

REGULAR CITY COUNCIL  
MONDAY, MARCH 2, 2009 AT 7:30 PM  
COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING

AGENDA

RECOMMENDATIONS

Please note that all recommendations in this agenda have been put forward by members of City Council or the Administration for Council's consideration and debate.

1. Roll Call
2. Adoption of Agenda
3. Presentations
4. Confirmation of Minutes

REGULAR

FEBRUARY 17, 2009

5. Hearing of Delegations

(A) DENISE JUBENVILL, MANITOBA DEPARTMENT OF INFRASTRUCTURE AND TRANSPORTATION - 2009 CONSTRUCTION ACTIVITIES

That the presentation by Denise Jubenvill of the Manitoba Department of Infrastructure and Transportation with respect to the 2009 construction activities planned for 18th Street North and 1st Street North in the City of Brandon be received.

- [Delegation - D. Jubenvill, Mb Highways.pdf](#)

(B) DON EDWARDS - PROPOSED OPENING OF WHISTLER DRIVE

That the presentation by Don Edwards with respect to the proposed opening of Whistler Drive north of Braecrest Drive and south of Mockingbird Drive be received.

- [Delegation - Don Edwards - Whistler Drive.pdf](#)

(C) KAREN GISLASON - PROPOSED OPENING OF WHISTLER DRIVE

That the presentation by Karen Gislason with respect to the proposed opening of Whistler Drive north of Braecrest Drive and south of Mockingbird Drive be received.

- [Delegation - Karen Gislason - Whistler Drive.pdf](#)

6. Public Hearing

- (A) BY-LAW NO. 6894 - TO REZONE PROPERTY LOCATED AT 737 STICKNEY AVENUE FROM RLD RESIDENTIAL LOW DENSITY MULTIPLE FAMILY ZONE TO RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE (LAMONT)

That the public hearing with respect to By-law No. 6894 to rezone 737 Stickney Avenue (Lots 19/20, Block 106, Plan 2 BLTO) from RLD Residential Low Density Multiple Family Zone to RMD Residential Moderate Density Multiple Family Zone be concluded.

That the development agreement for 737 Stickney Avenue (Lots 19/20, Block 106, Plan 2 BLTO), previously approved by City Council on January 19, 2009, be amended by:

- (a) substituting the site plan at "Schedule B with the site plan titled "STICKNEY AVE 6 PLEX and dated February 14, 2009 as attached to the report of the General Manager of Development Services dated February 19, 2009; and
- (b) adding the following paragraph under Clause 6 of said development agreement:
- "i) Pursuant to Paragraphs 3b and 3e of this agreement and within those requirements, the Developer shall specifically provide assurance that lot drainage will not adversely affect the property owner to the north of this development".

- [PH - BL 6894 - 737 Stickney Avenue.pdf](#)

- (B) 2009 FINANCIAL PLAN

That the Public Hearing on the City of Brandon's 2009 Financial Plan be concluded.

- [PH - 2009 Financial Plan.pdf](#)

7. Communication and Petitions

8. Committee Reports

9. Enquiries

10. Announcements

11. General Business

- (A) APPLICATIONS - BUILDING CANADA INFRASTRUCTURE PROGRAM

That City Council reconsider the vote on Motion No. 993 of the regular meeting of City Council held February 2, 2009 with respect to the Waste Water Treatment Facility Phase 3 Design and Construction Projects.

- [Applications - Building Canada Infrastructure Program - Black.pdf](#)

(B) 2009 GRANT-IN-AID PROGRAM

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That the Manitoba Department of Infrastructure and Transportation be advised that the City of Brandon intends to proceed with the milling and paving of Park Avenue from 1st Street to 6th Street, and 13th Street to 18th Street in the 2009 Road Paving Works;

and further, that a grant in the amount of \$117,250 be requested from the Manitoba Department of Infrastructure and Transportation under the 2009 Grant-In-Aid Program.

- [2009 Grant-in-Ad Program.pdf](#)

(C) GOVERNMENT OF MANITOBA POLICE ACT CONSULTATIONS

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That the following Police Act consultations questionnaire be submitted by the City of Brandon with the following recommended responses:

**Municipal and First Nation Police Boards**

The consultation paper proposes making it mandatory for municipalities and First Nations to set up local police boards if they decide to establish their own police services. The paper also deals with issues like the mandate and membership of local boards.

1. Should Manitoba's new police act make it mandatory for municipalities to establish local boards if they have or set up their own police service?

Recommendation: That the decision to establish a local police board be left to the discretion of each Manitoba municipality who has, or sets up, its own police service.

Rationale: At this time there is no indication of who will comprise the proposed local police boards, terms, accountability, functions, who will appoint the members or the criteria for membership. By endorsing the local police boards concept, prior to having the above concerns answered, Council's ability to provide direction to the police service, address policing concerns, collective bargaining or budgeting processes, may be impaired. Currently, the roles suggested for local police boards are being met through City Council and the office of the City Manager. Past local experience with a Police Services Board resulted in a dysfunctional body that was ineffective.

2. What role, if any, should municipal police boards have in:

- a. Hiring of police chiefs and executives?

Recommendation: Should a local police board become mandatory, it should have the authority to hire the police chief. The hiring of executive members of the police service should be the purview of the chief of police.

Rationale: A police service should operate at arm's length from political function. Therefore it is important that a police chief be hired outside the political fold, as to have no perceived affiliation with a political body in order to maintain objective independence. The police chief is, in essence, the chief executive officer of the police service; therefore, the chief of police should have control over who is selected to the executive level.

b. Police service policy?

Recommendation: Should a local police board be required, it should have the responsibility to establish policies for the effective management of the police service, in consultation with the police chief. Operational policies and the day to day operations of the police service should be the responsibility of the police chief.

Rationale: As stated in the Ontario Police Commission Report, 1978, "*Board of Commissioners of Police, by the very nature of their composition, must rely heavily upon their chief of Police for the expertise required to operate the police force. They must spell out general policy through regulations and direction, but in the Administration of the Force, they must rely upon the Chief of Police, otherwise the board is assuming the prerogative of the chief, and is, in effect, becoming the Chief, for which the board has neither the time nor the expertise.*"

c. Police budgets?

Recommendation: City Council should have the responsibility to consider and set the police service budget.

Rationale: City Council is best positioned to consider the overall needs of the community and direct financial resources accordingly to maintain adequate levels of service to the community.

3. What qualifications should be established for appointments to a municipal police board and what restrictions, if any, should be imposed on who can be appointed?

Recommendation: Individuals of good character, no criminal record and skill sets that would assist the board. Appropriate training should be provided and there should be a mechanism to dismiss a member, should impropriety occur.

Rationale: Should local police boards become mandatory the essence of their credibility will be the makeup and effectiveness of the board.

**Provincial Police Commission**

The consultation proposes creating a provincial police commission to allow public input into policing regulations, standards and to review emerging issues. The commission would also provide training and other supports to local municipal and First Nation police boards.

4. What do you think of the role proposed for a new Manitoba Police Commission? Are the proposed responsibilities appropriate, or do you think they should be changed?

Recommendation: The proposed role as outlined on page 18 of the Consultation document is supported. Additional roles could be undertaken should circumstances dictate.

Rationale: Provincial oversight of policing in Manitoba has long been the responsibility of Government, which has normally addressed issues reactively. A Provincial Police Commission could be a proactive body that continually monitors policing trends and sets standards to meet the needs of Manitobans.

5. Do you have any comments on the membership of the proposed new Manitoba Police Commission?

Recommendation: We support the direction that the Government has undertaken in this regard by including as members, representatives from First Nation and Aboriginal groups. Again, members of the Commission should possess the same personal qualifications as a member of a local police board as suggested above.

Rationale: Manitoba has a diverse population with changing needs. A Provincial Police Commission should reflect the demographics of the Province.

### **Independent Investigation Unit**

The consultation document proposes a model for investigating serious incidents involving police officers. It also proposes a method of providing oversight for less serious matters.

6. Do you agree with how the proposed model deals with fatal force and other serious incidents? Would you suggest any changes or recommend a different approach?

Recommendation: Yes, the proposed model offers a system that appears to be fair to all concerned. We would not recommend a different approach.

Rationale: There is a need to provide transparency when investigating serious incidents involving a police officer. Investigations of this nature demand a certain amount of transparency while not compromising the integrity of the investigation. The system should also respect the rights of all concerned including the subject police officer.

7. Do you agree with how the proposed model deals with less serious incidents? Would you suggest any changes or recommend a different approach?

Recommendation: The proposed model for less serious incidents is also acceptable with no changes recommended.

Rationale: Due to the vastness of the Province, it would become unwieldy and cost prohibitive to have a unit devoted to the investigation of all police related incidents. This model still provides proper oversight in the investigation of less serious incidents.

- [Police Act Consultations.pdf](#)

12. By-laws

NO. 6894 TO REZONE PROPERTY LOCATED 737 STICKNEY AVENUE (LOTS 19/20, BLOCK 106, PLAN 2 BLTO) FROM RLD RESIDENTIAL LOW DENSITY MULTIPLE FAMILY ZONE TO RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE (LAMONT)  
3RD READING

That By-law No. 6894 to rezone 737 Stickney Avenue (Lots 19/20, Block 106, Plan 2 BLTO) from RLD Residential Low Density Multiple Family Zone to RMD Residential Moderate Density Multiple Family Zone be read a third and final time.

- [Bylaw 6894.pdf](#)

NO. 6934 TO OPEN WHISTLER DRIVE NORTH OF BRAECREST DRIVE AND SOUTH OF MOCKINGBIRD DRIVE (PARCELS A AND B, PLAN 48187)  
2ND AND 3RD READINGS

That By-law No. 6934 to open Whistler Drive, north of Braecrest Drive and south of Mockingbird Drive as a right-of-way be read a second time.

That the by-law be read a third and final time.

- [Bylaw 6934.pdf](#)

NO. 6938 TO AMEND FEE SCHEDULE BY-LAW NO. 6852 TO REMOVE THE RECYCLING TIPPING FEES FROM THE 2009 SCHEDULE OF FEES  
2ND AND 3RD READINGS

That By-law No. 6938, to amend Fee Schedule By-law No. 6852 with respect to the removal of the recycling fees for both the commercial recycling material and the external municipal recycling material being delivered to the Material Recycling Facility from the 2009 Schedule of Fees be read a second time.

That the by-law be read a third and final time.

- [Bylaw 6938.pdf](#)

13. Giving of Notice

14. Adjournment



H. Ewasiuk  
Deputy City Clerk