your Committee on Finance and Administration recommends that Council authorize the partial exemptions from taxation, the cancellation of the unpaid taxes or penalties, or the refund of tax or penalties paid, as the case may be, in respect to the properties as set forth in the schedules on file in the office of the City Clerk in the total amount of $850.00 recoverable from the Province of Manitoba.

Moved by Councillor Selinger,
Adoption of the clause.

Carried

Deadline for Applications for Appealing of Assessments File AB-2

553 - 8. Your Committee on Finance and Administration at its meeting held on February 19th, 1991, passed the following motion, and submits same to Council for approval, namely:-

"WHEREAS The City of Winnipeg Assessment Department closes the tax rolls on random dates each tax year and shall send out assessment notices February 22nd, 1991, for the 1991 tax year;

AND WHEREAS the Board of Revision sets the deadline for appealing assessments by legislation 15 days before the first sitting of the Board;

AND WHEREAS the first sitting of the Board of Revision is arbitrary;

AND WHEREAS the ratepayers have expressed concern about missing appeal deadlines;

NOW THEREFORE BE IT RESOLVED that City Council request that the Board of Revision set the date for deadline to appeal coincidental with the date for deadline to pay property taxes at par."

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Your Executive Policy Committee recommends that the first paragraph of the above clause be deleted.

Your Executive Policy Committee also recommends that the last paragraph of the above motion be deleted, and the following substituted therefor:-

> "NOW THEREFORE BE IT RESOLVED that Council request the Board of Revision to select a consistent date within which all taxpayers can appeal their assessment each year.
>
> AND BE IT FURTHER RESOLVED that, upon approval by Council, this resolution be forwarded to the Manitoba Association of Urban Municipalities for its initiation of a co-ordinated province- wide consistency in appeal date."

Moved by Councillor Selinger,
Adoption of the clause.

In amendment,

Moved by Mayor Norrie,
That the recommendation of the Executive Policy Committee be adopted.

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

Carried.

The amendment proposed by Executive Policy Committee was put and declared carried.

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

Certificate of Good Character required under The City of Winnipeg License By-law and the Taxicab Act - Appeals from refusals of Good Character Certificates to the Committee on Planning and Community Services Files EL-1 and EL-9

554 - 9. On November 14th, 1989, representation was made before the Committee on Planning and Community Services to appeal a refusal of the Character Review Board to issue a Certificate of Good Character to him under The Taxicab Act. At that time, Committee laid the matter over for an administrative report.

On December 4th, 1989, the Committee on Planning and Community Services was advised that the application had been approved by the Chief of Police and accordingly, that the appeal had been withdrawn.

On January 10th, 1990, the Executive Policy Committee considered a communication from the Committee on Planning and Community Services dated December 14th, 1989 and requested the Board of Commissioners to submit a complete report concerning appeals against refusals by the Character Review Board to issue a Certificate of Good Character.

On July 25th, 1990, the Executive Policy Committee considered a report from the Chief Commissioner dated July 12th, 1990, copy of which is attached as Appendix "A", and made the following recommendations:-

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.

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2. That the Taxicab Board be requested to designate the Character Review Board as the body responsible for providing Good Character Certificates (under The Taxicab Act) and that a right of appeal from decisions of that Board be established.

The above recommendations were adopted by Council on August 1st, 1990.

On August 1st, 1990, Council referred the following motion to the Committee on Finance and Administration, namely:-

> "WHEREAS the City of Winnipeg License By-law 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;
>
> AND WHEREAS the License By-law also provides that any person who is refused a certificate by the Character Review Board may re-apply to the Committee on Planning and Community Services for said certificate;
>
> AND WHEREAS it should not be the function of City Council or any of its Committees to act as a venue for hearing certificate of good character applications or appeals;
>
> THEREFORE BE IT RESOLVED that the Committee on Finance and Administration review this section of the License By-law and examine alternatives to having Council or its Committees deal with certificate of good character applications;
>
> AND BE IT FURTHER RESOLVED that the Committee on Finance and Administration recommend appropriate amendments to the License By-law in this regard at the earliest opportunity."

On August 17th, 1990, The Taxicab Board by Board Order No. 16/90 designated the Character Review Board and the Committee on Planning and Community Services of the Council of the City of Winnipeg as persons from whom a Certificate of Good Character may be obtained for the purposes of the Taxicab Act.

On October 1st, 1990, City Council adopted the recommendation of the Committee on Planning and Community Services that the City Solicitor be instructed to prepare an amendment to the Political and Administrative Organization By-law No. 4444/86 of The City of Winnipeg to establish the Committee on Planning and Community Services as the body responsible to hear appeals from the Character Review Board and that 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 any hearing to the Committee and to the applicant.

In order that the various issues concerning Certificates of Good Character appeals be dealt with consistently, it is necessary to re- examine the role of the Committee on Planning and Community Services in hearing appeals from the Character Review Board.

The three alternatives are as follows:

<u>1. Expansion of the Role of the Committee on Planning and Community Services to hear Appeals from the Character Review Board under The Taxicab Act.</u>

As set forth in the report of the Chief Commissioner dated July 12th, 1990, The Taxicab Act established a Taxicab Board composed of a member of City Council, the Chief Constable of the Winnipeg Police Force and three other persons appointed by Lieutenant-Governor in Council. The Taxicab Act prohibits persons from operating taxicabs unless they hold a license from The Taxicab Board and provides that the Board shall not issue a license to the driver of a taxicab unless he produces a Certificate of Good Character from the Chief of Police of the City of Winnipeg or from such other person as the Board may designate.

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Prior to the Taxicab Board Order No. 16/90, no "other person" was designated to provide Certificates of Good Character under The Taxicab Act. Accordingly, the Chief of Police was obliged personally to issue such Certificates of Good Character and no right of appeal from his decision was provided.

The recommended alternative contained within the Chief Commissioner's report was that the City recommend that the Taxicab Board designate the Character Review Board as the body responsible for providing Good Character Certificates (in order to relieve the Chief of Police of this personal responsibility) and that a right of appeal from decisions of the Character Review Board (as to the Taxicab Board) be established. The administration did not contemplate that a right of appeal from decisions of the Character Review Board under the Taxicab Act would be established to the Committee on Planning and Community Services as, apart from representation on the Taxicab Board, the City of Winnipeg has nothing to do with the regulation of taxicabs.

If the City wishes to expand the role of the Committee on Planning and Community Services to hear appeals from the Character Review Board under The Taxicab Act, it should proceed by enacting an amendment to the City of Winnipeg License By-law No. 4007/85 (Appendix "B") as well as confirm its directions to the Law Department to prepare the necessary amendment to the Political and Administrative Organization By-law No. 4444/86.

2. Continuation of the current role of the Committee on Planning and Community Services in hearing appeals from the Character Review Board under the License By-law only.

Prior to 1986, the License By-law provided for the issuance of Certificates of Good Character by the Chief of Police with a right of appeal to the then Committee on Environment and a further right of appeal to City Council.

On April 9th, 1986, By-law No. 4284/86 was enacted thereby removing the right of appeal to City Council.

On May 26th, 1988, Council enacted By-law No. 4904/88 establishing the Character Review Board as the Committee responsible for issuing Certificates of Good Character at first instance.

If the City wishes to continue the role of the Committee on Planning and Community Services in hearing appeals under the License By- law only and wishes to require the Police Department to submit a report outlining its position that an applicant is not of good character on any such appeal, it should proceed by enacting an amendment to the City of Winnipeg License By-law No. 4007/85 (Appendix "B") and by informing The Taxicab Board that the Committee on Planning and Community Services will not be hearing appeals from the Character Review Board under The Taxicab Act.

3. Discontinuance of the role of the Committee on Planning and Community Services in hearing any appeals from the Character Review Board.

Subsection 524(1) of The City of Winnipeg Act provides that the power to license and to regulate trades shall be deemed to include the power

> "(f) to require, as a condition precedent to the issue of a license, such qualifications on the part of the applicant as to character, fitness, equipment, previous residence in the city or other matter as the Council shall prescribe, the question whether the applicant has the prescribed qualifications to be determined in each case by the council or by such committee, officer or other person and in such manner as may be specified by by-law;"

Subsection 524(8) of the Act provides as follows:

> "(8) Every person whose license is suspended or cancelled or who is refused a license as a result of a decision or recommendation of an officer of the city or of the Chief of Police, may appeal within 14 days of the decision or recommendation to a judge of the Court of Queen's Bench who may confirm the suspension or cancellation or reinstate or order the issue of the license."

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Within the above legislation the City could consider the following alternatives if it wishes to discontinue the function of the Committee on Planning and Community Services in hearing appeals from the Character Review Board:-

a) amend the License By-law to remove the right of appeal to the Committee on Planning and Community Services (with the result that there would be no internal right of appeal from decisions of the Character Review Board);

b) amend the License By-law to provide for a right of appeal from the Character Review Board to an officer or administrative committee as would be specified by by-law (such as the Chief of Police or Board of Commissioners);

c) amend the License By-law in a manner similar to that identified as Alternative 2 in the report of the Chief Commissioner, namely to delete the requirement for a Certificate of Good Character and substitute a requirement that the applicant obtain a Certificate that he has not, within the three year period preceding his application, been convicted of a criminal offence of a nature which is related to the trade or which, in the opinion of the Character Review Board indicates that he is not of suitable character to carry on the proposed trade. This alternative could be developed either with or without a right of appeal from the Character Review Board to the Committee on Planning and Community Services. This alternative would make the criteria for the refusal of a character related certificate more precise and would thereby narrow the scope of any appeal to the Committee on Planning and Community Services.

d) amend the License By-law to delete the requirement for a Certificate of Good Character and substitute specific requirements that applicants for particular licenses obtain a certificate that they have not been convicted of particular criminal offences within the three year period preceding the application.

This approach has been used in subsection 4(14) of The License By-law which provides that no license to carry on the trade of a transient trader, canvasser, hawker or itinerant salesman shall be issued to any person if that person has been convicted of an offence under the Competition Act within a three year period prior to application being made.

This alternative would make the criteria for granting or refusing a character certificate completely objective and would eliminate any need for a right of appeal to a standing committee. The disadvantage would be that a person who has been convicted of an offence specified in the by-law would be absolutely precluded from obtaining a license without provision for the circumstances and seriousness of the incident being taken into account.

As set forth above, Section 524(8) of The City of Winnipeg Act provides a statutory right of appeal to the Court of Queen's Bench where a license is refused as a result of a decision of an officer of the City or of the Chief of Police. During the past ten years, only one person has brought proceedings under that provision based on a refusal of a Certificate of Good Character under the License By-law. In that case (heard in 1982) the Judge stated that the courts should be reluctant to interfere with decisions of City Council or its standing committees and that because the License By-law provided a right of appeal from the Chief of Police to a standing committee, the decision should not be overturned. It was apparent in that situation that the Judge viewed Section 524(8) as having broader application in circumstances where no internal right of appeal was provided from the decision of an administrative officer.

The above experience suggests that if the City amends the License By-law to discontinue the role of the Committee on Planning and Community Services in hearing appeals from the Character Review Board, it can expect the Court of Queen's Bench to take a more active role in hearing those appeals which may arise under Section 524(8).

Your Committee on Finance and Administration recommends that:-

1. The role of the Committee on Planning and Community Services in hearing any appeals from the Character Review Board as it relates to the issuance of good character certificates under the License By-law be discontinued (Alternative 3) and;

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2. That the City of Winnipeg License By-law No. 4007/85 be amended to delete the requirement for a Certificate of Good Character and substitute specific requirements that applicants for particular licenses obtain a certificate that they have not been convicted of particular criminal offences within the three year period preceding the application; and

3. That the City Solicitor be instructed to prepare the necessary amendment to the City of Winnipeg License By-law to reflect the intent of Recommendation 2. above; and

4. That the City Solicitor be instructed to prepare the necessary amendment to the Political and Administrative Organization By- law No. 4444/86 of The City of Winnipeg Act to implement the intent of Recommendation 1. above; and

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

Moved by Councillor Selinger,
Adoption of the clause.

Carried

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

COMMITTEE ON FINANCE AND ADMINISTRATION
MOTIONS

Moved by Councillor Kaufmann,
Seconded by Councillor Fraser,
555 - WHEREAS business tax in the City of Winnipeg may be increased substantially at a time of recession when business can ill afford increased taxes;

THEREFORE BE IT RESOLVED that the collection of business tax by the City of Winnipeg be conducted in a similar manner as the collection of realty tax;

AND BE IT FURTHER RESOLVED that no additional remedies, penalties or fines be levied for late payment other than those charged to late payers of realty tax.

Referred to Committee on Finance and Administration.

Moved by Councillor Reese,
Seconded by Councillor Lorenc,
556 - THAT Council rescind its decision of July 10th, 1985, with respect to Clause 7 of the Report of the Executive Policy Committee, dated July 3rd, 1985, Minute No. 1081, pertaining to a single rate of business tax;

AND THAT the Committee on Finance and Administration review the Task Force Report on the Business Assessment Classification System and Tax Rate Structure of the City of Winnipeg;

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AND FURTHER THAT the Committee on Finance and Administration report on the possibility of integrating the business tax with the property tax. Referred to Committee on Finance and Administration.

COMMITTEE ON FINANCE AND ADMINISTRATION
CONSIDERATION OF BY-LAWS

557 - On motion of Councillor Selinger, 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. 5646/91, a By-law of the City of Winnipeg to exempt Variety Club of Manitoba, Tent 58, Inc. from the application of certain provisions of The City of Winnipeg License By-law. File No. EL-1.

By-law No. 5647/91, a By-law of the City of Winnipeg to amend Schedule "A" of By-law No. 2148/78 being the Winnipeg Police Pension Plan By-law, as amended. File No. GU-2.10.