Minutes – Executive Policy Committee – June 15, 2022

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 6, 2022

Item No. 4 Update to Execution of Documents By-law No 78/2015

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That authority be delegated to the Director of Assets and Project Management to execute any agreements that the Director is authorized to approve pursuant to City of Winnipeg Policy No. PD-028: Real Estate – Leasing and Licensing of Property, and that the Director be authorized to subdelegate this power.

2. That authority be delegated to the Director of Planning, Property and Development to execute short term use agreements not exceeding one year less a day, for use of City-owned lands and facilities that fall within the Director of Planning, Property and Development's area of responsibility.

3. That in accordance with Recommendation 1 and 2, Council enact amendments to the Execution of Documents By-law No. 78/2015 (draft attached as Schedule A) to authorize the Director of Planning, Property and Development and the Director of Assets and Project Management, and their delegates, to execute agreements which fall under the Directors' authority as granted by the Real Estate Policy Framework.

4. That the Proper Officers of the City be authorized to do all things necessary to fulfill the intent of the foregoing.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 6, 2022

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

Yea:	Bowman, Allard, Browaty, Chambers, Gilroy, Mayes, Rollins	7
Nay:		0

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 6, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Update to Execution of Documents By-law No. 78/2015

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	J. Kiernan	N/A	M. Jack

EXECUTIVE SUMMARY

The Public Service recommends amendments to the Execution of Documents By-law 78/2015 (draft attached as Schedule A), to ensure alignment between the By-law and the Real Estate Policy Framework.

Proposed changes to the by-law include granting authority to the Director of Assets and Project Management to execute certain real estate agreements and authorizing the Director of Planning, Property and Development to execute a greater variety of short-term use agreements. The Directors' authority to approve same was set out in the Real Estate Policy Framework, which was adopted by Council on September 29, 2021.

RECOMMENDATIONS

1. That authority be delegated to the Director of Assets and Project Management to execute any agreements that the Director is authorized to approve pursuant to City of Winnipeg Policy No. PD-028: Real Estate – Leasing and Licensing of Property, and that the Director be authorized to subdelegate this power.

2. That authority be delegated to the Director of Planning, Property and Development to execute short term use agreements not exceeding one year less a day, for use of City-owned lands and facilities that fall within the Director of Planning, Property and Development's area of responsibility.

3. That, in accordance with Recommendation 1 and 2, Council enact amendments to the Execution of Documents By-law No. 78/2015 (draft attached as Schedule A) to authorize the Director of Planning, Property and Development and the Director of Assets and Project Management, and their delegates, to execute agreements which fall under the Directors' authority as granted by the Real Estate Policy Framework.

4. That the Proper Officers of the City be authorized to do all things necessary to fulfill the intent of the foregoing.

REASON FOR THE REPORT

Council approval is required to amend and enact by-laws.

IMPLICATIONS OF THE RECOMMENDATIONS

The Director of Planning, Property and Development shall have the authority to execute agreements for short term use of City-owned lands and facilities so as to align with the Director's authority to approve same as set out in the Real Estate Policy Framework.

The Director of Assets and Project Management shall have the authority to execute, or subdelegate the authority to execute, agreements for real estate matters where the City is a lessee or licensee. This will align the Director's execution authority with the Director's approval authority as set out in the Real Estate Policy Framework.

There are no direct financial implications associated with the recommendations of this report.

HISTORY/DISCUSSION

On September 29, 2021, Council adopted the Real Estate Policy Framework (the "Framework"). The Framework organizes the City's real estate policies and delegations into four separate sections for sales, acquisitions, leases and use of sale proceeds.

Execution of Documents By-law 78/2015 authorizes designated employees of the City of Winnipeg to execute certain documents on behalf of the City.

Presently, only the Director of Planning, Property and Development may execute agreements for real estate matters, even though the newly-created Assets and Project Management Department negotiates and administers all leasing/licensing of private property. Under the Framework, the Director of Assets and Project Management has the authority to approve certain leases/licenses relating to private property, but the authority to execute the formal agreement continues to rest with the Director of Planning, Property and Development, who is not otherwise part of the transaction. The Public Service recommends an amendment to Section 13 of the Execution of Documents By-law 78/2015 to ensure alignment of policy and organization structure, including the ability to subdelegate said execution powers. This is standard for Directors under By-law 78/2015, and improves efficiency and accuracy for the Public Service.

The Public Service also recommends an amendment to Section 19 of Execution of Documents By-law 78/2015, wherein subsection 19(1)(a) would be expanded to include "land" in addition to "facilities". Section 19 deals with the execution of short-term use agreements for City property. The Director of Planning, Property and Development manages a diverse portfolio of both land and buildings. The current iteration of the By-law only permits the Director of Planning, Property and Development to execute short-term use agreement for facilities. Amending the By-law to include "land" would align the Director's execution authority with the approval authority granted to the Director under the Framework.

The draft amendments are attached to this report as Schedule A.

FINANCIAL IMPACT

Financial Impact Statement Date: May 9, 2022

Project Name:

Update to Execution of Documents By-Law No. 78/2015

COMMENTS:

There are no direct financial implications associated with this report.

Mike McGinn May 9, 2022

Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- Assets and Project Management
- Legal Services (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

Our Winnipeg provides the following policy direction on City Real Estate:

01-3 Prosperity

Direction 1:
Provide efficient and focused civic administration and governance.

- Continuously pursue innovative, streamlined service delivery and decision-making processes.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Gord Chappell, Real Estate Administrator
Date: May 18, 2022
File No: N/A

Attachments:

Schedule A – Execution of Documents By-law 78/2015 Amendment