

**REPORT OF THE
EXECUTIVE POLICY COMMITTEE**

DATED JANUARY 10, 1996

On motion of Her Worship Mayor Thompson, the Report of the Executive Policy Committee, dated January 10, 1996, was considered clause by clause.

Moved by Her Worship Mayor Thompson,

That the Consent Agenda, Clauses 1,2 and 3 be adopted.

Carried.

Her Worship The Mayor and Councillors:

**Norwood Grove Business Improvement
Zone File FL-7.6 (Vol. 1)**

253 - 1. On March 6, 1991, Council 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 to establish a Management Board for the Zone.

The Management Board is required under the terms of By-law No. 5649/91 to prepare its proposed program, zone levy and budget estimates for the consideration of Council each year.

On November 29, 1995, Council requested that the Riel Community Committee conduct a public meeting to hear representations with respect to the proposed program, zone levy and budget estimates for the year 1996.

On December 11, 1995, the Riel Community Committee considered the Norwood Grove Business Improvement Zone - proposed program, zone levy and budget estimates for the year 1996 and passed the following motion; namely:-

"WHEREAS a public meeting to review the proposed program, zone levies and 1996 budget estimates for the Norwood Grove Business Improvement Zone was duly advertised in The Winnipeg Free Press on Friday, December 1, 1995, in accordance with Section 17 of By-law No. 5649/91;

AND WHEREAS no objections were received in respect to the proposal;

NOW THEREFORE BE IT RESOLVED that the Riel Community Committee unanimously recommend to Executive Policy Committee that the proposed program, zone levy and budget estimates for the Norwood Grove Business Improvement Zone, as adopted, be ratified by Executive Policy Committee and City Council."

The Executive Policy Committee recommends:

- I. That the proposed program, zone levy and budget estimates for the Norwood Grove Business Improvement Zone for the year 1996 be adopted.
- II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Adopted by consent.

Report of the Executive Policy Committee dated January 10, 1996**Appointments to the Old St. Vital Business
Improvement Zone****File FL-7.13 (Vol. 1)**

254 - 2. Council at its meeting held on December 20, 1995, passed the following motion, namely:

*Moved by Councillor Golden,
Seconded by Councillor Vandal,*

WHEREAS Council on November 29, 1995, passed By-law No. 6715/95, a By-law of The City of Winnipeg to designate a Business Improvement Zone to be known as the "Old St. Vital Business Improvement Zone", and establish a Management Board for the Zone;

AND WHEREAS Section 6(1)(b) of the by-law provides that the membership shall consist of eight (8) members who each shall be from a business which is located in the Zone, and who shall be appointed in accordance with the process provided in Sections 8 to 11 inclusive, of By-law No. 6715/95;

AND WHEREAS nominations for Zone Board members were received in the Office of the Clerk from eight persons from amongst the business in the Zone;

AND WHEREAS Section 9(4) of the by-law provides that if the number of persons nominated is eight (8) or less, then those nominated shall be considered to be selected by acclamation and the names of those persons selected by acclamation shall be forwarded to Council for appointment;

AND WHEREAS Section 7(c) of the by-law provides that the initial term of office of the eight Zone Board members shall be as follows:-

- (i) four (4) Zone Board members shall hold office from the date of appointment to the first meeting of Council in January 1997;*
- (ii) four (4) Zone Board members shall hold office from the date of appointment to the first meeting of Council in January 1998;*

AND WHEREAS the eight persons deemed selected by acclamation are:

*TEIXEIRA, Brian
ELMHURST, Linda M.
LANCASTER, George
ROZON, Shelly
GOSSELIN, Joel
MOSDELL, Betty
FULLER, Jim
JOHNSTONE, Marge*

NOW THEREFORE BE IT RESOLVED that the following Zone Board members hold office from the date of appointment to the first meeting of Council in January, 1997, namely:-

*GOSSELIN, Joel
MOSDELL, Betty
FULLER, Jim
JOHNSTONE, Marge*

AND FURTHER THAT the following Zone Board members hold office from the date of appointment to the first meeting of Council in January 1998, namely:-

*TEIXEIRA, Brian
ELMHURST, Linda M.
LANCASTER, George
ROZON, Shelly*

Report of the Executive Policy Committee dated January 10, 1996

NOW THEREFORE BE IT FURTHER RESOLVED that matter of appointment of a member of Council to the Management Board of the Old St. Vital Business Improvement Zone be referred to the Executive Policy Committee for recommendation.

The Executive Policy Committee recommends that Councillor Golden be appointed as a Member of Council to the Management Board of the Old St. Vital Business Improvement Zone.

Adopted by consent.

**Request for the City of Winnipeg to Host
the Federation of Canadian Municipalities
Conference in the Year 2003**

File GC-5.1 (Vol. 30)

255 - 3. On July 20, 1994, Council adopted Clause 7 of the Report of the Executive Policy Committee dated July 13, 1994, which authorized Her Worship Mayor Thompson to inform the Federation of Canadian Municipalities in Ottawa that the City of Winnipeg would be prepared to host the FCM's 67th Annual Conference in 2004. The City's offer was subsequently accepted by the FCM's Board of Directors. The location of the annual conference in 2003 was held in abeyance by the FCM pending the receipt of offers from other municipalities.

Recently, the City of Edmonton has indicated that it would like to host the annual conference in that City in 2004, in conjunction with Edmonton's Centennial celebrations. Officials from the City of Edmonton have made inquiries with the City of Winnipeg officials to determine if Winnipeg would be prepared to host the conference in 2003, in order that Edmonton could host the 2004 conference during their centennial year. FCM conference planning staff have confirmed that sufficient meeting space and hotel rooms are available in Winnipeg in 2003 to accommodate the annual conference requirements, and if the City of Winnipeg wished to host the conference in that year, that request could be easily accommodated.

The Executive Policy Committee is of the opinion that the City of Edmonton's request to host the FCM Conference in their City during their centennial year in 2004 should be accommodated.

The Executive Policy Committee therefore recommends that Her Worship Mayor Thompson advise the FCM office in Ottawa that the City of Winnipeg will host the FCM Annual conference in 2003 in order to permit the City of Edmonton to host the Annual Conference in their centennial year of 2004.

Adopted by consent.

**REPORT OF THE
EXECUTIVE POLICY COMMITTEE**

DATED JANUARY 17, 1996

On motion of Her Worship Mayor Thompson, the Report of the Executive Policy Committee, dated January 17, 1996, was considered clause by clause.

Moved by Her Worship Mayor Thompson,

That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21, 22,23,24,25 and 26 be adopted.

Councillor Lazarenko requested that Clauses 1,22,24 and 26 be pulled from the Consent Agenda.

Councillor O'Shaughnessy requested that Clause 3 be pulled from the Consent Agenda.

Councillor Silva requested that Clause 5 be pulled from the Consent Agenda.

Councillor Murray requested that Clause 10 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 2,4,6,7,8,9,11,12,13,14,15,16,17,18,19, 20,21,23 and 25 was put and declared carried.

Her Worship The Mayor and Councillors:

Appointment of the City Auditor
File GP-1.2 (Vol. 2)

256 - 1. The Executive Policy Committee has been advised that after conducting an extensive provincial and national search, the Selection Committee interviewed four (4) short listed candidates. Carol Bellringer, the current Provincial Auditor, was the unanimous recommendation of the Committee. The Selection Committee is proposing a salary equivalent to her 1996 compensation package.

Ms Bellringer's positions within the Provincial Auditor's Office, from Director of Training and Technology to Assistant Provincial Auditor to Provincial Auditor have provided her with extensive experience within Government departments and agencies. During her last seven years with the Office, Ms Bellringer has had exposure to all of the organizations comprising the Provincial Reporting entity of approximately \$8 billion in expenditures. As Provincial Auditor, she is responsible for all aspects of a 50-person Audit Office conducting financial statements and value for money audits for the Manitoba Legislature. Her experience with financial statements and broader scope audits has provided her with the following skills:

- an understanding of the fiscal realities facing Governments
- an ability to measure program economy, efficiency and effectiveness
- an ability to conduct relevant research about program administration
- an understanding of the barriers to change influencing public sector organizations
- an in-depth knowledge of contemporary audit practices in a legislative environment
- an in-depth knowledge of public sector accountability reports, including budgets, financial statements and other performance reports

In addition to successfully adapting to the public sector, she has had nine years experience in private practice with the firm of Chartered Accounts KPMG Peat Marwick. Serving in various capacities including one year in the National Professional Development area and lastly as Senior Audit Manager, she has had extensive experience with financial statement audits for large and small privately held and publicly traded organizations.

Report of the Executive Policy Committee dated January 17, 1996

As well as her audit-related skills, Ms Bellringer possesses a strong combination of other important skills and abilities. For instance, her role as Provincial Auditor requires her to successfully manage a staff of approximately 50 people which involves a great degree of leadership skills and strategic planning ability. She has effective communication and presentation skills through her extensive experience in dealing with the media, developing and delivering training courses to professional audit staff, participating on panels, facilitating workshops and providing seminars to members of the public service, Members of the Legislature and within other educational settings.

Ms Bellringer has also participated on the Canadian Comprehensive Auditing Foundation (CCAF) Board of Governors, the Institute of Chartered Accountants of Manitoba (ICAM) Council and various ICAM Committees, and she has worked with the Public Sector Auditing and Accounting Board as well as served on various Government Committees, indicating an ability to work with a wide range of people in a variety of different settings. With this combination of knowledge, abilities and skills, Ms Bellringer would bring a great deal of credibility to the position of City Auditor.

The Executive Policy Committee recommends that Carol Bellringer, C.A., be hired as City Auditor, effective April 1, 1996, at Step 20 of Level IX of the Senior Management salary scale (\$97,110/year), and be offered the standard five year renewable Department Head contract.

Moved by Her Worship Mayor Thompson,
Adoption of the clause.

Carried.

**Appointments to the Access Advisory
Committee**

Files CR-3 (Vol. 3) (c/r GC-7)

257 - 2. On January 25, 1995, Council adopted Clause 20 of the Report of the Executive Policy Committee dated January 18, 1995, approving the new terms of Reference for the Access Advisory Committee including the composition of said Committee as follows:

- two members from City Council
- eight members with disabilities
- two members who may or may not have a disability, but are interested in access issues
- the Mayor as an ex-officio member

On January 18, 1995, five citizen members were appointed to the Access Advisory Committee for a two year term to expire on December 31, 1996, namely:

Terrence Beeman
Charles Mastin
Shelley Saunders

Ross Eadie
Laurie Ringaert

The Selection Committee has reviewed applications for citizen members to the Access Advisory Committee and recommends:

- I. That the following citizen members be appointed to the Access Advisory Committee for a two year term to expire on December 31, 1997, namely:

Brennan Childs
Theresa Anne Swedick

David L. Rapson
Dule Vicovac

- II. That Councillors Phillips and Vandal be appointed as Members of Council to the Access Advisory Committee for a one-year term to expire December 31, 1996.

The Executive Policy Committee has ratified the recommendations of the Selection Committee and submits these appointments to Council for adoption.

Adopted by consent.

Report of the Executive Policy Committee dated January 17, 1996

**Appointment of Citizen Members to the
Board of Adjustment - 1996
Files GK-12 (Vol. 5) (c/r GC-7)**

258 - 3. Section 651(1) of The City of Winnipeg Act provides that Council shall in each year, appoint a Board of Adjustment to consider applications for variances and conditional uses and the Board shall consist of such number of members, as the Council shall decide. By-law No. 5894/92 and amendments thereto limits the number of members to no more than six (6).

The Selection Committee has reviewed applications for citizen members to the Board of Adjustment and recommends:

- I. That the following Citizen Members be appointed for a three year term expiring December 31, 1998, namely:

George Derwin
Brian Hurst

- II. That Mark Morgan be appointed for the balance of a term to expire December 31, 1996.

The Executive Policy Committee has ratified the recommendations of the Selection Committee and submits these appointments to Council for adoption.

Moved by Her Worship Mayor Thompson,
Adoption of the clause.

Moved by Councillor O'Shaughnessy,
That the clause be referred back to the Executive Policy Committee.

Carried.

**Appointments of Citizen Members to the
Board of Revision
Files GK-11.1 (Vol.2) (c/r GC-7)**

259 - 4. Section 35(1) of The Municipal Assessment Act provides that Council shall in each year by resolution, appoint a Board of Revision to revise the assessment rolls and the Board shall consist of such number of members, not fewer than three, as the Council shall decide. Council on December 17, 1993, resolved that the number of members to the Board of Revision be reduced from twenty-seven to twenty-one members.

The Selection Committee has considered a number of applications for the appointment to The Board of Revision in order to allow the Board of Revision to continue to hear appeals and recommends that the following persons be appointed as citizen members to the Board of Revision for a one year term to expire December 31, 1996, namely:

Ed Baetz	Tom Butterworth	Roland Boisvert
Henri Daudet	John Ford	Randall Gibbons
Bud Holohan	Louis Levine	Douglas Lowry
John McDougall	Gordon McGarva	Don Mitchelson
Bud Newton	George Oliver	John Owen
Nancy Parkhill	Allan Poapst	Dennis Scott-Herridge
Gilbert St. Amant	Gordon Strong	Michael Walter

The Selection Committee further recommends that Dennis Scott-Herridge be re-appointed as Presiding Officer / Chairperson of the Board of Revision for a one-year term to expire December 31, 1996.

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The Executive Policy Committee has ratified the recommendations of the Selection Committee and submits these appointments to Council for adoption.

Adopted by consent.

Appointments to the Boulevard Provencher Advisory Committee File DAZ 220/84 (c/r GC-7)

260 - 5. On November 8, 1995, at the Organizational Meeting of Council, the matter of seven Citizen Member appointments to the Boulevard Provencher Advisory Committee was referred to the Selection Committee.

By-law No. 3993/85 establishes seven citizen members to be appointed to the Committee for a two year term to expire January, 1998.

The Selection Committee has been apprised by the Coordinator, Boulevard Provencher Advisory Committee in communication dated November 17, 1995, that the current Citizen Members have all confirmed they are prepared to serve another term.

The Selection Committee recommends that the following persons be appointed as citizen members to the Boulevard Provencher Advisory Committee for a two year term to expire December 31, 1997, namely:

Valerie Bodioga	Ray Carriere
Don Hester	Marc Lavoie
Phillipe Mailhot	Guy Prefontaine
Jacques Rollier	

The Executive Policy Committee has ratified the recommendations of the Selection Committee and submits these appointments to Council for adoption.

Moved by Her Worship Mayor Thompson,
Adoption of the clause.

Moved by Councillor Vandal,
Seconded by Councillor Angus,

WHEREAS the matter of citizen appointment to the Boulevard Provencher Advisory Committee was referred to the Selection Committee and the Selection Committee has recommended re-appointment of the existing members;

AND WHEREAS the Boulevard Provencher Advisory Committee, under By-law No. 3993/85 was mandated to address the regulation of uses, heights of buildings, and control architectural and other details of building (except residences) to be built or remodelled within the "Boulevard Provencher District";

AND WHEREAS IT is desirable to review the mandate of the Committee;

THEREFORE BE IT RESOLVED that the clause be referred to the Committee on Planning and Community Services to conduct a review of the Committee's mandate prior to finalizing citizen appointments.

Carried.

Report of the Executive Policy Committee dated January 17, 1996**Appointments to The Heritage Winnipeg Corporation File G-3 (Vol. 7)(c/r GC-7)**

261 - 6. In accordance with Section 2:01 of the By-laws of the Heritage Winnipeg Corporation, the role of the corporation is to promote the establishment of Heritage Conservation Areas in the Province of Manitoba with particular focus on the City of Winnipeg through the encouragement, support and protection of building restoration, revitalization and preservation.

On November 8, 1995, Council referred the matter of appointing one member of Council from City Centre Community Committee, one member of Council from the Committee on Planning and Community Services and one member of Council-at-large to the Heritage Winnipeg Corporation to the Selection Committee.

The Selection Committee recommends:

- I. That Councillor Steek, representing the City Centre Community Committee be appointed to the Heritage Winnipeg Corporation.
- II. That Councillor Silva, representing the Committee on Planning and Community Services be appointed to the Heritage Winnipeg Corporation
- III. That Councillor Murray, be appointed to the Heritage Winnipeg Corporation as the Council-at-large member.

The Executive Policy Committee has ratified the recommendation of the Selection Committee and submits these appointments to Council for adoption.

Adopted by consent.

Appointments to The Winnipeg Arts Advisory Council File FG-3 (Vol. 29)(c/r GC-7)

262 - 7. The Selection Committee has reviewed the applications received by the City Clerk for the appointment of two Citizen Members to the Winnipeg Arts Advisory Council for a two year term to expire in November, 1997.

The Selection Committee recommends that the following persons be appointed to the Winnipeg Arts Advisory Council for the two year term expiring in November, 1997, namely:

Gail Isaak
Walter Nickamp

The Executive Policy Committee has ratified the recommendation of the Selection Committee and submits these appointments to Council for adoption.

Adopted by consent.

Appointments to The Winnipeg Public Library Board File L-11 (Vol. 11)(c/r GC-7)

263 - 8. By-law No. 4334/86, and amendments thereto, established the composition of the citizen membership of the Winnipeg Public Library Board to represent each community for two year terms, with no citizen member of the Board serving more than three consecutive terms.

Report of the Executive Policy Committee dated January 17, 1996

On November 8, 1995, Council at its' Organizational Meeting, referred the matter of appointments to the Winnipeg Public Library Board to the Selection Committee as follows: one member of Council on the Committee on Planning and Community Services, one member of Council-at-large and five Citizen Members - one from each Community Committee.

The Executive Policy Committee recommends:

- I. That there be no citizen appointments made to The Winnipeg Public Library Board at this time pending a review of the Ad Hoc Committee reviewing the strategic planning process of the library system.
- II. That the existing Winnipeg Public Library Board citizen members hold office until their successors have been appointed in accordance with Rule 62.4 of The Procedure By-law No. 5400/90; until the review is completed.

Adopted by consent.

Appointments to the Concordia Hospital Board File FH-1 (Vol. 1) (c/r GC-7)

264 - 9. On November 8, 1995, Council referred the matter of appointments to the Concordia Hospital Board of one Citizen member and one Council member to the East Kildonan - Transcona Community Committee.

The East Kildonan - Transcona Community Committee recommends that two citizen members be appointed to the Concordia Hospital Board of Directors instead of one Citizen member and one member of Council.

The East Kildonan - Transcona Community Committee recommends that Anne Jorowski and Bob Jonuk be appointed to the Concordia Hospital Board for a one year term expiring January, 1997.

The Executive Policy Committee has ratified the recommendation of the Selection Committee and submits these appointments to Council for adoption.

Adopted by consent.

Preliminary Design and Land Acquisition - Corydon/Osborne/McMillan/Pembina Complex File SC-3 (Vol. 5)

265 - 10. The Executive Policy Committee has been advised that an application DASSF 526/95 has been received to subdivide the Dark Zone property located on the east side of Osborne Street between McMillan and Corydon Avenues. It is necessary that the property requirements from this site be identified now and reserved for future transportation purposes. The 1991 Capital Estimates included funds for a Traffic Engineering Study and Preliminary Design for the Corydon / Osborne /McMillan / Pembina Complex.

The study report, dated December 1992, prepared by DS-Lea Consultants Ltd., and the report of the Commissioner of Works and Operations entitled "Traffic Engineering Study and Preliminary Design - Corydon / Osborne / McMillan / Pembina Complex" recommended Alternative 5A [estimated cost \$5,800,000], as outlined in Schedule "A", Figure 2, be proceeded with in a future Capital Program.

On May 3, 1994, the City Centre Community Committee considered these reports and recommended that favourable consideration be given to approval of the Grade Separation Alternative [estimated cost \$28,300,000] outlined in Schedule "A", Figure 3 and that the necessary funds to proceed be included in the 1995-2000 Five Year Capital Forecast.

On June 5, 1994 the Committee on Works and Operations concurred with the recommendation of the City Centre Community Committee.

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The 1996-2000 Five Year Capital Forecast adopted by City Council on November 17, 1994 includes \$1,000,000 for preliminary engineering, design and land acquisition for improvements at the Corydon / Osborne / McMillan / Pembina Complex.

On May 25, 1995 the Commissioner of Works and Operations forwarded a report to the Committee on Works and Operations recommending that the preliminary design for an at grade solution outlined in Schedule "A", Figure 5 be approved in principle and implemented in stages as part of future Capital Works Programs, and that the Land and Development Services Department be authorized to negotiate for the property required for Alternative 8, outlined in Schedule "A", Figure 5.

On June 27, 1995, the Committee on Works and Operations considered the above-mentioned report from the Commissioner of Works and Operations and concluded it was in the interest of the City to acquire the entire subject property. Committee referred this matter to the Administration for report on land acquisition requirements.

On July 25, 1995, the Committee on Works and Operations considered a report from the Commissioner of Works and Operations dealing with property acquisition - 230 Osborne Street - east side of Osborne Street between Corydon and McMillan Avenues and recommended that the Land and Development Services Department be instructed to negotiate for the entire subject property as outlined in Schedule "A", Figure 5.

The matter of the proposed subdivision and the land requirements for the Corydon/Osborne/ McMillan/Pembina Complex was further raised at the meeting of Executive Policy Committee on January 10, 1996 and referred to the Board of Commissioners for report back on January 17, 1996.

It is clear from the history of this project that the Administration requires Council direction on the course of action to be followed at this intersection. The proposed improvements to this intersection will occur some time after 2001 and an amount of \$1,000,000 has been placed in the year 2000 Capital Budget for property acquisition and design. While it would seem that there is significant time available before a final configuration decision must be made, a developer has recently filed an application to subdivide the subject property requiring that a decision be made on the ultimate configuration. The decision boils down to whether or not the entire parcel is required for the intersection improvements and other civic purposes.

The Streets and Transportation Department has funds available for land acquisitions costs associated with the at grade solution, however, no budget has been identified for the acquisition of the entire parcel, nor is there funding allocated in the five year forecast for this acquisition. Accordingly, Council direction is required in terms of how much of the subject property ought to be acquired, and for what purpose.

The Executive Policy Committee recommends:

- I. That Administration be requested to acquire the property necessary for the future intersection improvements at Corydon Avenue, Osborne Street, McMillan Avenue and Pembina Highway.
- II. That the Proper Officers of the City do all things necessary to implement the foregoing.

Attachments referred to in the above clause are on file in the office of the City Clerk.

Moved by Her Worship Mayor Thompson,
Adoption of the clause.

Moved by Councillor Murray,
That the clause be tabled until later in the meeting.

(See Minute No. 280 for disposition of Clause 10)

Report of the Executive Policy Committee dated January 17, 1996

**Proposed Amendments to the City of
Winnipeg Traffic By-law, Streets By-law
and Private Approaches By-law**
Files ST-5.2 (Vol. 22), ST-5.3 (Vol. 6)
and SC-1.1 (Vol. 5)

266 - 11. On January 22, 1992, Council adopted a policy on fees and charges levied by The City of Winnipeg, namely:

- "1. That all fees and charges for The City of Winnipeg be reviewed at least once every three years.
2. That said fees and charges increase automatically, annually, by the rate of inflation, unless a review indicates otherwise."

The Executive Policy Committee has reviewed fees and charges for the Winnipeg Traffic By-law, the Streets By-law and the Private approaches By-law and recommends:

- I. That the City of Winnipeg Traffic By-law No. 1573/77; Streets By-law No. 1481/77; and Private Approaches By-law No. 6546/95 be amended as outlined in Schedules A, B and C, respectively effective January 1, 1996.
- II. That the City Solicitor be requested to draft the necessary amending by-laws in accordance with the foregoing for direct submission to Council for approval.

Attachments referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

**Changes in the Administration of Water
and Waste Reserve Funds**
File FE-1 (Vol. 28)

267 - 12. The City of Winnipeg Act, Section 338(1) states "The council may in each year, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds". Section 338 (2) states "The monies raised for a reserve fund established under subsection (1) shall be deposited under clause 51 (1) (b), and may be invested in securities in which a trustee may invest under The Trustee Act; and the earnings derived from the investment of any such monies shall form part of the reserve fund".

Section 325 of The Act states "The council shall have power by resolution to vest in the trustees any further or other sums of money, or funds to be administered, invested and controlled by the trustees and to impose on the trustees any further or other trusts in connection with any such sums of money or funds within the powers of the council to impose, and in every such case all the provisions of this section, where not inconsistent with any other statute of the province or any statute of Canada, or with powers of the council or the trustees relating to any such money or funds, shall with such modifications as the circumstances require, apply to such sums of money, or fund".

Appropriation of Waterworks Retained Earnings for Aqueduct Rehabilitation:

Council, on December 18, 1991, in approving the water and sewer rates for 1992, established the principle of setting aside funds for capital expenditures expected to be required in the near future for major rehabilitation works on the aqueduct.

Water Treatment Reserve:

Council, on December 17, 1993, in approving the water and sewer rates for 1994, established a reserve to provide funding for a water treatment program expected to cost between \$180 million and \$280 million.

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River Quality Environmental Studies Reserve:

Council, on December 17, 1993, in approving the water and sewer rates for 1994, established a reserve to provide funding for environmental studies of river quality.

Brady Landfill Site Rehabilitation Reserve:

Council, on December 17, 1993, in approving the water and sewer rates for 1994, established a reserve to provide funding for the future development of the Brady Landfill Site.

On December 18, 1991, Council did not indicate that a separate reserve be established for the rehabilitation of the aqueduct. Since that date, the setting aside of funds for this purpose has been handled as an appropriation of the Waterworks System retained earnings. In order to be consistent with how funds are set aside for other purposes and to more appropriately reflect the purpose of the funds, it is being requested that Council formally establish a separate reserve for the rehabilitation of the aqueduct.

The River Quality Environmental Studies Reserve is being utilized for projects that are environmental in nature. Administration requests that Council change the name of this reserve to the Environmental Projects Reserve to more appropriately reflect the purpose of the reserve.

Allowing the Sinking Fund Trustees to administer, invest and control the funds for water treatment and the rehabilitation of the Brady Landfill Site will ensure that the necessary monies will be in place to fund these programs. Both of these reserves are funding projects which will not occur for several years. The City's and the Department's interests will be better served as these funds can be deposited in longer term investments and generate a higher rate of return thereby reducing contributions to the reserves over the long term. The Aqueduct Rehabilitation Reserve and the Environmental Projects Reserve are more active reserves whereby funds are used annually for the established projects and would not be eligible for longer term investments.

The transfer to the Water Treatment Reserve is based on 2 cents per 100 cubic feet of water consumption (1996 proposed rate). The transfer to the Brady Landfill Site Rehabilitation Reserve is based on 50 cents per tonne of the total annual tonnes of refuse disposed of at the Brady Road Landfill Site. Under the proposed method of using the Sinking Fund, funds will be deposited monthly with the Trustees and will be appropriated from the retained earnings accounts of the Waterworks System Fund and the Solid Waste Disposal Fund. Payouts from the Sinking Fund to the Utility will be done annually as necessary and used to pay for capital costs incurred in the various programs.

The anticipated annual interest earnings of at least 8.0% will be greater than the current rate of interest that the General Revenue Fund earns on the funds it has on deposit (Prime less 2.0% or 5.5% as of the date of this report) or on the rate of return the General Revenue Fund earns on its investments (5.6% to 5.7% as of the date of this report).

The Executive Policy Committee recommends:

- I. That Council approve the establishment of a separate reserve for the rehabilitation of the aqueduct.
- II. That the name of the River Quality Environmental Studies Reserve be changed to the Environmental Projects Reserve.
- III. That the Aqueduct Rehabilitation Reserve and the Environmental Projects Reserve be managed by the Director of Water and Waste.
- IV. That the administration of the Water Treatment Reserve and the Brady Landfill Site Rehabilitation Reserve be vested in the Sinking Fund Trustees of The City of Winnipeg.
- V. That the Sinking Fund Trustees be instructed to set up separate funds for water treatment and for the rehabilitation of the Brady Landfill site.
- VI. That the Sinking Fund Trustees administer, invest and control said funds.
- VII. That these funds be transferred to the Sinking Fund through monthly appropriations from the retained earnings accounts of the Waterworks System Fund and the Solid Waste Disposal Fund.

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- VIII. That the Sinking Fund Trustees invest the funds in low risk financial instruments with the objective of achieving an annual rate of return of at least 8%.
- IX. That the Proper Officers of The City of Winnipeg do all things necessary to implement the foregoing.

Adopted by consent.

**Exchange District Business Improvement
Zone - Proposed Program, Zone Levy and
Budget Estimates for 1996 and Increase in
Composition of Management Board from
10 to 13 Members File FL-7.1 (Vol. 3)**

268 - 13. On January 25, 1989, Council adopted By-law No. 5081/89, being a By-law of The City of Winnipeg to designate a Business Improvement Zone to be known as the Exchange District Business Improvement Zone and to establish a Management Board for the Zone. By-law No. 5081/89 requires that the Business Improvement Zone prepare its proposed program, zone levy and budget estimates for the consideration of Council.

The Exchange District Business Improvement Zone at its Annual General Meeting held on November 1, 1995, approved the proposed annual budget and program. On November 29, 1995, Council requested that the City Centre Community Committee conduct a public meeting to hear representations with respect to the proposed program, zone levy and budget estimates for the year 1996 and to provide recommendations to Council.

On January 9, 1996, the City Centre Community Committee had before it for consideration a communication dated November 30, 1995, from the City Clerk with respect to the above matter.

The Community Committee passed the following motion, namely:

"WHEREAS a public meeting to review the proposed program, zone levies, budget estimates and increase in composition of Management Board for the Exchange District Business Improvement Zone was duly advertised in The Winnipeg Free Press and The Winnipeg Sun on Friday, December 22, 1995, in accordance with Section 17 of By-law No. 5081/89;

AND WHEREAS no objections were received in respect to the Board's proposals;

NOW THEREFORE BE IT RESOLVED that the City Centre Community Committee unanimously recommend to Executive Policy Committee that the proposed program, zone levy, budget estimates and increase in composition of Management Board from 10 to 13 members for the Exchange District Business Improvement Zone, as adopted, be ratified by Executive Policy Committee and City Council."

The Executive Policy Committee recommends:

- I. That the proposed program, zone levy and budget estimates for the Exchange District Business Improvement Zone for the year 1996 be adopted.
- II. That the composition of the Management Board of the Exchange District Business Improvement Zone be increased from 10 to 13 members.
- III. That the Proper Officers of the City of Winnipeg be authorized to do all things necessary to implement the foregoing.

Adopted by consent.

Report of the Executive Policy Committee dated January 17, 1996

**Corydon Avenue Business Improvement
Zone - Proposed Program, Zone Levy and
Budget Estimates for 1996 and Increase in
Composition of Management Board from 8
to 13 Members File FL-7.2 (Vol. 3)**

269 - 14. On March 7, 1990, Council adopted By-law No. 5378/90, being a By-law of The City of Winnipeg to designate a Business Improvement Zone to be known as the Corydon Avenue Business Improvement Zone and to establish a Management Board for the Zone. By-law No. 5378/90 requires that the Business Improvement Zone prepare its proposed program, zone levy and budget estimates for the consideration of Council.

The Corydon Avenue Business Improvement Zone at its Annual General Meeting held on October 20, 1995, approved the proposed annual budget and program.

On November 29, 1995, Council requested the City Centre Community Committee to conduct a public meeting to hear representations with respect to the proposed program, zone levy and budget estimates for the year 1996 and to provide recommendations to Council.

On January 9, 1996, the City Centre Community Committee had before it for consideration a communication dated November 30, 1995, from the City Clerk with respect to the above matter.

The Community Committee passed the following motion, namely:

"WHEREAS a public meeting to review the proposed program, zone levies, budget estimates and increase in composition of Management Board for the Corydon Avenue Business Improvement Zone was duly advertised in The Winnipeg Free Press and The Winnipeg Sun on Friday, December 22, 1995, in accordance with Section 17 of By-law No. 5378/90;

AND WHEREAS no objections were received in respect to the Board's proposals;

NOW THEREFORE BE IT RESOLVED that the City Centre Community Committee unanimously recommend to Executive Policy Committee that the proposed program, zone levy, budget estimates and increase in composition of Management Board from 8 to 13 members for the Corydon Avenue Business Improvement Zone, as adopted, be ratified by Executive Policy Committee and City Council."

The Executive Policy Committee recommends:

- I. That the proposed program, zone levy and budget estimates for the Corydon Avenue Business Improvement Zone for the year 1996 be adopted.
- II. That the composition of the Management Board of the Corydon Avenue Business Improvement Zone be increased from 8 to 13 members.
- III. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing.

Adopted by consent.

**Osborne Village Business Improvement
Zone - Proposed Program, Zone Levy and
Budget Estimates for 1996
File FL-7.3 (Vol. 3)**

270 - 15. On December 20, 1989, Council adopted By-law No. 5322/89, being a By-law of The City of Winnipeg to designate a Business Improvement Zone to be known as the Osborne Village Business Improvement Zone and to establish a Management Board for the Zone. By-law No. 5322/89 requires that the Business Improvement Zone prepare its proposed program, zone levy and budget estimates for the consideration of Council.

Report of the Executive Policy Committee dated January 17, 1996

The Osborne Village Business Improvement Zone at its Annual General Meeting held on October 19, 1995, approved the proposed annual budget and program.

On November 29, 1995, Council requested the City Centre Community Committee to conduct a public meeting to hear representations with respect to the proposed program, zone levy and budget estimates for the year 1996 and to provide recommendations to Council.

On January 9, 1996, the City Centre Community Committee had before it for consideration a communication dated November 30, 1995, from the City Clerk with respect to the above matter.

The Community Committee passed the following motion, namely:

"WHEREAS a public meeting to review the proposed program, zone levies and budget estimates for the Osborne Village Business Improvement Zone was duly advertised in The Winnipeg Free Press and The Winnipeg Sun on Friday, December 22, 1995, in accordance with Section 17 of By-law No. 5322/89;

AND WHEREAS no objections were received in respect to the Board's proposals;

NOW THEREFORE BE IT RESOLVED that the City Centre Community Committee unanimously recommend to Executive Policy Committee that the proposed program, zone levy and budget estimates for the Osborne Village Business Improvement Zone, as adopted, be ratified by Executive Policy Committee and City Council."

The Executive Policy Committee recommends:

- I. That the proposed program, zone levy and budget estimates for the Osborne Village Business Improvement Zone for the year 1996 be adopted.
- II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing.

Adopted by consent.

**Downtown Winnipeg Business
Improvement Zone - Proposed Program,
Zone Levy and Budget Estimates for 1996
File FL-7.4 (Vol. 6)**

271 - 16. On January 25, 1989, Council 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 to establish a Management Board for the Zone. By-law No. 5080/89 requires that the Business Improvement Zone prepare its proposed program, zone levy and budget estimates for the consideration of Council.

The Downtown Winnipeg Business Improvement Zone at its Annual General Meeting held on October 26, 1995, approved the proposed annual budget and program.

On November 29, 1995, Council requested the City Centre Community Committee to conduct a public meeting to hear representations with respect to the proposed program, zone levy and budget estimates for the year 1996 and to provide recommendations to Council.

On January 9, 1996, the City Centre Community Committee had before it for consideration a communication dated November 30, 1995, from the City Clerk with respect to the above matter.

The Community Committee passed the following motion, namely:

"WHEREAS a public meeting to review the proposed program, zone levies and budget estimates for the Downtown Winnipeg Business Improvement Zone was duly advertised in The Winnipeg Free Press and The Winnipeg Sun on Friday, December 22, 1995, in accordance with Section 17 of By-law No. 5080/89;

Report of the Executive Policy Committee dated January 17, 1996

AND WHEREAS no objections were received in respect to the Board's proposals;

NOW THEREFORE BE IT RESOLVED that the City Centre Community Committee unanimously recommend to Executive Policy Committee that the proposed program, zone levy and budget estimates for the Downtown Winnipeg Business Improvement Zone, as adopted, be ratified by Executive Policy Committee and City Council."

The Executive Policy Committee recommends:

- I. That the proposed program, zone levy and budget estimates for the Downtown Winnipeg Business Improvement Zone for the year 1996 be adopted.
- II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing.

Adopted by consent.

**West End Business Improvement Zone -
Proposed Program, Zone Levy and Budget
Estimates for 1996**

File FL-7.7 (Vol. 2)

272 - 17. On March 6, 1991, Council adopted By-law No. 5650/91, being a By-law of The City of Winnipeg to designate a Business Improvement Zone to be known as the West End Business Improvement Zone, formerly known as the Ellice Avenue/Sargent Avenue Business Improvement Zone and to establish a Management Board for the Zone. By-law No. 5650/91 requires that the Business Improvement Zone prepare its proposed program, zone levy and budget estimates for the consideration of Council.

The West End Business Improvement Zone at its Annual General Meeting held on October 18, 1995, approved the proposed annual budget and program.

On November 29, 1995, Council requested the City Centre Community Committee to conduct a public meeting to hear representations with respect to the proposed program, zone levy and budget estimates for the year 1996 and to provide recommendations to Council.

On January 9, 1996, the City Centre Community Committee had before it for consideration a communication dated November 30, 1995, from the City Clerk with respect to the above matter.

The Community Committee passed the following motion, namely:

"WHEREAS a public meeting to review the proposed program, zone levies and budget estimates for the West End Business Improvement Zone was duly advertised in The Winnipeg Free Press and The Winnipeg Sun on Friday, December 22, 1995, in accordance with Section 17 of By-law No. 5650/91;

AND WHEREAS no objections were received in respect to the Board's proposals;

NOW THEREFORE BE IT RESOLVED that the City Centre Community Committee unanimously recommend to Executive Policy Committee that the proposed program, zone levy and budget estimates for the West End Business Improvement Zone, as adopted, be ratified by Executive Policy Committee and City Council."

The Executive Policy Committee recommends:

- I. That the proposed program, zone levy and budget estimates for the West End Business Improvement Zone for the year 1996 be adopted.
- II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing.

Adopted by consent.

Report of the Executive Policy Committee dated January 17, 1996

**West Broadway-South Sherbrook Business
Improvement Zone - Proposed Program,
Zone Levy and Budget Estimates for 1996
File FL-7.8 (Vol. 2)**

273 - 18. On March 25, 1992, Council adopted By-law No. 5921/92, being a By-law of The City of Winnipeg to designate a Business Improvement Zone to be known as the West Broadway-South Sherbrook Business Improvement Zone and to establish a Management Board for the Zone. By-law No. 5921/92 requires that the Business Improvement Zone prepare its proposed program, zone levy and budget estimates for the consideration of Council.

The West Broadway-South Sherbrook Business Improvement Zone at its Annual General Meeting held on October 24, 1995, approved the proposed annual budget and program.

On November 29, 1995, Council requested the City Centre Community Committee to conduct a public meeting to hear representations with respect to the proposed program, zone levy and budget estimates for the year 1996 and to provide recommendations to Council.

On January 9, 1996, the City Centre Community Committee had before it for consideration a communication dated November 30, 1995, from the City Clerk with respect to the above matter.

The Community Committee passed the following motion, namely:

"WHEREAS a public meeting to review the proposed program, zone levies and budget estimates for the West Broadway-South Sherbrook Business Improvement Zone was duly advertised in The Winnipeg Free Press and The Winnipeg Sun on Friday, December 22, 1995, in accordance with Section 17 of By-law No. 5921/92;

AND WHEREAS no objections were received in respect to the Board's proposals;

NOW THEREFORE BE IT RESOLVED that the City Centre Community Committee unanimously recommend to Executive Policy Committee that the proposed program, zone levy and budget estimates for the West Broadway-South Sherbrook Business Improvement Zone, as adopted, be ratified by Executive Policy Committee and City Council."

The Executive Policy Committee recommends:

- I. That the proposed program, zone levy and budget estimates for the West Broadway-South Sherbrook Business Improvement Zone for the year 1996 be adopted.
- II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing.

Adopted by consent.

**Osborne South Business Improvement
Zone - Proposed Program, Zone Levy and
Budget Estimates for 1996
File FL-7.9 (Vol. 2)**

274 - 19. On July 21, 1993, Council adopted By-law No. 6201/93, being a By-law of The City of Winnipeg to designate a Business Improvement Zone to be known as the Osborne South Business Improvement Zone and to establish a Management Board for the Zone. By-law No. 6201/93 requires that the Business Improvement Zone prepare its proposed program, zone levy and budget estimates for the consideration of Council.

The Osborne South Business Improvement Zone at its Annual General Meeting held on October 16, 1995, approved the proposed annual budget and program.

Report of the Executive Policy Committee dated January 17, 1996

On November 29, 1995, Council requested the City Centre Community Committee to conduct a public meeting to hear representations with respect to the proposed program, zone levy and budget estimates for the year 1996 and to provide recommendations to Council.

On January 9, 1996, the City Centre Community Committee had before it for consideration a communication dated November 30, 1995, from the City Clerk with respect to the above matter.

The Community Committee passed the following motion, namely:

"WHEREAS a public meeting to review the proposed program, zone levies and budget estimates for the Osborne South Business Improvement Zone was duly advertised in The Winnipeg Free Press and The Winnipeg Sun on Friday, December 22, 1995, in accordance with Section 17 of By-law No. 6201/93;

AND WHEREAS no objections were received in respect to the Board's proposals;

NOW THEREFORE BE IT RESOLVED that the City Centre Community Committee unanimously recommend to Executive Policy Committee that the proposed program, zone levy and budget estimates for the Osborne South Business Improvement Zone, as adopted, be ratified by Executive Policy Committee and City Council."

The Executive Policy Committee recommends:

- I. That the proposed program, zone levy and budget estimates for the Osborne South Business Improvement Zone for the year 1996 be adopted.
- II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing.

Adopted by consent.

Power to Impose Minimum Fines for License and Zoning By-law Violations Files EL-1 (Vol. 29) & EZ-DAZ

275 - 20. Council at its meeting held on July 12, 1995, ruled automatic referral of the following motion to the Executive Policy Committee, under Rule 16.1 of the Procedure By-law No. 5400/90:

*Moved by Councillor Silva,
Seconded by Councillor Prystanski,*

WHEREAS The City of Winnipeg's License and Zoning By-laws are being constantly violated by a growing number of businesses;

AND WHEREAS many of these businesses see the fines imposed as simply the cost of doing business;

AND WHEREAS our enforcement officers lack the authority to effectively close these businesses down immediately and therefore these businesses can operate for months without penalty;

THEREFORE BE IT RESOLVED that The City of Winnipeg request from the Provincial Government the power to impose minimum fines for violations of the License and Zoning By-laws for those businesses who refuse to comply;

AND BE IT ALSO RESOLVED that The City of Winnipeg request from the Provincial Government the power to padlock such businesses by the License and Zoning Departments for those businesses who continually violate License or Zoning orders.

On July 19, 1995, the Executive Policy Committee referred the motion to the Administration for report back to Executive Policy Committee; providing information as to how the City can implement this legislation if given authority to do so. On September 27, 1995, Council granted an extension of time of 60 days to allow for further consideration, and on November 29, 1995, a further extension of 60 days.

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Inasmuch as the report from the Administration has not been submitted, the Executive Policy Committee recommends an extension of time of 30 days be approved in which to further consider this matter.

Adopted by consent.

Unused Capital Borrowing Authority
File F-5.1 (Vol. 5)

276 - 21. Council at its meeting held on September 27, 1995, ruled automatic referral of the following motion to the Executive Policy Committee, under Rule 16.1 of the Procedure By-law No. 5400/90:

*Moved by Councillor O'Shaughnessy,
Seconded by Councillor Murray,*

WHEREAS the City is faced with fiscal restraint and a Council directive to decrease the amount of capital borrowing;

AND WHEREAS all capital borrowing authority is approved by Council prior to the actual expenditure;

AND WHEREAS surplus borrowing authority arises due to under expenditure or cancellation of projects;

AND WHEREAS this unused capital borrowing authority is often appropriated for other projects, which may not have been prioritized by Council in the 5-year Capital Program;

AND WHEREAS in the event of special or emergency circumstances which give rise to projects which cannot be delayed until the following year's annual capital budget, a supplemental capital budget could be approved;

THEREFORE BE IT RESOLVED that the practise of continuing unused capital borrowing authority be terminated and that no surplus borrowing authority be transferred to any other project.

On November 15, 1995, the Executive Policy Committee laid the matter over until the November 22, 1995 meeting, and requested the Board of Commissioners to report back on the pros and cons of implementing this motion.

On November 29, 1995, Council granted an extension of 60 days.

Inasmuch as the report from the Administration has not been submitted, the Executive Policy Committee recommends an extension of time of 30 days be approved in which to further consider this matter.

Adopted by consent.

**Proposed Policy - City Employees Being
Required to have their Principle Residence
in The City of Winnipeg**
File GP-1 (Vol. 17)

277 - 22. Council at its meeting held on July 12, 1995, ruled automatic referral of the following motion to the Executive Policy Committee, under Rule 16.1 of the Procedure By-law No. 5400/90:

*Moved by Councillor O'Shaughnessy,
Seconded by Councillor Silva,*

WHEREAS Headingley seceded from The City of Winnipeg in 1992, and the residents of St. Germain are currently in the process of deliberating secession;

AND WHEREAS Council has, at numerous times, deliberated the issue of non-residents in relation to user fees, licensing of non-resident contractors, non-resident parking, and a capital region strategy;

Report of the Executive Policy Committee dated January 17, 1996

AND WHEREAS there is a concern over the erosion of civic revenue through property taxation which is exacerbated by the problems associated with non-residents;

AND WHEREAS The City of Winnipeg is currently deliberating a long-term financial plan which rationalizes the levels of taxation and services provided;

AND WHEREAS on several occasions, Members of Council have raised the issue of non-residents as it applies to civic employees;

THEREFORE BE IT RESOLVED that Council consider a policy whereby all civic employees are required to have their principle residence in The City of Winnipeg;

AND BE IT FURTHER RESOLVED that such policy be effective upon the day of Council approval, but also apply to current civic employees applying for senior management positions, including Level I and Level II positions;

AND BE IT FURTHER RESOLVED that the Administration provide a related report to the Executive Policy Committee, identifying the specifics of this application, especially the number of employees by group affected, and the necessary legislation to accommodate this policy, and any related alternatives including some form of "work tax".

On July 19, 1995, the Executive Policy Committee requested the Chief Commissioner to report back to the Executive Policy Committee identifying what other Provinces and/or Municipalities in Canada have a policy requiring their employees to reside within the City limits; and whether or not the City can establish, as a condition of employment, that all civic employees be residents of the City of Winnipeg.

City Council's motion concerning a residence requirement for City employees made reference to a number of circumstances presently of concern to The City of Winnipeg. Recently the Headingley area was allowed to secede from the City and the residents of St. Germain are presently in the process of deliberating secession. These actions have served to reinforce the City's long standing concern regarding the gradual erosion of its property tax base. This erosion of fiscal strength has been accompanied by growing demands for City supplied services and infrastructure which are exacerbated by ex-urban development and associated out-migration.

"Work Taxes"

The Council motion made reference to the possibility of introducing some form of "work tax". Taxes of this type along with other alternative or additional sources of revenue are a major topic in and of themselves. The City's Financial Management Plan touches on these matters as no doubt will the discussions concerning the Capital Region. In any event, the City has no legal authority to levy any sort of "work tax". Negotiations with the Province would be required.

It seems clear that "work taxes" have general application and would not apply solely to City employees. Therefore, the issues are treated as separate and distinct. This report focuses on the matter of employees residing outside of the City and on employment policies that might relate to them.

Non-Resident Current Employees

Analysis of mailing address information contained on payroll records suggests that 1,447 of the 10,386 individuals employed by the City in Pay Period #18 (last two weeks in August, the peak employment period) had their primary residence at a place other than Winnipeg. This number represents 13.93% of the individuals employed by the City in that pay period. While these numbers are thought to be very accurate, it is possible that the employee data base contains errors. The number of such errors is thought to be very small and thus would not materially affect the results outlined in Schedule "A".

Application of the Policy

The Council motion suggests that the policy concerning residency as a condition of employment with the City of Winnipeg be effective upon the day of Council approval but also apply to current employees applying for senior management positions, including Level I and Level II positions. For purposes of this report it will be assumed that the policy would apply to all "new hires" and to any current employees applying for promotion.

Report of the Executive Policy Committee dated January 17, 1996**Collective Agreements: Promotions and New Hires**

The collective agreement between the City and the Canadian Union of Public Employees (C.U.P.E. - about one half of the City's work force) contains a "no discrimination" clause which precludes the City from denying promotion on the basis of, among other things, place of residence. In effect, in respect of C.U.P.E. positions, the City is obliged to promote the senior applicant meeting the requirements of the position. Place of residence can not be a consideration.

It would be possible to create and implement a policy making residency in the City a condition for new hires into the C.U.P.E. ranks. However, it must be recognized that, once hired, C.U.P.E. employees would be free to relocate whenever and to wherever they might choose. The City would have what would amount to a "local preference" policy for new hires.

The collective agreement with the Winnipeg Police Association (W.P.A.) provides another special case. This agreement contains a clause that addresses changes in conditions of employment. If the City wished to make place of residence a condition of employment (promotion), it could do so only with the agreement of the W.P.A.. None of the City's other collective agreements, either explicitly or implicitly, address the residency issue. Therefore, except where W.P.A. and C.U.P.E. members were involved, the City could use place of residence in deciding between equally qualified candidates for promotion. In particular, place residence could be used as a factor in deciding on promotions of Level I and II senior and middle managers (Department Heads, Winnipeg Association of Public Service Officers and W.A.P.S.O.-Exempt positions).

Using place of residence as one of a number of factors in deciding who should be promoted is a possibility. However, if place of residence was the only factor that disqualified an otherwise superior candidate it is highly likely that he or she would file a grievance which would probably be upheld. This is because the City very likely would be forced to defend the position that place of residence is a bona fide "requirement of the job". For most jobs, such a position would not be defensible. Furthermore, a policy which might lead to the appointment of inferior candidates over superior ones would not seem to be in the best overall interests of the City.

Finally, department heads and other employees who enter into individual employment contracts with the City are an exception. Presumably, any conditions set by the City, if agreed to in advance and in writing by the employee, could be strictly enforced.

Other Jurisdictions

A survey of the hiring policies of the cities used in the Comparable Cities study was conducted. Human resources staff in Vancouver, Edmonton, Calgary, Regina, Mississauga, Hamilton, Ottawa, Quebec City and Halifax were contacted. Basically, none of these cities require their employees to be resident in their respective jurisdictions. There are a couple of minor exceptions. Vancouver has a policy that employees in the Fire Department - Suppression section must be resident within a certain geographic area. With permission of the Fire Chief up to 65% of these employees could reside outside the prescribed geographic area. This policy relates to a job requirement, that employees must be quickly available in the event of a major emergency. Vancouver has no other employee residency requirement.

The City of Edmonton has a policy where appropriate seniority and residency are a consideration. This policy would not apply to candidates residing outside the City of Edmonton but living in close proximity (i.e. within reasonable commuting distance).

Quebec City has no general residency requirement. However, the City does have a policy of giving preference to residents where a large labour pool exists. This policy has its primary application in the recruitment of entry level clerical staff and labourers. Once employed, employees can reside outside of Quebec City.

Residency policies would appear to be used most often when they can be related directly to a job requirement. Residency is a requirement where an employee must be available for work on short notice, and within a short time, to respond to emergencies or in circumstances where immediate attention to a problem is required.

City Council could establish a hiring policy which would give preference to local residents although generally, once hired, employees would be free to locate elsewhere. In addition, City Council could establish a policy, except where such policy may be in conflict with a collective agreement, that would give preference to local residents for promotions where such a requirement could pass the test of reasonableness.

Report of the Executive Policy Committee dated January 17, 1996

Finally, it may be arguable that, given Winnipeg's climate, residence is a bona fide job requirement. During six months of the year weather conditions can, on occasion, be such that employees living outside the City's boundaries might be unable to report for work and that as a consequence, service levels might be unnecessarily impaired. On the other hand, it may seem curious that in this era of globalization of trade and increasing efforts to achieve national and international cooperation on issues, and when walls and barriers are falling or being pulled down everywhere, the City of Winnipeg might consider building new ones.

The Executive Policy Committee recommends:

- I. That the resolution submitted by Council be approved and that the following hiring policy be implemented by The City of Winnipeg effective upon the date of approval of Council, namely:
 - A. That all newly-hired employees must have their primary residence in the City of Winnipeg, and such residence must be retained within the City of Winnipeg Boundaries for the duration of their employment with the City. If a newly-hired employee is not a resident of the City of Winnipeg at the time of hiring, they must agree to locating their primary residence to the City of Winnipeg within twelve months of their acceptance of employment with the City, otherwise such employment will be terminated. This provision does not apply to those employees whose work-place is outside the City of Winnipeg boundaries;
 - B. And that residency within the City of Winnipeg will be a consideration in deciding on promotions within the civic service, except in such matters where this consideration is in conflict with the provisions of a collective agreement between the City and its employees.
- II. That the Proper Officers of the City do all things necessary implement the foregoing.

Moved by Her Worship Mayor Thompson,
Adoption of the clause.

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

Lost.

Moved by Councillor Thomas,
Seconded by Councillor Murray,
WHEREAS the clause attempts to get land use issues through controlling a very small percent of the Winnipeg area population;

WHEREAS the clause will not address the problem of proliferating suburban communities which continue to utilize the infrastructure, services and facilities while the residents of the City of Winnipeg subsidize those in the outlying district;

WHEREAS the new capital region centre does not have the same make-up or controls which the additional zone addressed;

THEREFORE BE IT RESOLVED THAT this clause be referred back to the Executive Policy Committee to develop a more wide ranging solution which deals with the issue of flight from the City.

The motion to refer the clause, proposed by Councillors Thomas and Murray was put.

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

Yea: Councillors Golden, Lazarenko, Lubosch, Murray, Phillips, Thomas, Timm-Rudolph,
Vandal and Angus. 9

Nay: Councillors Prystanski, Clement, O'Shaughnessy, Silva, Steek, Deputy Mayor Eadie
and Her Worship Mayor Thompson. 7

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and the motion to refer the clause back to the Executive Policy Committee was declared carried.

Attachments referred to in the above clause are on file in the office of the City Clerk.

**Consulting Study - Traffic, Transit and
Pedestrian Facilities on Portage Avenue
File ST-7 (Vol. 13)**

278 - 23. Council at its reconvened meeting held on January 26, 1995, ruled automatic referral of the following motion to the Executive Policy Committee, under Rule 16.1 of the Procedure By-law No. 5400/90:

*Moved by Councillor Golden,
Seconded by Councillor Lazarenko,*

WHEREAS Council has delegated authority to the Committee on Works and Operations, to enter into contracts for approved budget matters for amounts up to \$1 million;

AND WHEREAS the Committee on Works and Operations has used this delegated authority to approve a \$250,000.00 study of traffic matters on Portage Avenue;

AND WHEREAS the said study was neither an urgent matter nor a matter directed by policy of City Council;

NOW THEREFORE BE IT RESOLVED THAT any contract (not of an emergency matter) authorizing a study or report, be first authorized by Council.

The Executive Policy Committee recommends non-concurrence with this motion.

Adopted by consent.

**Reintroduction of Money By-laws and
Referenda During General Elections in
Winnipeg File GL-5 (Vol. 4)**

279 - 24. On July 12, 1995, Council considered Clause 5 of the Report of the Executive Policy Committee dated June 21, 1995, which contained a motion moved by Councillors Lazarenko and Golden, requesting that the Executive Policy Committee investigate and report back to Council on the feasibility and cost of reintroducing the submission of money by-laws and referenda during general elections to the electorate of Winnipeg as a means of determining the acceptance, or lack thereof, of a particular proposal or question. Council subsequently referred the matter back to the Executive Policy Committee.

On July 19, 1995, the Executive Policy Committee referred the matter to the Administration for consideration and report back.

On November 29, 1995, Council adopted Clause 3 of the Report of the Executive Policy Committee, dated November 22, 1995, granting an extension of 60 days to allow for consideration of this matter.

Subsection 120 of The City of Winnipeg Act provided for plebiscites as follows:

Plebiscites

120 The council may submit any question, within or without the powers of the council, to an expression of opinion of the electors or resident electors of the whole or any part of the City but the result of the expression of opinion is not binding on the council, and the council shall make such expenditures as it considers necessary and advisable for the purposes of holding the vote and for providing information to the electors or resident electors on the question that is submitted to an expression of opinion and the information provided may be favourable or unfavourable, or partly favourable and partly unfavourable, to the question to be submitted to the expression of opinion.

Report of the Executive Policy Committee dated January 17, 1996

Prior to Unicity, the former City of Winnipeg submitted money by-laws and referenda to the electorate on a regular basis as a means of determining the acceptance, or lack thereof, of a particular proposal or question by the citizens of Winnipeg. After Unicity in 1972, apart from 1983, this practice has not been used to determine the opinion of the citizens of Winnipeg.

In a survey of Canadian Municipalities, conducted in January of 1995, it was identified that the practice of determining public opinion on money by-laws by plebescite/referenda, has been largely discontinued, unlike the ongoing practice followed by American municipalities. Of the cities that had held some form of plebescite/referenda, the subject matter was controversial, such as Sunday Shopping, the construction of a new City Hall, and political organizational questions. Most of the plebiscites/referenda were conducted in conjunction with the general elections, as a result of the prohibitive costs of holding plebiscites/referenda apart from the general elections.

In addition, in the Final Report of The City of Winnipeg Act Review Committee in 1986, the Committee addressed the referenda subject and made the following recommendation:

Recommendation 58-Deletion of Provision for Referenda

The Review Committee recommends that the provision allowing for referenda (section 112.1) be deleted from the Act to reinforce the principle that elected representatives should make decisions and be held accountable for the results.

In its review, the Committee held 29 public hearings, receiving 216 public submissions and 80 written submissions. In regards to referenda, the Committee noted the wide range of opinion on the question, further noting that some presentations asserted that it was impossible to preserve or respect minority rights in a referendum process, and other presentations argued that only a limited number of issues could properly be submitted to the public and that the Act should prescribe those types of issues that could be presented to the electors in referenda. In addition, some presentations maintained that binding money by-laws were invaluable checks on Council.

The Committee noted that there was no limitation on Councillors in securing the opinion of their electorate, and that it was incumbent upon elected representatives to implement a variety of techniques for getting in touch and staying in touch with the constituents.

The Committee further noted that referenda were more complicated and indirect methods of sampling public opinion than the traditional methods of politicians and were not necessarily an accurate sampling of public opinion.

In addition, the Committee concluded that for referenda to be useful, the following conditions must be met:

- the question(s) must be limited to matters within the jurisdiction of Council,
- the decision of the public must be binding on Council,
- the question(s) must be presented as a culmination of an elaborate and expensive campaign of public information, and
- the referenda/plebescite must be viewed as an appropriate technique for decision making by all those concerned.

The Committee further expressed doubt that all of these conditions could ever be met. The Committee's recommendation that the provision for referenda be deleted was founded upon these considerations and the basic principle that the structure of Winnipeg city government would be strengthened if responsibility and accountability for decision-making were clarified.

In 1983, the City of Winnipeg conducted a plebescite on the question of French Language Services and a referendum on a nuclear freeze, in tandem with the general election. In that both of these matters were outside Council's jurisdiction, it is questionable as to whether the cost of undertaking this plebescite was warranted.

At its meeting of February 14, 1990, Council referred a motion moved by Councillors Lazarenko and Timmers concerning the re-introduction of money by-laws and referenda, to the Executive Policy Committee. At its meeting of May 30, 1990, Council adopted the recommendation of the Executive Policy Committee that the matter be filed.

Report of the Executive Policy Committee dated January 17, 1996

The Executive Policy Committee noted that:

1. Section 120 of The City of Winnipeg Act, "Plebiscites", presently allows Council to obtain an expression of opinion of the electorate on any matter but said opinion is not binding on Council. On the other hand, in order to hold a referendum, The City of Winnipeg Act would have to be amended and Council then would have a mandatory requirement to abide by the wishes of the electorate as expressed by the vote.
2. There would be a substantial cost in holding a referendum/plebiscite in years during which a general election was not conducted. The City Clerk estimates a cost of approximately \$212,000.00. During a general civic election year the costs associated with conducting a referendum/plebiscite would be minimal in relation to the entire cost of an election.
3. It can be expected that ratepayers would tend to vote for a project in their area of the city, i.e. a project that would more directly benefit themselves, and against projects in other areas or projects that may benefit the City-at-large.
4. It is possible that certain projects if not exempted by a 2/3 majority of Council might never be approved by the electorate, e.g. a new arena. Projects such as the Bishop Grandin Boulevard, Kildonan and Charleswood bridges which are now underway, might never have been approved.
5. Preliminary project costs such as feasibility studies, engineering and design etc. would become a charge to the current budget if a project was turned down by the electorate.

On December 14, 1994, Council referred a motion moved by Councillors Lazarenko and Golden, concerning the reintroduction of money by-laws and referenda to the Executive Policy Committee. On January 11, 1995, Council adopted the recommendation of the Executive Policy Committee that the matter be filed "inasmuch as Section 120 of The City of Winnipeg Act states The council may submit any question, within or without the powers of the council, to an expression of opinion of the electors or resident electors of the whole or any part of the city but the result of the expression of opinion is not binding on the council...".

On June 14, 1995, Council referred a motion moved by Councillors Golden and Lazarenko, concerning the reintroduction of money by-laws and referenda to the Executive Policy Committee. On July 12, 1995, Council again referred the matter to Executive Policy Committee.

For the 1995 Civic Election, the City of Winnipeg implemented automated voting. Notably, the use of the electronic equipment would facilitate the conduct of plebescite/referenda and the costs of such would be minimized, especially if done in tandem with a general election. The cost of the conduct of a plebescite/referendum in tandem with a general election would be primarily comprised of advertising and printing costs. Cost estimates for the conduct of a plebescite/referendum not in tandem with a general election are in the \$350,000 to \$500,000 range, depending on the specifics of advertising, voting locations, voter notification, etc. Given that personnel costs comprise a significant portion of this cost, if the number of voting locations were reduced, the total cost could be reduced significantly.

However, the reintroduction of money by-laws and referenda in tandem with general elections could present time problems for project scheduling and possible additional fiscal costs. Notably, price quotations tendered are guaranteed for a set time, and projects usually have a limited window of opportunity. It is likely that the deferring of a project decision to await the response of the public through a plebescite/referenda would result in additional costs or other related problems.

Currently, in accordance with Subsection 120 of The City of Winnipeg Act, the City of Winnipeg has the power to formally hold a plebescite on any matter. To submit a binding question to the electorate would require further amendment to The City of Winnipeg Act.

The Executive Policy Committee submits the above to Council for its information.

Moved by Her Worship Mayor Thompson,
Adoption of the clause.

Report of the Executive Policy Committee dated January 17, 1996

Moved by Councillor Golden,

That Council recess to reconvene at 1:40 p.m.

The motion to recess was put.

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

Yea: Councillors Prystanski, Golden, Lazarenko, Lubosch, Phillips, Steek, Thomas, Timm-Rudolph, Vandal, Deputy Mayor Eadie and Councillor Angus. 11

Nay: Councillors Clement, Murray, Silva and Her Worship Mayor Thompson. 4

and the motion to recess was declared carried.

Council recessed at 11:53 a.m., and reconvened at 1:37 p.m., same members present.

Councillors Prystanski, Silva and Timm-Rudolph entered the meeting after Council had reconvened.

In amendment,

Moved by Her Worship Mayor Thompson,

Seconded by Councillor Steek,

WHEREAS Subsection 120 of The City of Winnipeg Act states that Council may submit any question, within or without the powers of the Council, to an expression of opinion of the electors or resident electors of the whole or any part of the city but the result of the expression of opinion in not binding on the council;

AND WHEREAS Council has debated the usage of plebiscites on numerous occasions;

AND WHEREAS there may be merit in conducting a binding plebescite in some circumstances;

THEREFORE BE IT RESOLVED that the Province of Manitoba be requested to amend Subsection 120 of The City of Winnipeg Act to allow for binding plebiscites as well as non-binding plebiscites, at the will of Council.

Moved by Councillor Clement,

That the clause be referred to the Secretariat Committee of Council.

Carried.

Council here reverted to the order of business - "Clause 10 of the Report of the Executive Policy Committee dated January 17, 1996".

Report of the Executive Policy Committee dated January 17, 1996**Preliminary Design and Land Acquisition -
Corydon/Osborne/McMillan/Pembina
Complex File SC-3 (Vol. 5)**

280 - In amendment,

Moved by Councillor Murray,
Seconded by Councillor Thomas,

WHEREAS the Committee on Works and Operations has been waiting for the better part of the last year for a report on the acquisition of land for the purposes of establishing a combined Fire, Ambulance and Police station and to provide land for the implementation of the "Complex Study" (Corydon, Osborne, and Pembina interchange study);

AND WHEREAS over the year, only the Streets and Transportation Department has provided the information requested;

AND WHEREAS the sale of the existing Fire and Ambulance facilities would generate the cost of construction of a new facility;

AND WHEREAS the response time for number four fire station would enhance according to Fire Chief Barrie Lough;

AND WHEREAS the operations costs of these services would be reduced without a reduction in service, in fact service would be improved;

AND WHEREAS three or four valuable commercially zoned City owned properties currently not on the tax roles would generate hundreds of thousands of dollars in business reality taxes as well utility revenues;

AND WHEREAS older business districts would be enhanced by new private investment and opportunity;

AND WHEREAS a report on the acquisition of land on this was requested last summer and the Commission of Works and Operations has again promised the report on these properties for February 9, 1996;

THEREFORE BE IT RESOLVED that the clause be amended to add sub clause three, that the report on amalgamation of Ambulance, Fire, Police and Public Health offices at this location be submitted to Council within thirty days with specific recommendations on land acquisition required for such a joint use facility.

The Speaker called the Deputy Speaker, Councillor Prystanski, to the Chair in order to participate in the debate.

The amendment was put and declared carried.

The motion to adopt the clause, as amended, was put and declared carried.

Report of the Executive Policy Committee dated January 17, 1996

**Request for the City's Position on the
Future Governance of St. Germain/
Vermette by February 29, 1996
File GG-2 (Vol. 23)**

281 - 25. Council at its meeting held on December 20, 1995, ruled automatic referral of the following motion to your Committee, under Rule 16.1 of the Procedure By-law No. 5400/90:

*Moved by Councillor Angus,
Seconded by Councillor Eadie,*

WHEREAS the Honourable Jack Reimer, Minister of Urban Affairs has provided Her Worship and all Members of Council with a copy of the consultant study on St. Germain/Vermette which was prepared under the direction of a steering committee with representation from all stakeholders;

AND WHEREAS the terms of reference asked the consultant to report on three options for the future governance of St. Germain/Vermette:

- *the feasibility of St. Germain/Vermette forming their own rural municipality;*
- *the feasibility of St. Germain/Vermette joining the R.M. of Ritchot;*
- *the status quo, with or without improvements including changes to the taxation of residential large lots;*

AND WHEREAS the report fulfills the terms of reference and assesses the options in terms of their impacts on each jurisdiction/stakeholder, but contains no recommendations as the consultants were asked in the terms of reference not to provide a recommended course of action but instead to compile and analyse data for discussion and decision-making purposes;

AND WHEREAS the Minister of Urban Affairs has urged each jurisdiction/stakeholder to give careful consideration to the findings of the St. Germain/Vermette Study;

AND WHEREAS the Minister of Urban Affairs, by letter dated December 7, 1995 has asked that Council adopt a position on the future governance of St. Germain/Vermette by February 29, 1996;

THEREFORE BE IT RESOLVED that the Executive Policy Committee review the Minister's request and report back to Council for the January 24, 1996 meeting.

The Executive Policy Committee recommends:

- I. That the previous position adopted by Council on July 21, 1993 be reiterated "that the ad valorem tax system continue to be the system for property taxes within the boundaries of the City of Winnipeg".
- II. That the Province of Manitoba be advised that the City does not wish to see the St. Germaine/Vermette community secede.

Adopted by consent.

**Winnipeg Jets Hockey Club - 1991
Agreement File F-5.1 (Vol. 5)**

282 - 26. Council, at its' meeting held on September 27, 1995, referred the following Notice of Motion to the Executive Policy Committee, namely:

*Moved by Councillor Lazarenko,
Seconded by Councillor Angus,*

WHEREAS City Council is desirous of getting out of the requirement to pay hockey team losses;

Report of the Executive Policy Committee dated January 17, 1996

THEREFORE BE IT RESOLVED THAT, if the efforts of Spirit of Manitoba are not successful, Council ask outside legal counsel for advice concerning potential litigation on the basis of getting out of the 1991 Agreement.

On November 29, 1995, Council referred back Clause 13 of the Report of the Executive Policy Committee dated November 15, 1995 and requested the City Law Department review and report to Council on the potential liabilities and legal options the City has to limit those liabilities under the interim operating agreement.

The City Law Department advises the Agreement sets out certain mandatory obligations of the City, namely:

1. Payment of one-half Net Operating Losses during the Interim Period in the event that such losses cannot be paid by Winnipeg Enterprises;
2. Payment of any costs incurred as a result of the City together with the Province indemnifying officers and directors of the Interim Steering Committee Inc. ("Steering Committee"), Jets Private Sector Inc. ("Private Sector") and Manitoba Entertainment Complex Inc. (M.E.C.), that is, protecting such officers and directors from any personal liability incurred while acting in their capacity as officer or director on behalf of the Steering Committee, Private Sector and M.E.C. The indemnification in respect of M.E.C. officers and directors arises out of a September 22, 1994 amendment to the Agreement. It is not possible to quantify such liability without having knowledge of any actual or anticipated claims.
3. Joint guarantee with the Province to the holders of Private Sector Notes for repayment of principle and interest thereon issued by Private Sector pursuant to the provisions in the Agreement directing the Private Sector to raise a minimum of \$10,000,000 for a "Capital Fund";
4. Payment (in equal shares together with the Province and the Capital Fund) of the costs of the Steering Committee in carrying out its responsibilities pursuant to the Agreement.

In addition to such mandatory payments, the City may contribute toward the payment of Management Fees due under the Agreement in order to avoid default by non-payment through the Capital fund in the event that there should be insufficient funds within the Capital Fund to honour such payment. Any default in payment of Management Fees would allow the Majority Owners to sell their Partnership Interests and move the team. The current status of events has effectively removed the usefulness of this default provision. In any event, outstanding Management Fees are required to be paid out of sale proceeds intended to be distributed to the Province and Enterprises, as holders of the Public Sector Partnership Interest.

It should be noted that the Agreement was amended as of September 22, 1994, in order to facilitate a bid by M.E.C. to purchase Majority Owners' Partnership Interests. The amendments included a request by the City and the province that the Jets be sold as soon as practical after May 1, 1995, if M.E.C. was not successful in its attempt to purchase the Jets and any new owner would be free to move the team from Winnipeg.

The City and the Province have guaranteed the payment of one-half of the Jets' Net Operating loss as an inducement for the Jets to remain in the City during the time period referred to within the Agreement as the "Interim Period" ending no later than June 30, 1997. This date would be accelerated to coincide with any earlier closing of a sale of the Majority Owners Partnership Interests. The Majority Owners are now in the process of finalizing a sale of the team which specifies a closing date of July 15, 1997. Solicitors for the Majority Owners have advised that arrangements are being pursued which anticipate a sale closing date in 1996 to accommodate a move of the team for the 1996-1997 season.

Through the Steering Committee, having representation from The City of Winnipeg, guidelines are established to control operating expenditures for the Jets. Non-approved expenditures would not be taken into account in calculating Operating Losses. Uncontrollable and unforeseen expenses, if disputed by the Steering Committee, may be the subject of arbitration.

The Agreement has placed further limits on the operation of the team by restricting any increase in borrowing beyond bank lines of credit and other loan facilities in place at the time of the Agreement without the prior approval of the Steering Committee.

Report of the Executive Policy Committee dated January 17, 1996

The Partnership is required to provide the Steering Committee with regular financial statements and the City, in particular, with regular quarterly statements. This reporting, no doubt, was intended to provide an opportunity to inform the City as to its financial exposure under the Agreement. The City's financial officers would be in a position to comment on compliance or non-compliance with this requirement as well as provide particulars as to any payments made or anticipated under the Agreement.

In order to challenge the conduct of the Majority Owners under the Agreement, it would be necessary to establish that the Majority Owners failed to meet their obligations or any implied conditions under the Agreement. If the City were able to prove such a breach, it could be relieved from some or all further liability to pay losses and, as a further option, the City may seek a Declaration terminating the Agreement, however, this office is not aware of any facts which may support a cause of action.

It should be noted that the Interim Agreement provides for arbitration of "any dispute, difference or question" as between the parties "touching the construction, meaning or effect of this Agreement, or anything herein contained or the rights or liabilities of any party to this Agreement" and the conduct of such arbitration shall be governed by The Arbitration Act of Manitoba.

Finally, documents filed in the Court of Queen's Bench by Spirit of Manitoba and the Majority Owners relate to allegations arising out of the Option to Purchase granted to M.E.C./Spirit of Manitoba by the Majority Owners which Option to Purchase is outside of the Option granted under the 1991 Agreement. These allegations and counter-allegations have no bearing on the City's obligations and liability under the 1991 Agreement.

The Executive Policy Committee submits the above for the information of Council.

Moved by Deputy Mayor Eadie,
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 Prystanski, Clement, Lubosch, Murray, O'Shaughnessy, Phillips, Silva, Steek, Thomas, Timm-Rudolph, Vandal, Deputy Mayor Eadie and Councillor Angus. 13

Nay: Councillors Golden and Lazarenko. 2

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

EXECUTIVE POLICY COMMITTEEMOTIONS

Moved by Her Worship Mayor Thompson,
Seconded by Deputy Mayor Eadie,

283 - WHEREAS our Commissionaires issued approximately 4500 parking tickets to out-of-Province vehicles annually;

AND WHEREAS many of these out-of-Province visitors are not familiar with The City of Winnipeg parking rules and regulations;

AND WHEREAS our Commissionaires present an excellent opportunity to further Winnipeg's reputation as "One Great City" with out-of-Province visitors;

THEREFORE BE IT RESOLVED that "Welcome to Winnipeg" inserts directed to all out-of-Province vehicles be included in all Parking Tickets which would:

- serve to educate out-of-Province visitors with regards to the City's parking rules and regulations without being penalized;
- provide a listing of Tourism contact phone numbers for the convenience of out-of-Province visitors;
- advise the individual that their initial offense would not be subject to a fine;

ALSO BE IT FURTHER RESOLVED that all Commissionaires receive "Ambassadorial Protocol Training" in conjunction with the Administration and Tourism Winnipeg to better promote The City of Winnipeg as a tourism destination.

Carried.

Moved by Her Worship Mayor Thompson,
Seconded by Deputy Mayor Eadie,

284 - WHEREAS the National Infrastructure Program announced by the Federal Liberal Government in the fall of 1993 has by all accounts been well received and very successful in job creation, while addressing the much documented need of infrastructure renewal;

AND WHEREAS the City of Winnipeg has been pleased to participate in the National Infrastructure Program and the projects under this program will be 95% complete by the end of the second fiscal year; March 31, 1996;

AND WHEREAS while the employment figures are yet to be finalized, it is estimated that the City of Winnipeg projects will have created approximately 28,500 person weeks of direct employment;

AND WHEREAS one of the City of Winnipeg's programs; the Winnipeg Community Services Infrastructure Renewal Program, was a tremendous success in providing meaningful employment to approximately 210 social assistance recipients and, in addition, provided substantial financial social assistance savings to the Federal, Provincial and City Governments;

AND WHEREAS studies have concluded that the vitality and productivity of cities, and entire nations, are closely linked to the availability, quality and diversity of their infrastructure;

AND WHEREAS new infrastructure is created over time to meet growth and emerging needs resulting from advances in technology;

AND WHEREAS existing infrastructure, like most constructed elements, requires ongoing maintenance and replacement, and failure to install, maintain and replace infrastructure as it is needed results in a poorly functioning country and the loss of competitiveness;

AND WHEREAS infrastructure renewal can revitalize the economy through job creation that provides employment opportunities to non-employed individuals, thereby improving the country's infrastructure and providing new and innovative additions to ensure Canada's competitiveness in the global economy;

Executive Policy Committee - Motions (continued)

NOW THEREFORE BE IT RESOLVED THAT the City of Winnipeg is fully supportive of a further National Infrastructure Program that would continue to promote job creation and infrastructure renewal.

Carried.

Moved by Councillor Timm-Rudolph,
Seconded by Councillor Lubosch,

285 - WHEREAS Council on December 20, 1995, passed By-law No. 6729/95, a By-law of The City of Winnipeg to designate a Business Improvement Zone to be known as the "Downtown Transcona Business Improvement Zone", and establish a Management Board for the Zone;

AND WHEREAS Section 6(1)(b) of the by-law provides that the membership shall consist of ten (10) members who each shall be from a business which is located in the Zone, and who shall be appointed in accordance with the process provided in Sections 8 to 11 inclusive, of By-law No. 6729/95;

AND WHEREAS nominations for Zone members were received in the Office of the Clerk from ten (10) persons from amongst the businesses in the Zone;

AND WHEREAS Section 9(4) of the by-law provides that if the number of persons nominated is ten (10) or less, then those nominated shall be considered to be selected by acclamation and the names of those persons selected by acclamation shall be forwarded to Council for appointment;

AND WHEREAS Section 7(c) of the by-law provides that the initial term of office of the ten (10) Zone Board members shall be as follows:-

- (i) five (5) Zone Board members shall hold office from the date of appointment to the first meeting of Council in January, 1997;
- (ii) five (5) Zone Board members shall hold office from the date of appointment to the first meeting of Council in January, 1998;

AND WHEREAS the ten (10) persons deemed selected by acclamation are:

WYATT, Reg
MOFFAT, Murray
KUCHMA, Diane
OSESKY, Ron
SLAA-DE VOS, Catherine
ROMANCE, Greg
KRAUS, Dave
ROSNER, Bruce N.
MCMILLAN, Dave
GEORGE, J. David

NOW THEREFORE BE IT RESOLVED that the following Zone Board members hold office from the date of appointment to the first meeting of Council in January, 1997, namely:-

GEORGE, J. David
MCMILLAN, Dave
MOFFAT, Murray
OSESKY, Ron
WYATT, REG

Executive Policy Committee - Motions (continued)

AND FURTHER THAT the following Zone Board members hold office from the date of appointment to the first meeting of Council in January 1998, namely:-

ROSNER, Bruce N.
ROMANCE, Greg
KRAUS, Dave
SLAA-DE VOS, Catherine
KUCHMA, Diane

NOW THEREFORE BE IT FURTHER RESOLVED that matter of appointment of a member of Council to the Management Board of the Downtown Transcona Business Improvement Zone be referred to the Executive Policy Committee for recommendation.

Carried.

Moved by Councillor Thomas,

Seconded by Councillor Murray,

286 - WHEREAS Clause 26 of the Report of Executive Policy Committee dated January 17, 1996, provides information for Council on the Winnipeg Jets Agreement;

BE IT THEREFORE RESOLVED THAT:

- 1) The Mayor inform Council fully of what the Jets operating budget was, as approved by the Steering Committee on October 5, 1995 and if there have been any changes to the 1995/96 budget and all revisions to date;
- 2) The Mayor clarify publicly the position of City Council to all parties involved in the sale of the Winnipeg NHL franchise. This to include:
 - A) That the City/WEC will be fully redeemed for the sale of its shares in the Winnipeg Jets NHL Hockey franchise in the 1996 fiscal year;
 - B) That the City notify the current owners and all parties to the sale agreement that the City considers the current sale arrangements of the Winnipeg Jets between Mr. Shenkarow et al and Mr. Gluckstern et al to be an irrevocable sale and that the WEC will offer no further subsidy of the team or ice time in the Winnipeg Arena beyond the current season;
 - C) That the date of the closing of the sale of the team be specified to be on or before June 30, 1996.

Automatic referral to Executive Policy Committee in accordance with Rule 16.1 of the Procedure By-law

Moved by Councillor Lazarenko,

Seconded by Councillor Golden,

287 - WHEREAS, in August and September 1994, a group of business interests representing the private sector in the City of Winnipeg organized themselves as the Manitoba Entertainment Complex Inc. (MEC) for the purpose of purchasing the Majority Owners' shares of the Winnipeg Jets by May 1, 1995 and constructing a new arena in Winnipeg;

AND WHEREAS, on October 14, 1994, City Council and subsequently the Province agreed to provide financial assistance to MEC to promote its project in the amount of \$1.5M;

AND WHEREAS Council approved this assistance on the basis that MEC would make a final "go or no go" decision by May 1, 1995;

AND WHEREAS, on February 1, 1995, City Council adopted Principles and Guidelines to provide general direction to MEC and to be incorporated into proposals for a new arena;

Executive Policy Committee - Motions (continued)

AND WHEREAS, up to the end of April, the City undertook various approvals concerning MEC's chosen site at the Forks;

AND WHEREAS, on March 22, 1995, City Council requested MEC to present its full and comprehensive formal proposal and business plan by April 12 to permit public review and the exercise of due diligence;

AND WHEREAS MEC kept its considerations from the public until April 27, then failed to produce a viable business plan and subsequently announced on May 3 that it would no longer pursue its project;

AND WHEREAS, as a consequence of this failure, the City and the Province asked the Majority Owners to sell the team as soon as possible under the 1991 Agreement and the Jets retired their logo at a public assembly in the arena;

AND WHEREAS, as a consequence of the failure of public expectations, demonstrations occurred;

AND WHEREAS a subsequent attempt by MEC to purchase the team and to construct a new arena with the involvement of Mr. I. Asper, Q.C. led the Province to announce an increase in its contribution to the project from \$10M to \$37M, led to a public fundraising campaign which raised \$13.5M in one week, led City Council on May 17 to approve conditional participation in principle in the amount of \$37M plus related services and led the federal government to announce a contribution of \$20M from Infrastructure and Pan Am Games funds already allocated to Manitoba;

AND WHEREAS these contributions were assembled on the basis that, without a local offer by noon of May 18, the team would be sold and also on the basis that the Majority Owners would make a final decision on whether the team would stay or be sold by the afternoon of May 18;

AND WHEREAS MEC did not present a local offer by noon May 18 and the Majority Owners made no final decision and, again, more public demonstrations occurred;

AND WHEREAS, in June, MEC reorganized itself as Spirit of Manitoba Incorporated (Spirit), whose membership included the City's Chief Commissioner, the Secretary of the Province's Treasury Board and business people;

AND WHEREAS, by deposit of \$10M on June 16, Spirit agreed to acquire the Majority Owners' 64% interest in the Winnipeg Jets for a total payment of \$32M by August 15, subject to the following conditions, among others:

- a) Spirit must raise a total of approximately \$80M of which approximately \$60M had already been raised or pledged;
- b) The National Hockey League must approve the transaction; and
- c) An acceptable tax ruling must be obtained from Revenue Canada;

AND WHEREAS, on June 30, the City provided \$200,000 to Spirit to continue engineering and planning, detailed design, site preparation, material and other project costs necessary to maintain the schedule;

AND WHEREAS, on July 24, the Manitoba Securities Commission issued a Confidential Information Circular concerning the Initial Offering of Spirit of Manitoba Limited Partnership Units which identified thirteen substantial Risk Factors;

AND WHEREAS, on July 25, the NHL advised Spirit that it required for consideration for approval the following items, among others:

- a firm purchase and sale agreement,

Executive Policy Committee - Motions (continued)

a firm and binding commitment to construct a new arena, including all necessary government approvals such as any tax or security rulings, coverage of cost overruns, completion of environmental reviews and the absence of pending litigation which would pose a risk to the project's success,

a firm and binding lease that guarantees the Jets all revenue streams and provides that the team would stay in Winnipeg for at least five years,

an endowment fund in place of at least \$111M,

the presence of one or more personal or corporate guarantors who would be prepared to make up any shortfall or inadequacy in the endowment fund;

AND WHEREAS, on July 26, City Council refused Spirit's request that the City accept donations to an endowment fund for which receipts for income tax purposes would be issued subject to a Revenue Canada ruling;

AND WHEREAS, on August 3, at the urging of the Premier, City Council agreed to accept donations to the endowment fund subject to a Revenue Canada ruling;

AND WHEREAS, on August 10, City Council resolved:

that the City of Winnipeg shall use its best efforts to maintain any and all support raised in the community towards the effort to maintain NHL hockey in Winnipeg;

and that in the event the Spirit effort is stalled, the City of Winnipeg shall investigate options to transfer support to other parties who may satisfy Council of their ability to achieve the stated goals;

AND WHEREAS, on August 15, Spirit failed to meet its closing deadline and abandoned its efforts to purchase the Majority Owners' shares and to construct a new arena, substantially short of its fundraising objectives, without an acceptable Revenue Canada ruling and without NHL approval;

AND WHEREAS, subsequently, Spirit proceeded to return and to dispose of funds and pledges raised since the initial efforts of MEC, contrary to the Council resolution of August 10;

AND WHEREAS, on September 27, in light of these failed efforts, City Council resolved to ask the Province to conduct a joint Audit by the Provincial Auditor and the City Auditor which shall include complete audits of all necessary aspects, including all expenditures made by:

- a) the Interim Steering Committee (ISC) as established in the 1991 Agreement
- b) Manitoba Entertainment Complex Inc.
- c) Spirit of Manitoba Inc.

and all expenditures made by the Province and the City related to the above initiatives;

AND WHEREAS, on January 18, 1996, the audited financial statements of MEC and Spirit to September 30, 1995 reported a combined federal, provincial and city contribution of \$6.1M out of total expenses of \$6.9M and that firms related to spokespersons for MEC and Spirit received payments of approximately \$1,440,500;

AND WHEREAS, on January 19, the NHL approved the sale of the Winnipeg Jets to Phoenix, Arizona for approximately \$85M;

AND WHEREAS, on January 22, the Joint Audit reported that the Province and the City spent a total of \$37M for the period from July 1, 1991 to September 30, 1995 on the ISC, MEC, Spirit and related initiatives;

AND WHEREAS team losses for the 1995-96 season estimated at \$22M bring total provincial and city expenditures to at least \$59M, offset by sale proceeds of \$30M, resulting in a net loss of at least \$29M, of which the City will bear approximately \$15M;

Executive Policy Committee - Motions (continued)

AND WHEREAS, on January 22, the Minister of Finance stated publicly that both the federal and provincial treasuries have enjoyed a substantial net gain as a result of the 1991 Agreement and subsequent developments;

AND WHEREAS, again, according to the Minister of Finance, the provincial treasury would still enjoy a net gain, if the City were to retain the entire sale proceeds in the amount of \$30M;

AND WHEREAS the Joint Audit failed to deal with the roles and responsibilities of the parties involved or to recommend measures to prevent a reoccurrence of similar events and circumstances;

AND WHEREAS Spirit acted as an agent of the City of Winnipeg;

AND WHEREAS the Manitoba Evidence Act, Chapter E150, Part V, subsection 83(1) provides:

Where the Lieutenant Governor in Council deems it expedient to cause inquiry to be made into and concerning any matter within the jurisdiction of the Legislature and connected with or affecting

(a) the good government of the province or the conduct of any part of the public business thereof;

(b) the conduct of any provincial institution or of any institution within the province receiving provincial aid;

⋮

(e) the affairs of any municipality, municipal district, or corporation, existing for any municipal purpose; or

(f) any matter which, in his opinion, is of sufficient public importance to justify an inquiry; he may, if the inquiry is not otherwise regulated, appoint one or more commissioners to make the inquiry and to report thereon.

THEREFORE BE IT RESOLVED THAT, in view of the public concern shown and the amount of public funds involved, City Council ask the Minister of Finance to initiate an inquiry into all necessary aspects of the project to purchase the Majority Owners' shares of the Winnipeg Jets Hockey Club and to build a new arena by the appointment of (an) independent commissioner(s) in accordance with the Manitoba Evidence Act, in the public interest;

AND BE IT FURTHER RESOLVED THAT the inquiry determine, among other things, whether Spirit violated its duty of agency.

Automatic referral to Executive Policy
Committee in accordance with Rule 16.1
of the Procedure By-law

EXECUTIVE POLICY COMMITTEE**CONSIDERATION OF BY-LAWS**

288 - On motion of Her Worship Mayor Thompson, the following By-laws were 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. 6768/96, a By-law of the City of Winnipeg to amend By-law No. 5081/89 being a by-law to establish the Exchange District Business Improvement Zone
File FL-7.1 (Vol. 3)

By-law No. 6769/96, a By-law of the City of Winnipeg to amend By-law No. 5378/90 being a by-law to establish the Corydon Avenue Business Improvement Zone
File FL-7.2 (Vol. 3)

EXECUTIVE POLICY COMMITTEEQUESTION PERIOD

289 - Councillor Golden requested that the Province of Manitoba be advised that the communities of St. Germain and Vermette are not taxed for services they do not receive. He stated that matters such as gravel roads, no sidewalks, distance from a fire hall and from fire hydrants are taken into consideration when the market value of a piece of property is set and that the residents do not pay for these services because the market value recognizes the lack of them.

The Deputy Mayor took the matter under advisement.

Councillor Angus questioned when Council might be considering the Capital Budget and as to whether the Standing Committees would consider the Capital Budget prior to Council's consideration.

The Deputy Mayor stated that the Capital Budget was targeted to be deliberated by Council on February 29, 1996, and that Standing Committees would in fact review the budget prior to Council.

Councillor Angus questioned whether Executive Policy Committee would begin the budget process earlier this year so that it could be passed before year end.

The Deputy Mayor stated it was the work plan of the Executive Policy Committee to start the budget process in the fall with a goal to complete both budgets if possible, before Christmas.

Councillor Lazarenko asked as to the whereabouts of the facade of the now demolished Empire Hotel formerly located on Main Street.

The Deputy Mayor recollected the facade of the Empire Hotel was in storage and stated that he would endeavour to find out the location for Councillor Lazarenko.

Councillor Lazarenko questioned the condition of the facade and if it would be suitable to put on display.

Deputy Mayor Eadie took the question under advisement.

Councillor Angus noted that a former senior manager was taking the City to court over his management contract and questioned whether the Executive Policy Committee would review all of the clauses of the senior management employment contracts, so that incidences of this nature do not occur again.

Deputy Mayor Eadie responded that it could be done and that problems arising from the review could be corrected.

Councillor Lazarenko requested the status of the new Chief of Police hiring process.

Deputy Mayor Eadie advised that a search committee had been struck and that receipt of applications for the position had closed. He indicated he was not aware if a short list had been prepared yet but identified the desire to try and have a replacement for Chief Henry appointed within the next 60 days, if possible.

The Speaker here resumed the Chair.