CONSIDERATION OF REPORT OF THE

EXECUTIVE POLICY COMMITTEE

On motion of Mayor Norrie, the Report of the Executive Policy Committee, dated November 20th, 1991, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg,
November 20th, 1991.

His Worship the Mayor and Councillors:-

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

Downtown Winnipeg Business Improvement Zone - Proposed Program, Zone Levy and Budget Estimates - 1992. File FL-7.4

160 - 1. Council, on January 25th, 1989, adopted By-law No. 5080/89, being a By-law of The City of Winnipeg, to designate a Business Improvement Zone to be known as the "Downtown Winnipeg Business Improvement Zone" and establish a Management Board for the Zone.

By-law No. 5080/89 requires the referenced Board to prepare for submission to Council, on or before October 31st in each year, its proposed program, zone levy and budget estimates. On October 23rd, 1991, the Downtown Winnipeg Business Improvement Zone held its Annual General Meeting at which time unanimous consent was given to the Zone's proposed budget and programs for 1992. (Copy of the proposed budget is on file in the Office of the City Clerk.)

Your Executive Policy Committee recommends that pursuant to the requirements of By-law No. 5080/89, Council request the City Centre-Fort Rouge Community Committee to conduct a public meeting to hear representation with respect to the proposed program, zone levy and budget estimates and to provide recommendations to Council within sixty (60) days from receipt of Council's request.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

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

Norwood Grove Business Improvement Zone - Proposed Program, Zone Levy and Budget Estimates - 1992. File FL-7.6

161 - 2. Council, on March 6th, 1991, adopted By-law No. 5649/91, being a By-law of The City of Winnipeg, to designate a Business Improvement Zone to be known as the "Norwood Grove Business Improvement Zone" and establish a Management Board for the Zone.

By-law No. 5649/91 requires the referenced Board to prepare for submission to Council, on or before October 31st in each year, its proposed program, zone levy and budget estimates. On October 29th, 1991, the Norwood Grove Business Improvement Zone held its Annual General Meeting at which time unanimous consent was given to the Zone's proposed budget and programs for 1992. (Copy of proposed budget is on file in the Office of the City Clerk.)

Your Executive Policy Committee recommends that pursuant to the requirements of By-law No. 5649/91, Council request the St. Boniface-St. Vital Community Committee to conduct a public meeting to hear representation with respect

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to the proposed program, zone levy and budget estimates and to provide recommendations to Council within sixty (60) days from receipt of Council's request.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

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

Appointment to the Special Committee on Park and Boulevard Maintenance.
File PB-1

162 - 3. On September 25th, 1991, Council adopted a motion instructing that a special committee be established to be comprised of Councillors, administrative staff and the Union to study all issues associated with boulevard and park maintenance, and that this special committee report its findings to the Executive Policy Committee prior to April 1st, 1992.

On September 25th, 1991, and after one year of assessment, review and debate, Council amended and adopted Executive Policy Committee's recommendations on a pilot program for contracting out park and boulevard maintenance to read:-

> "That a special committee be established to be comprised of Councillors, administrative staff and the Union to study all issues associated with boulevard and park maintenance, and that this special committee report its findings to the Executive Policy Committee prior to April 1st, 1992.
>
> That the City conduct an informational session for all Councillors prior to April 1st, 1992, to review all departmental policies and procedures concerning boulevard and park maintenance.
>
> That the City conduct field tours for all Councillors and Resident Advisory Groups during the May to July period, in each Community Committee area, to fully explain the Parks and Recreation Department's boulevard and park maintenance functions.
>
> That the Executive Policy Committee be requested to reactivate the joint Council-Union Committee on seasonal and part-time staff. The Committee to meet a minimum of six times per year."

The administration has appointed two representatives to the special committee, Mr. D. Budinsky, Manager of St. Boniface-St. Vital Community Parks and Recreation Branch, and Mr. W. Remple, Manager of Regional Parks and Services, and the Union has confirmed their willingness to participate and will appoint a representative in the near future. If at all possible, a meeting of the full committee should be held before the end of November, 1991.

The Committee on Protection, Parks and Culture on November 12th, 1991, concurred in the following recommendation.

Your Executive Policy Committee recommends that Councillor Ernie Gilroy be appointed to the Special Committee established by Council to study all issues associated with park and boulevard maintenance.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Report of the Executive Policy Committee, dated November 20th, 1991.

Aboriginal Justice Inquiry Report.
File GF-2

163 - 4. On October 16th, 1991, Council referred the following motion to your Executive Policy Committee:-

"Moved by Councillor Reese,
Seconded by Councillor Timmers,

WHEREAS the A.J.I. Report (Volume 2, pages 65 and 66) states that 'The Crown Attorney must not allow charges to be laid which are not properly supported by the facts or the law';

AND WHEREAS the A.J.I. Report further states that 'The Crown Attorney should advise the laying of charges only when the following question can be answered in the affirmative: Could a judge or a jury properly instructed and acting reasonably, convict the accused or the accuseds, based on admissible evidence as presented by the police to the Crown Attorney? Where doubt exists that a conviction would result, it is the responsibility of the Crown Attorney to advise the police to continue their investigation. If the evidence reveals that a conviction might result on a different charge from that suggested by the police, it is the responsibility of the Crown Attorney to advise the police of that fact. If certain evidence is necessary for the conviction, the Crown Attorney should advise the police of the deficiencies in their case and offer any advice which might seem appropriate.' (writer's emphasis);

AND WHEREAS Crown Attorney Finlayson negligently failed to act in accordance with the A.J.I. report's definition of the responsibilities and duties of the Crown and in particular failed to advise the police of the deficiencies in their case and demand that they continue their investigation prior to charges being laid;

AND WHEREAS Crown Attorney Finlayson in the absence of sufficient information, nevertheless gave the following advice '...if those are all of the facts that we have, and there was no explanation as to the lawyer's behaviour, then the charge would be one of sexual assault that I would authorize.' (Pg. 39 - Hughes' Report);

AND WHEREAS the Minister of Justice is responsible for the quality and level of justice delivered in the Province of Manitoba; 1) BE IT RESOLVED THAT City Council advise the Minister of Justice that the Hughes' Report has too narrowly defined the role of Crown Attorney Finlayson in regard to his advice to Inspectors Bell and Dawson and failed to examine Finlayson's conduct by not taking into account the Crown's full responsibilities and duties of the Office of the Crown Attorney;

2) AND BE IT FURTHER RESOLVED that the Minister of Justice share with the City the responsibility for the charges being laid, as well as the legal costs incurred by Mr. Pollock beyond the costs of the Inquiry;

3) AND BE IT FURTHER RESOLVED that City Council accepts the Hughes' Report's conclusions in regard to the roles of the Chief of Police, the Officers Kushneryk, Toyne, Bell, Dawson and Johnston, Chief Commissioner, Commissioner Reynolds and Mayor Norrie and City representatives as well as its recommendation."

The motion was referred to the Committee on Protection, Parks and Culture for its consideration and the Committee on November 12th, 1991, advised as follows:-

"The Committee did not support the three resolutions outlined in the referenced motion and resolved as follows:-

That emphasis be placed on improving the relationship between The City of Winnipeg Police Department and the Office of the Crown Attorney;

And that the legal costs incurred by Mr. Pollock beyond the costs of the inquiry be shared on a 50/50 basis between the City and the Province."

Report of the Executive Policy Committee, dated November 20th, 1991.

Your Executive Policy Committee recommends that the motion put forward by Councillors Reese and Timmers be not concurred in.

Your Executive Policy Committee also recommends that with respect to the A.J.I. Report (Volume 2, pages 65 and 66), the following:-

a) That emphasis be placed on improving the relationship between The City of Winnipeg Police Department and the Office of the Crown Attorney.

For the information of Council the following recommendation was tabled by your Committee for further consideration, namely:-

b) That all the legal costs incurred by Mr. Pollock beyond the costs of the Inquiry be shared on a 50/50 basis between the City and the Province.

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Core Area Initiative Agreement
1986 - 1991 - Reallocation Package.File FR-3

164 - 5. The Canada-Manitoba-Winnipeg Tripartite Agreement for the Development of the Winnipeg Core Area was signed on October 10th, 1986.

Under the terms of the Agreement, Program Authorizations may be amended from time to time by the written agreement of the Management Board. No amendments to the requirements expressed in Section 1 of Program Authorizations may be made without the approval of Policy Committee. Section 1 of these Program Authorizations are to be amended. Any new Program Authorizations also require Policy Committee approval. In the case of Policy Committee decisions, the Mayor represents the authority given by Council.

In the case of the enabling Core Area Initiative Agreement itself, only Council can approve proposed amendments, represented by the signatures of the Mayor and City Clerk.

A financial review of the 1986/91 Winnipeg Core Area Agreement has been completed in order to identify funds within the Agreement to cover outstanding commitments endorsed by Policy Committee and totalling $4.1 million. These remaining obligations include the following commitments:-

$2,793,000.00	Land settlement costs relating to expropriations made under the 1981-86 Core Area Agreement
950,000.00	Assiniboine Riverwalk project completion
360,000.00	Robert A. Steen Community Centre project originally approved under the Core I Agreement
$4,103,000.00	Total Outstanding Commitments

The total requirements to offset the above commitments will be sourced through programs identified in the attached Reallocation Summary (Appendix 1). Funds identified include uncommitted funds and actual slippage generated within the Agreement.

Included in the reallocation package is the Program Authorization to effect the necessary program budget adjustments, and the Program Authorization for Land and accompanying amendment to the C.A.I. Agreement (draft copy enclosed). The purpose of the amendment to the C.A.I. Agreement is to provide authority within the Agreement to cover land settlement costs arising from the Core I Agreement (1981-1986).

These reallocations do not increase the City's capital commitment to the Core Area Initiative beyond $33 1/3 million stated in the Agreement.

Report of the Executive Policy Committee, dated November 20th, 1991.

On September 10th, 1991, the Management Board of the Core Area Initiative recommended to its Policy Committee, the following:-

1. It is recommended that Policy Committee approve the reallocation of Core Area Initiative funds as outlined in the attached Reallocation Summary document dated September 12th, 1991 (Appendix 1 of this report). The approval of funds to complete construction of the Assiniboine Riverwalk project is subject to securing the four (4) outstanding properties.

2. It is recommended that the Program Authorization for Land Expropriation Settlements and the accompanying amendment to the C.A.I. Agreement, be signed by the designated signatories (i.e. Policy Committee and signatories to the C.A.I. Agreement) following Council approval.

In a letter dated September 20th, 1991, the General Manager of the Core Area Initiative solicited endorsation of the referenced "reallocation package" from members of Policy Committee in order to enable submission of the package to Council for approval. Both the Province of Manitoba through the Minister of Urban Affairs, and the Government of Canada through the Minister of Energy, Mines and Resources, have concurred in the package.

The Committee on Planning and Community Services on November 7th, 1991, concurred in the following recommendations.

Your Executive Policy Committee recommends:-

1. That the Program Authorization: Program Budget Adjustments, attached as Schedule "A" to this report, be approved by Council. 2. That the Program Authorization for Land Expropriation Settlements as outlined in the attached Schedule "B" and the associated amendment to the Core Area Initiative Agreement as outlined in the attached Schedule "C", be approved by Council.

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

Moved by Mayor Norrie,
Adoption of the clause.

Pursuant to The Municipal Council Conflict of Interest Act, Councillor Selinger advised Council that he would refrain from entering the discussion and from voting on the clause, as he has been involved in the application from the Winnipeg Education Centre for funding under Program 5.3 of the Core Area Initiative Program, and left the Chamber.

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

Carried.

The motion for the adoption of the clause was put.

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

Yea: Councillors Wade, Brown, Clement, Demare, Diamant, Douglas, Duguid, Fleisher, Fraser, Gilroy, Golden, Kaufmann, Lazarenko, Lorenc, Mendelson, Murray, O'Shaughnessy, Thomas, Timmers, Young, Yuen, Mayor Norrie and Councillor Eadie. 23

Nay: Councillors Boychuk, Hyman, Prystanski and Reese. 4

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

Councillor Selinger here returned to the Chamber.

(Note: See Minute No. 168 for attachments.)

Report of the Committee on Executive Policy Committee, dated November 20th, 1991.

Accommodation in Winnipeg of Roads and Transportation Association of Canada (R.T.A.C.) Trucks. File ST-5.2

165 - 6. Your Executive Policy Committee on June 12th, 1991, laid over consideration of Clause 10 of the Report of the Committee on Works and Operations, dated June 4th, 1991, relative to the accommodation in Winnipeg of Roads and Transportation Association of Canada (R.T.A.C.) trucks.

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

Moved by Mayor Norrie,
Adoption of the clause.

Carried.

Ad Hoc Committee to Review the Budget Process and Service Levels. File GC-7

166 - 7. Council on February 13th, 1991, appointed an Ad Hoc Committee on Service Levels composed of one representative from your Executive Policy Committee and each of the four Standing Committees to develop innovative programs to achieve an acceptable level of service within budget limitations.

The Executive Policy Committee has previously established an Ad Hoc Committee to review the budget process. Both these Ad Hoc Committees have held joint meetings and have similar mandates.

To eliminate the perceived duplication, your Executive Policy Committee recommends:-

1. That an Ad Hoc Committee to Review the Budget Process and Service Levels, be established.

2. That the membership of the Ad Hoc Committee be as follows:-

His Worship Mayor W. Norrie, Q.C.
Deputy Mayor Dave Brown
The Chairpersons of the Standing Committees:
Councillor Bob Douglas
Councillor Terry Duguid
Councilor Ernie Gilroy
Councillor Greg Selinger
Councillor Peter Diamant

3. That the remaining members of Executive Policy Committee be appointed as Ex-officio members (Councillors Bill Clement, Gloria Mendelson, Shirley Timm-Rudolph)

Moved by Mayor Norrie,
Adoption of the clause.

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

The motion to refer was put.

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

Yea: Councillors Demare, Fleisher, Fraser, Kaufmann, Mitchelson and O'Shaughnessy. 6

Nay: Councillors Wade, Boychuk, Brown, Clement, Diamant, Duguid, Gilroy, Lazarenko, Lorenc, Mendelson, Murray, Reese, Selinger, Thomas, Timmers, Young, Yuen, Mayor Norrie and Councillor Eadie. 19

Report of the Executive Policy Committee, dated November 20th, 1991.

and the motion to refer was declared lost.

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

Councillors Fraser and O'Shaughnessy asked to be recorded as having voted against the clause, in accordance with Section 50.7 of the Procedure By-law.

Appointment of Member - Community and Race Relations Committee - Unexpired Term. File CR

167 - 8. Your Executive Policy Committee has been advised that Mr. Seech Gajadharsingh, a Community-at-Large member of the Community and Race Relations Committee, has resigned from the Committee, effective November 18th, 1991.

Mr. Jason Jones, currently the Chairman of the Community and Race Relations Committee, is one of 11 institutional representatives who also sit for two year terms but for not more than two consecutive terms. Mr. Jones' consecutive terms will expire at the end of 1991.

Your Executive Policy Committee recommends that the existing policy be waived in this instance and that Mr. Jason Jones be appointed a Community-at-Large member to replace Mr. S. Gajadharsingh for the balance of the two-year term expiring January, 1993.

Moved by Mayor Norrie,
Adoption of the clause.

Pursuant to The Municipal Council Conflict of Interest Act, Councillor Young advised that he would refrain from entering the discussion and from voting on the clause because of a potential conflict due to his employment association with the Manitoba Human Rights Commission, and left the Chamber.

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

Councillor Young here returned to the Chamber.

168 – Attachment referred to in Clause 5 of the Report of the Executive Policy Committee, dated November 20th, 1991.

SEE PAGE 135 140 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT.

EXECUTIVE POLICY COMMITTEE

MOTIONS

Moved by Councillor Eadie,
Seconded by Councillor Thomas,
169 - WHEREAS the average life span of the Parliament of Canada and of the Provincial Legislatures in Canada is four years between elections;

AND WHEREAS a four-year span between elections has been accepted by the general public as a reasonable term of office for elected officials across Canada;

AND WHEREAS municipal councils in the provinces of Newfoundland and Quebec have been elected for four-year terms for a number of years to date, such terms of office having no detrimental effect to the conduct of municipal public business in those provinces;

AND WHEREAS it is appropriate for the province of Manitoba to deal with the issue of term of office on a province-wide basis;

THEREFORE BE IT RESOLVED that the Manitoba Association of Urban Municipalities request the Government of Manitoba to amend the relevant legislation in order to provide a four-year term of office for all elected municipal councils and school boards in Manitoba, and that this change become effective following the General Municipal Elections in October of 1992.

Carried.

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

Moved by Councillor Eadie,
Seconded by Councillor Fraser,
170 - WHEREAS it has been an established practice in municipal public sector wage negotiations that the opening positions of both management and labour at the beginning of the negotiation process are not made public;

AND WHEREAS because of this practice, the general public is not able to judge whether the positions of both parties are reasonable and fair;

AND WHEREAS when an agreement is reached and the final settlement is made public, the general public is not able to determine how far both parties to the agreement moved from their original opening positions;

AND WHEREAS it should be in the public interest for both management and labour in the municipal public sector to publicly disclose their opening positions at the commencement of the negotiating process;

THEREFORE BE IT RESOLVED that the Manitoba Association of Urban Municipalities request the Government of Manitoba to amend The Labour Relations Act to make it mandatory that at the commencement of collective agreement negotiations in the municipal public sector, both management and labour be required to make public their opening positions.

Carried.

Moved by Councillor Boychuk,
Seconded by Councillor Mitchelson,
171 - THAT Councillor Timm-Rudolph be granted leave of absence from the Council meeting of this date due to her absence from the City on City business.

Carried.

EXECUTIVE POLICY COMMITTEE – MOTIONS (continued)

Moved by Councillor Mitchelson,
Seconded by Councillor Kaufmann,
172 - THAT Procedure By-law No. 5400/90 be amended to change the Order of Business at each meeting of Council, to provide for a "QUESTION PERIOD" following consideration of the Report of the Executive Policy Committee and each of the Standing Committees, as was the practice of Council under its former procedure by-law, By-law No. 3200/82.

Required to Stand as Notice of Motion.

Moved by Councillor Fraser,
Seconded by Councillor Mitchelson,
173 - WHEREAS The Manitoba Court of Appeal, on November 21st, 1991, ruled ". . . That the business assessment roll used by the tax collector (of the City of Winnipeg) for levying business tax for the 1991 tax year is invalid and the 1991 business tax roll is invalid . . .";

AND WHEREAS this ruling has significant financial implications for taxpayers of the City of Winnipeg;

AND WHEREAS the citizens of the City are desirous of "open and accountable government" and should be permitted to witness Council debate this financial crisis in public;

AND WHEREAS public access television is present for this Council meeting and can provide "live access" to such a public debate;

THEREFORE BE IT RESOLVED that Council recess to "Committee of the Whole" for the purpose of considering a matter not on the agenda, namely, "The Impact of the Court Appeal on the Business Tax Decision" (by the Manitoba Court of Appeal) and to formulate a process to resolve this serious and pressing matter.

With the consent of his seconder and of Council, Councillor Fraser was permitted to withdraw his motion.

Moved by Councillor Young,
Seconded by Councillor Selinger,
174 - WHEREAS the personal safety and security for women and children must become a guiding principle in all municipal decision-making and should be included in the revisions to Plan Winnipeg, the City of Winnipeg's overall policy document;

AND WHEREAS the participation of citizens must become a guiding principle to making Winnipeg a safer city for women and children. The Fact Finding Group believes that a participatory City is a safer City;

THEREFORE BE IT RESOLVED that the City of Winnipeg establish a Safe City Committee to promote the personal safety and security of women and children in all areas over which the City has jurisdiction and to promote community participation and co-operation in making personal safety and security a priority. This shall include policies, programs, regulation, planning and by-laws;

BE IT FURTHER RESOLVED that this Committee be composed of City Councillors, representatives from City Departments, and community representatives and be accountable to City Council;

EXECUTIVE POLICY COMMITTEE – MOTIONS (continued)

BE IT FURTHER RESOLVED that the composition of the Safe City Committee shall be at least fifty per cent (50%) women;

BE IT FURTHER RESOLVED that the priority of the Safe City Committee is to monitor and implement the recommendations contained within the report;

BE IT FURTHER RESOLVED that City Council authorize the designation of a staff position with exclusive responsibility for the facilitation of the work of this Committee.

Referred to Executive Policy Committee.

Moved by Councillor Selinger,
Seconded by Councillor Hyman,
175 - WHEREAS the Inner City Foundation was an integral part of the 2nd Core Area Initiative;

AND WHEREAS the Inner City Foundation was intended to serve as a mechanism to create long term resources to address inner city needs;

AND WHEREAS poverty, and socio-economic disparity are again on the increase in Winnipeg and particularly the inner city;

AND WHEREAS long term resources are still required to address inner city needs and issues;

THEREFORE BE IT RESOLVED that the next Core Area Agreement set aside a significant amount of resources in the order of at least five million dollars, for the establishment of a Winnipeg Inner City Foundation.

Referred to Executive Policy Committee.

Moved by Councillor Kaufmann,
Seconded by Councillor O'Shaughnessy,
176 - WHEREAS the City of Winnipeg will be facing tough economic times over the next fiscal year;

THEREFORE BE IT RESOLVED that all travel budgets for the City of Winnipeg, all departments and all Councillors including the Mayor's Office, be cut by 50% for the year 1992.

Referred to Executive Policy Committee.

EXECUTIVE POLICY COMMITTEE

CONSIDERATION OF BY-LAWS

177 - On motion of Mayor Norrie, 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. 5804/91, a By-law of the City of Winnipeg to amend By-law No. 98/72, as amended, being a by-law providing for the regulation of local improvements. File Nos. SC-6 and SL.

By-law No. 5805/91, a By-law of the City of Winnipeg to amend By-law No. 820/74, being a by-law of the said City concerning the reservation of certain portions of streets for the purpose of parking vehicles and the use of parking meters in connection therewith. File No. ST-2.