Agenda - Council - January 28, 2004

Report - Standing Policy Committee on Public Works - January 13, 2004

Item No. 3 Proposed Agreement under Sub-Section 163(3) of The City of Winnipeg Charter
File TT [c/r GL-5.1]

STANDING COMMITTEE RECOMMENDATION:

On January 21, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Public Works and submits the following to Council:

1. That 3582435 Manitoba Ltd. (operating as Kiddie Shuttle) be authorized to supply transportation to specified young children in the City of Winnipeg, under terms and conditions outlined in the administrative report dated December 10, 2003, for a five year period from January 1st, 2004 to December 31st, 2008.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing.

Report - Standing Policy Committee on Public Works - January 13, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Public Works and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 13, 2004, the Standing Policy Committee on Public Works concurred in the administrative recommendation and submitted the matter to Executive Policy Committee and Council.

REPORT

RE: PROPOSED AGREEMENT UNDER SUB-SECTION 163(3) OF THE CITY OF WINNIPEG CHARTER

FOR SUBMISSION TO: Standing Policy Committee on Public Works

ORIGINAL REPORT SIGNED BY: Rick Borland,
Director of Transit

REPORT DATE: December 10th, 2003

RECOMMENDATIONS:

1. That 3582435 Manitoba Ltd. (operating as Kiddie Shuttle) be authorized to supply transportation to specified young children in the City of Winnipeg, under terms and conditions outlined in this report, for a five year period from January 1st, 2004 to December 31st, 2008.
2. That the Administration do all things necessary to implement the above noted recommendation.

REPORT SUMMARY:

Key Issues:

- Section 163(1) of the City of Winnipeg Charter, provides that no person other than the City shall operate a "local passenger transportation service" within the City.
- Section 163(3) provides that the City may enter into an agreement to allow others to operate a "local passenger transportation services" under terms and conditions specified.
- The terms and conditions of the proposed agreement will have no negative impact on Winnipeg Transit service or revenues.
- Kiddie Shuttle has had agreements of a similar nature with the city of Winnipeg since 1994.

Implications of the Recommendation(s):

General Implications:

	None
	For the organization overall and/or for other departments
✓	For the community and/or organizations external to the City of Winnipeg
✓	Involves a multi-year contract

Comment: The service operated by Kiddie Shuttle will enhance transportation to a specific segment of young children.

Policy implications:

✓	No
	Yes

Comment:

Environmental Implications:

✓	No
	Yes

Comment:

Human Resources Implications:

✓	No
	Yes

Comment:

Financial Implications:

	Within approved current and/or capital budget
	Current and/or capital budget adjustment required

Comment: This agreement will have no financial impact on the City of Winnipeg.

REASON FOR THE REPORT:

Section 163(1) of the City of Winnipeg Charter provides that no person other than the City shall operate a local passenger transportation service within the City. Sub-section 163(3) provides that the City may make an agreement with any person whereby that person may operate a local passenger transportation service of such kind, and in such part of the City as is specified in the agreement. Authority to enter into such an agreement rests with City Council.

HISTORY:

Beginning in 1994, three companies began offering a flat fare, local transportation service in Winnipeg, primarily for pre-school aged children. The three companies were advised on September 26th, 1994 in writing by the Acting City Solicitor that they appeared to be in contravention of Section 573(1) of the former City of Winnipeg Act. Subsequent to this, agreements with Arrow Wheelchair Transportation Inc. and Kiddie Shuttle Inc. (now known as 3582435 Manitoba Ltd.) were concluded, and approved by Council on September 27th, 1995. A third company, Safe Ride Winnipeg, ceased operation. In 1999, Kym's Shuttle Service also entered into a similar agreement with the City of Winnipeg but did not renew their contract for

2001. A fourth company T.L.C. Kids Shuttle has also had an agreement since March 1st, 2001. They will not be renewing their current contract, which expires December 31st, 2003.

DISCUSSION:

3582435 Manitoba Ltd. has advised that they wish to renew their current contract for a further five-year period effective January 1st, 2004. The proposed new Agreement for 3582435 Manitoba Ltd., which will be prepared by the Legal Services Division with input from the Transit Department, will contain provisions which will effectively preclude direct competition with Winnipeg Transit's passenger and revenue base. The services shall be limited to children twelve years of age or younger, or anyone who, regardless of age, is unable to use regular Transit service because of a physical or mental disability. In addition, the service must be door to door and have a minimum one-way fare charge of $4.00 per person applicable.

The Agreement, once approved by the City, is subject to the approval, authority and supervision of The Public Utilities Board.

This Agreement will commence on January 1st, 2004 and end on December 31st, 2008.

Financial Impact Statement **Date:** December 10, 2003

COMMENTS: The terms and conditions of the proposed agreement are intended to insure that there will be be no negative impact on Winnipeg Transit passengers or revenues.



Manager of Finance & Administration

IN PREPARING THIS REPORT THERE WAS CONSULTATION WITH, AND CONCURRENCE BY:

D. Buhr – Legal Services, City of Winnipeg

THIS REPORT SUBMITTED BY:

Department: Transit
Division: Operations
Prepared by: M.L. Purdy, Operations Superintendent