



**Second Session — Thirty-Fourth Legislature**  
of the  
**Legislative Assembly of Manitoba**

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**STANDING COMMITTEE**

on

**MUNICIPAL AFFAIRS**

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**38 Elizabeth II**

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*Chairman*  
*Mr. H. Pankratz*  
*Constituency of La Verendrye*



**VOL. XXXVIII No. 1 - 8 p.m., TUESDAY, OCTOBER 31, 1989.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fourth Legislature**

**Members, Constituencies and Political Affiliation**

NAME	CONSTITUENCY	PARTY
<b>ALCOCK, Reg</b>	Osborne	LIBERAL
<b>ANGUS, John</b>	St. Norbert	LIBERAL
<b>ASHTON, Steve</b>	Thompson	NDP
<b>BURRELL, Parker</b>	Swan River	PC
<b>CARR, James</b>	Fort Rouge	LIBERAL
<b>CARSTAIRS, Sharon</b>	River Heights	LIBERAL
<b>CHARLES, Gwen</b>	Selkirk	LIBERAL
<b>CHEEMA, Gulzar</b>	Kildonan	LIBERAL
<b>CHORNOPYSKI, William</b>	Burrows	LIBERAL
<b>CONNERY, Edward, Hon.</b>	Portage la Prairie	PC
<b>COWAN, Jay</b>	Churchill	NDP
<b>CUMMINGS, Glen, Hon.</b>	Ste. Rose du Lac	PC
<b>DERKACH, Leonard, Hon.</b>	Roblin-Russell	PC
<b>DOER, Gary</b>	Concordia	NDP
<b>DOWNEY, James, Hon.</b>	Arthur	PC
<b>DRIEDGER, Albert, Hon.</b>	Emerson	PC
<b>DRIEDGER, Herold L.</b>	Niakwa	LIBERAL
<b>DUCHARME, Gerald, Hon.</b>	Riel	PC
<b>EDWARDS, Paul</b>	St. James	LIBERAL
<b>ENNS, Harry, Hon.</b>	Lakeside	PC
<b>ERNST, Jim, Hon.</b>	Charleswood	PC
<b>EVANS, Laurie E.</b>	Fort Garry	LIBERAL
<b>EVANS, Leonard S.</b>	Brandon East	NDP
<b>FILMON, Gary, Hon.</b>	Tuxedo	PC
<b>FINDLAY, Glen, Hon.</b>	Virden	PC
<b>GAUDRY, Neil</b>	St. Boniface	LIBERAL
<b>GILLESHAMMER, Harold</b>	Minnedosa	PC
<b>GRAY, Avis</b>	Ellice	LIBERAL
<b>HAMMOND, Gerrie, Hon.</b>	Kirkfield Park	PC
<b>HARAPIAK, Harry</b>	The Pas	NDP
<b>HARPER, Elijah</b>	Rupertsland	NDP
<b>HELWER, Edward R.</b>	Gimli	PC
<b>HEMPHILL, Maureen</b>	Logan	NDP
<b>KOZAK, Richard J.</b>	Transcona	LIBERAL
<b>LAMOUREUX, Kevin M.</b>	Inkster	LIBERAL
<b>MALOWAY, Jim</b>	Elmwood	NDP
<b>MANDRAKE, Ed</b>	Assiniboia	LIBERAL
<b>MANNES, Clayton, Hon.</b>	Morris	PC
<b>McCRAE, James, Hon.</b>	Brandon West	PC
<b>MINENKO, Mark</b>	Seven Oaks	LIBERAL
<b>MITCHELSON, Bonnie, Hon.</b>	River East	PC
<b>NEUFELD, Harold, Hon.</b>	Rossmere	PC
<b>OLESON, Charlotte, Hon.</b>	Gladstone	PC
<b>ORCHARD, Donald, Hon.</b>	Pembina	PC
<b>PANKRATZ, Helmut</b>	La Verendrye	PC
<b>PATTERSON, Allan</b>	Radisson	LIBERAL
<b>PENNER, Jack, Hon.</b>	Rhineland	PC
<b>PLOHMAN, John</b>	Dauphin	NDP
<b>PRAZNIK, Darren</b>	Lac du Bonnet	PC
<b>ROCAN, Denis, Hon.</b>	Turtle Mountain	PC
<b>ROCH, Gilles</b>	Springfield	LIBERAL
<b>ROSE, Bob</b>	St. Vital	LIBERAL
<b>STORIE, Jerry</b>	Flin Flon	NDP
<b>TAYLOR, Harold</b>	Wolseley	LIBERAL
<b>URUSKI, Bill</b>	Interlake	NDP
<b>WASYLYCIA-LEIS, Judy</b>	St. Johns	NDP
<b>YEO, Iva</b>	Surgeon Creek	LIBERAL

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON MUNICIPAL AFFAIRS**

**Tuesday, October 31, 1989.**

**TIME — 8 p.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRMAN — Mr. Helmut Pankratz (La Verendrye)**

**ATTENDANCE - 10 — QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Derkach, Ducharme, Enns, Ernst

Messrs. Angus, Carr, Doer, Edwards, Pankratz, Rose

**APPEARING:**

Mr. Nick Ternette and Mr. Marshall Hughes, Winnipeg Greens

Ms. Margaret Sheridan, Residents Advisory Council

Ms. Jackie Ritchie, Crescentwood Homeowners Association

Mr. Buddy Brownstone and Mr. Alan Cantor, Winnipeg Chamber of Commerce

Mayor Bill Norrie, City of Winnipeg

Ms. Shirley Bradshaw and Mr. Peter Diamant, Winnipeg Into the Nineties

Jae Eadie, Private Citizen

Mr. Walter Kucharczyk, Private Citizen

Mr. Ken Reddig, The Association of Manitoba Archivists and The Manitoba Council of Archives

Ms. Shirley Lord and Ms. Heather Grant, Winnipeg Labour Council

Mr. Len Sawatsky, Private Citizen

Mr. Glen Murray, Private Citizen

Ms. Jean Tardiff and Glen Hewitt, St. Boniface-St. Vital Resident Advisory Group

Greg Selinger, Private Citizen

**WITNESSES:**

Hon. Glen Cummings, Minister of Environment

**MATTERS UNDER DISCUSSION:**

Bill No. 32—The City of Winnipeg Amendment Act

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**Clerk of Committees (Ms. Bonnie Greschuk):** Will the committee please come to order? We must proceed to elect a Chairperson for the Standing Committee on Municipal Affairs. Are there any nominations? Mr. Ernst.

**Hon. Jim Ernst (Minister of Industry, Trade and Tourism):** Mr. Pankratz, please.

**Madam Clerk:** Mr. Pankratz, are there any other nominations?

**An Honourable Member:** I second that—

**Madam Clerk:** Okay, we do not need any seconders. If there are no other nominations, will Mr. Pankratz please take the Chair?

**Mr. Chairman:** The Committee on Municipal Affairs is called to order. Bill No. 32 will be considered today. It is our custom to hear briefs before consideration of the Bills. What is the will of the committee? To hear the briefs? (Agreed)

I have a list of persons wishing to appear before this committee and I will read that list. Mr. Nick Ternette; Ms. Margaret Sheridan; Ms. Jean Tardiff; Mr. John Prystanski, Residents Advisory Council; Ms. Jackie Ritchie, Ms. Sheila Duprey, Crescentwood Homeowners Association; Mr. Buddy Brownstone, Mr. Alan Cantor, Winnipeg Chamber of Commerce; Mayor Bill Norrie, City of Winnipeg; Ms. Shirley Bradshaw, Mr. Peter Diamant, Winnipeg Into the Nineties; Mr. Jae Eadie, Private Citizen; Mr. Walter Kucharczyk, Private Citizen; Mr. Ken Reddig, Association of Manitoba Archivists and Manitoba Council of Archives; Ms. Shirley Lord, Ms. Heather Grant, Winnipeg Labour Council; Mr. Len Sawatsky, Private Citizen; Mr. Glen Murray, Private Citizen.

Is there anyone present here who is not on the list but would like to appear before the committee? Would you please go to the back and give the Sergeant-at-Arms your name, please?

Does the committee wish to impose a time limit on the length of the public representations?

**Mr. Gary Doer (Leader of the Second Opposition):** Mr. Chairperson, I do not believe it is customary to do that at the outset. I believe that we may be going late tonight, but I think because of the importance of the Bill and the need for the public presentations, we should not set a time limit.

**Mr. Chairman:** Accept.

**Hon. Harry Enns (Minister of Natural Resources):** Mr. Chairman, it is not in the tradition of these committees to set time limits, and I support the indication and recommendation of Mr. Doer.

**Mr. Ernst:** Mr. Chairman, I also agree that I think we need to hear the valuable input from the people of Manitoba with regard to The City of Winnipeg Act. At the same time there are a number of people here, and I would hope in the interests of all of them, so that they all can be heard if possible this evening, that each try and not to be repetitive, so that we give everybody

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the opportunity of being heard. It is not fair to give sort of large amounts of time in the beginning, and then not allow somebody at the end who has waited patiently all evening. So I think it is in the interests of all of the presenters who are here this evening that we try and be reasonable in our approach to the matter.

**Mr. Chairman:** I take it then that it is the will of the committee to not impose a time limit? (Agreed)

If there are out-of-town presenters who would like to be heard earlier, please at this time indicate. Okay, if not, then we will go according to the way the list is before us.

Another suggestion, if anyone of the presenters have 15 copies, would you please give it to the Sergeant-at-Arms in the back, and he will distribute them at the time when you make your presentation?

\* (2005)

**Mr. Nick Ternette (Winnipeg Greens):** Mr. Chairperson, I am here—

**Mr. Chairman:** Mr. Ternette, have you any written copies with you?

**Mr. Ternette:** No, I am sorry, I do not.

**Mr. Chairman:** Okay, you may proceed.

**Mr. Ternette:** Mr. Chairperson, Marshall Hughes and myself are here to represent the Winnipeg Greens, coalition of feminists, equal feminists, environmentalists, and community activists to speak on Bill 32. We are here to speak on behalf of the Winnipeg Greens concerning Bill 32 amending The City of Winnipeg Act.

As you may well be aware, I was here before you during Christmastime at midnight at that time, if I remember, of last year in talking about Bill 40, which was an attempt by the provincial Government to introduce a first step in the process of reforming City Council, namely, the issue of reducing the size of City Council. At that time I thought that the provincial Government was putting the cart before the horse in that it was attempting to reduce the size of council from 29 to 23 without introducing reforms to civic government as a whole. I was very glad that my arguments succeeded in persuading the Members of the Opposition to defeat that Bill in saying that it was the responsibility of the provincial Government to introduce real reforms to civic government before the issue of the size of council was ever dealt with.

As you are well aware, the Cherniack Report has covered all major points of review and reform that were required, I think, by civic government in responding to the demands of people of Winnipeg in the field of municipal politics. Unfortunately, I am here again to suggest that it seems to me that the provincial Government again seems to feel the necessity of introducing piecemeal reform of civic government which I think is going to create some serious problems in terms of what kind of reforms we really do need at City Hall.

I am not here specifically critical of any one particular aspect of Bill 32, although I will go over some specific suggestions in terms of amending some aspects of Bill 32. I think Bill 32 is a step in the right direction. I am not arguing against that, but I am very, very critical of the process which has been undertaken by the provincial Government in introducing reforms at the City Hall level. I cannot, for the life of myself, understand why the provincial Government is introducing reforms in three stages: Bill 40, which was introduced at Christmastime, which was turned down; Bill 32, which is responding to some extent to the questions of power, mayor, the ombudsman, Freedom of Access of Information, et cetera, about five or six aspects of 110 possible reform aspects of the Cherniack Report; and supposedly another Bill was going to be introduced with the issues of planning and zoning matters in the future.

This process to me undermines the ability of civic government to properly function and unfortunately will continue to lead the lack of accountability and leadership at the civic level, as far as I am concerned, if the Government cannot introduce the major reforms.

For example, it seems to me that there was a Landlord Tenant Review Committee held about a year and a half ago. It recommended major recommendations and the Government has introduced Bill 42, which in fact has dealt with over 80 percent of those recommendations in various ways, either accepting most of them, some not accepting them, in a way of saying we want to reform The Landlord and Tenant Act. Why can we not do it with the city? Why do we have to go with this piecemeal approach? Why could not the Cherniack Report be the basis—I am not arguing for all aspects of the Cherniack Report—on which we would introduce legislation. This process simply is going to create more and more difficulties in revolving them.

\* (2010)

I think reform of city government revolves around the following objectives which we have to look at. Those objectives of the relationships are the following:

**Accountability**—both levels of Government must be open and accessible to their respective electors, and representatives must be responsible for their actions. The public must be able to understand Government statutes and processes and to identify the decision-makers. At the same time, however, representatives must have clear ability to make or influence decisions for which they are to be held accountable.

**Clarity**—while there may be a number of various where shared responsibilities and overlap are either unavoidable or even appropriate, the principle for accountability demands that in general the distinctions between the roles of each level of Government should be drawn as clearly and as precisely as possible. In this way each Government will have greater latitude within his own sphere of concern, and the electorate will become better able to assign responsibility appropriately.

**Balance**—any provincial legislation concerning municipalities represents a careful and difficult balance

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between competing demands of local autonomy on the one hand, and the protection of provincial-wide policy in financial interests on the other. The Government's current proposals are designed to achieve a balance.

Leadership—once areas of primary responsibilities have been defined for each level of Government as clearly as possible, the City of Winnipeg should then be empowered to exert effective political use in its own sphere of activities and effectiveness. Economic and social challenges facing the City of Winnipeg are of paramount importance to the entire province.

These are the philosophical overall guidelines which the Cherniack Report dealt with, and various other communities have dealt with in terms of reform with the Government. I am simply saying Bill 32 begins the process but in no way completes the process of seriously looking at these issues of accountability, clarity, balance, leadership and effectiveness at the City Hall level.

Twenty-three, if we can go to specific points now, introduces I think a very important process, one that I have argued, that the Cherniack Report has argued, everybody has, introducing a form of Cabinet-style Government at City Hall, but it does not go far enough. The problem again, and this is one where my original critiques of the Cherniack Report is concerned, if you introduce Cabinet-style Government at the top level you have to introduce Cabinet-style level at the bottom of the level. You cannot continue to go on this way. We are now going to have, and I agree wholeheartedly with it, no question who the mayor is. The mayor has the right to appoint the deputy mayor, the acting deputy mayor and the chairperson of each of the four standing committees to strengthen this role and to provide leadership and to provide accountability finally for the first time since Unicity has been created since 1971. It does not guarantee leadership and accountability at the civic level.

In spite of what everybody has been talking about, the independence of city councillors, we know the history of politics. There has always been politics in blocs at the municipal level since 1919, since the General Strike. This election has proven that civic parties are going to be formed. They are not going to be on the basis of traditional party politics. We are not going to have NDP, Liberal or Conservative Members in a direct sense but we are going to have blocs of people, like-minded people joining on specific policies and issues, be they called WIN, be they called the ICEC or the Gang, whatever else. The whole issue of fighting the issue of Gang of 19 was never that there is not a need to bring people together for their own particular ideological reasons, but that the gang of 19 did it behind the scenes, never exposed themselves of why they caucused or how they caucused and what their vote was.

It was not a question of being able to get together to vote as a bloc. It is happening here; it will continue to happen, and with WIN, party politics at the civic level, like the Montreal Citizens Movement in Montreal, like HOPE in Vancouver is going to be introduced. That needs to be taken into consideration because if you are going to have that kind of a thing happening, then

how is the mayor going to be able to establish Cabinet-style power at the higher level, when in fact people are supposed to be elected on the independent level?

\* (2015)

We are going to have a confusion at the level of City Hall, especially at this time because supposedly the "Gang of 18" has not been able to formulate itself as a gang right now, and the independents have sat as Independents, but supposedly at this stage, as everybody knows, there are three political forces at City Hall at the present time. Who is the mayor going to appoint to? Is he going to have to take into consideration the representation of WIN, the representation of the Independents and the representation of the gang of 10, or is he going to choose the individuals that he personally feels he can most work with? Does he take into consideration the power blocs that exist at City Hall or does he ignore it? It is not clear.

I am saying that is one of the arguments that I argued against the Cherniack Report. It is important to allow, not Party politics in a traditional sense, but municipal parties that are of different kinds to exist to have a ballot on it so that people can choose on the basis of accountability on the policies that they stand for, and then the majority of those people will be in fact appointed to the standing membership of those four standing committees, and I think that is a change.

I know that you are probably not prepared to do that, but it is one that we strongly recommend. It needs to be done. Otherwise we are going to continue to have confusion and chaos because you are stirring up the process of Cabinet-style politics at the higher level and you are ignoring it at the bottom level. I do not think that you can continue to have those kinds of contradictions. Either you have got to be consistent all the way down or you eliminate the concept of Cabinet politics at the front level. This is why you have to look at it. I do not object to that clause. I think the mayor needs that increased power because he needs to have accountability, he needs to be able to set policies, but that same politics of Cabinet-style document should be at the lower level also.

Now let us look at some other specifics, and these are mostly wording questions and I am also just going over some specific ones too. For example, Point 32. If I can just have the attention of the committee members. Okay.

Documents to be available to members. It says: a report, agenda or minutes of the Executive Policy Committee—which by the way are not available at the present time to anybody including members of council—shall be made available to members of council, on the request of a member to the mayor.

I think that the wording here again, among other things, is very weak. It should be mandatory. It should not be simply at the recommendation. I mean, if we are going for freedom of information, if we are going to access to information and the right for the public to know what is going on at City Hall, then fundamentally we should have all documents available mandatorily,

not on the basis of requests by individuals, because if nobody requests it, nothing will be done. In fact it implies very clearly that Executive Policy now must have minutes. They do not keep minutes. That is why the palms in most cases. Now they have to, but it should be mandatory. It should not simply be at the request of, et cetera, et cetera.

I think that relates to the issues that were raised in the newspapers today again with the ombudsman, fully and fundamentally acknowledged that again the word is that the city "may" appoint an ombudsman. It obviously "must" appoint an ombudsman. It is quite clear that the Cherniack Report called for an ombudsman. It is quite clear that the document that the provincial Government is producing here says it "should" produce an ombudsman, because it recognizes the need for an ombudsman, but it uses vague words. Why does it say "may"? Why should it not say "should" or "must"? I mean, let us be positive; let us be strong; let us have council follow dictates of the people as it ought to be. Same thing also of course with the whole issue of the resident advisory groups. Again it clearly indicates in the position paper that it "may" appoint. Again, why language like that? Why not "must" and why not indicate that resident advisory groups, as the Cherniack Report has clearly indicated, require financial assistance and research and office assistance to research and do the material backwards. That should be included in the amendment. It was not.

The Cherniack Report called for additional information and assistance to the resident advisors so that they could do their job properly. They are not able to do the job properly at the present time because they do not have the resources to do their job properly. Again this is the important kind of language, again the access to information is there. That is very good, but again I think some of the language says it "may" instead of "should" or "could." I am a little concerned about, but some of you may not pick up on 91(2) which is campaign contributions, 91(2) and 93(4). There is a limit, you know what I am worried about here, and this is just a worry, and I would like you to examine that, is there is a suggestion that council set the limits of campaign contributions and it bothers me because it is the same argument that council set their own salaries and everybody says council should not set their own salaries, council should not set their own pensions, so why is council going to set the campaign contributions.

\* (2020)

It should be this Legislature and this body which does govern City Hall affairs that should set the campaign contributions limiting campaign contributions for the mayor and limiting financial contributions to city councillors. By leaving it to council, who knows what kind of decisions are going to be made because I do not know whether they can make rational decisions. Some people would say that is also probably an irrational decision. The argument again is if it is not going to be yourselves then it should be an independent judiciary board as the argument has been in all other cases, an independent judiciary board should set the limits so that there is no possible conflict of interest. Self conflict of interest tends to be in. How can

councillors sit in judgment of how much they should or should not spend for campaigns. That really opens a big can of worms, as far as I am concerned. So really, the overall argument of course is a judicial body. That should be done.

The same thing that bothers me is 93(4) implies while there is a limit on candidates contribution funds there is no limit on candidates spending their own money. For me that seems to create a politics for the rich and a politics for the poor. Those individuals who cannot from themselves provide financial assistance to run for campaigns, they are going to suffer because they may get some money which is limited from other contributions but an individual who is reasonably wealthy can spend \$50,000 of his own money and not worry about it because, let us assume for the sake of argument there is a \$5000 or 10,000 limit, he may get 10,000 but he will spend \$50,000 of his own money. There is a contradiction there for me. Spending your own money should be part of the total amount that you can spend maximum for campaign contributions rather than separating individual personal contributions versus contributions given by others.

There are several additional points that Mr. Marshall Hughes will outline on pensions and various other issues that he has—

**Mr. Chairman:** Excuse me, could you please identify yourself.

**Mr. Marshall Hughes (Winnipeg Greens):** My name is Marshall Hughes. My presentation will probably only take about 60 seconds or so. I am with the Winnipeg Greens. 26(1) Pension and insurance plan—as recommended by the Cherniack Report, we believe that a council compensation committee should be established to monitor the cities and the city councillors insurance and pension plan, who decides on what specific insurance company should be chosen. 73(2) Declaration and classification of ombudsman—we believe that the nomination of the ombudsman is separate from the policy committees and that the ombudsman should be at least considered by the council-at-large and not just by the mayor. 73(3) Oath of secrecy—we are asking for an amendment changing the word "secrecy" for the word "privacy" and ask that a limitation of time be placed on this privacy period.

Historically, documents are usually released in about 30 to 40 years. If there is a major environmental spill we would like to have some type of access to that information some time in the future. 73(3) Refusal to investigate—we should develop this clause and there should always be a right to appeal this motion. In 73(9) No proceedings against the ombudsman—there should always be a right of complaint against the ombudsman, the right to complaint should be guaranteed. In 73(9) Being held in contempt—there must be a clearer definition on contempt charges for those who try to block the ombudsman's investigations. The penalty should in fact be held reasonable.

In 77.1, that the admissibility of a photographed record be expanded to include the admissibility of photographs and video tapes—we will assume that

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when they mean photograph they are talking in terms of photographing the Government documents, but I think it should be expanded to include other types of video tapes. For example, like in the police, they should have the right probably to video tape some of their investigated—or what is the word—prosecuted. All records should only be administered by a magistrate or a notary public.

In 78.08, Decision of court is final—we again believe in the right of an appeal and that it should be considered unconstitutional that the right to appeal should be eliminated. Thank you.

\* (2025)

**Mr. Ternette:** Ladies and gentlemen of the committee, we have tried to outline specific areas of concerns in terms of language. We have outlined the difficulties of the process which is the area that I am most disturbed as how it has been introduced, but we would like to say that we congratulate the Government for moving ahead finally because reforms have not happened since 1971. The last major reform of the civic Government was the creation of Unicity in 1971.

It is time that we moved ahead. If these recommendations are accepted, and hopefully that they are, in changes in wording specifically to make it stronger, then at least it is a step in the right direction but it is a long way to go in order to really establish the kind of reforms that we want at City Hall. Hopefully, the Members of this committee would recognize that process and that hopefully will suggest to the Government, and I am suggesting to the Government, that they move faster on the third phase of planning and zoning and other issues that are very important in terms of how the city is to function. Otherwise, we will continue to have a chaotic type of city Government structure.

I am not attacking any one individual at City Hall at the present time, it is simply the structure is unworkable. Everybody knows it, we need accountability, we need openness, and we need the bureaucrats to be accountable. The only way you are going to do is by an overall approach, not a piecemeal approach. Thank you very much.

**Mr. Chairman:** Are there any questions from the Members of the committee? Mr. Doer.

**Mr. Doer:** Yes, you commented in your 60-second presentation on the right of appeal, if the recommendation that you have provided to have a "shall be an ombudsman" is implemented in the Act as opposed to "may," would you see that as a more appropriate appeal body than having citizens go to the Court of Queen's Bench as recommended in the Act?

**Mr. Hughes:** Yes.

**Mr. Doer:** My second question, your presentation outlined what you considered to be a meritorious recommendation, notwithstanding the lack of planning and zoning, on the mayor appointing the committee

Chairs and being held accountable for their subsequent work. What is the recommendation of your group on the four other Members of the Executive Policy Committee being appointed by council?

**Mr. Ternette:** That is a difficult question. It depends on whether our recommendation of accepting civic parties at the municipal level will be. If one had the establishment of civic parties at the municipal level and elected on that basis then the majority group that got elected would be the one who would determine that thing. At the present time, obviously the only choice we would have is that it should be a full council decision open to all council members. That is the only way I could see it functioning, to be very honest, but that is the whole issue again.

Why are we introducing Cabinet style at one level and not Cabinet style at the other level? Either we do it all the way or we have to look at maybe a whole different structure of things. Again, I do believe the mayor needs power and it is a step in the right direction but it just does not go far enough. It creates chaos at the bottom level while it creates accountability at the top level.

**Mr. Doer:** Just one last question, I am sorry to ask so many. I noticed the Winnipeg Greens are involved and the priorities of the organization is dealing with environment. Do you have any recommendations in terms of—you have made no comment on the Bill in terms of the lack of implementation of The New Environment Act with the City of Winnipeg. Would you have any advice to the Legislature in that regard?

**Mr. Ternette:** There is nothing in there, but the palm is that we need to look at the Environment Impact Studies. As you know it was removed from the old legislation which existed of having all projects and everything else going through an Environmental Impact Study and we would strongly urge an Environmental Impact Study would be re-established.

\* (2030)

The reason I did not comment on this was because I supposed that is going to be part of the third Bill that is going to be introduced in terms of zoning and planning, that that will be part of the major responsibilities so I did not want to comment. I feel on the environmental issues and the Environmental Impact Studies every project needs to be reincorporated. It worked very well in the mid-'70s. I do not know why it was removed. It allowed the city to continue to dump wastage into the Red and the Assiniboine. It allows the city to continue to ignore all environmental considerations.

**Mr. Hughes:** That is why probably the ombudsman should be considered an independent counsel. One of the biggest complaints in the United States and probably in our own community is the fact that there is not an independent critical body of Government information and that is why the ombudsman should be held differently or should be separated from the political process. The ombudsman is supposed to supply an

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independent council. This is why, if the mayor is going to appoint all the other people, at least the ombudsman should be considered different because he is supposed to be independent, objective.

**Mr. Chairman:** Any more questions? Thank you for your presentation.

Ms. Margaret Sheridan, Resident Advisory Council.

**Ms. Margaret Sheridan (Resident Advisory Council):** Thank you very much for hearing the report this night. Mr. John Prystanski has asked me to present the report to you from our Resident Advisory's Conference that we had on June 17. It was members of the resident advisory groups from across the city and we had some recommendations and we are pleased to present them to you tonight.

John just recently was elected to City Council and was meeting with people from his area tonight to hear their concerns so he asked me to convey to you his regrets at not being here and to ask that you hear the report from me.

To begin, we found that we needed to have this conference. There had not been one for some time and we had four major challenges we felt, one being the mission of the resident advisory group as we thought, the education and orientation of resident advisors, the funding, the agendas and communications of and fundings of the agendas and the communications to the resident advisors and the working standards.

Also at that conference we heard from Mr. Richard Frost, the new Chief Commissioner of the City of Winnipeg, and we were pleased to have him as our keynote speaker that day.

In the mission statement we have the goals of the resident advisory group. We felt that as resident advisors that we should be involved in both large and small city planning issues as may be appropriate to facilitate the councillors in the performance of their civic duties wherever they required our assistance, to take a pro-active stance in raising community awareness and issues, and a number of resident advisory groups have done that throughout the city wherever there has been major issues in the community and they have held public meetings and done those kinds of things to bring those things to the awareness of the citizens and to act as liaison between the citizens and the civic Government.

The terms of reference of resident advisors is to attend the RAG meetings and the representatives to attend the community committee meetings and the desirability to attend at least one city council meeting and some subcommittee meetings during the year; to participate in advisory boards and subcommittees wherever they were asked to participate and to act as the forum to focus community opinion; to assist in deciding grant approvals and zoning approvals and to act as intermediary between the councillors and the public wherever we were required to do so; to promote the resident advisory groups and their activities as well.

It was proposed also in our mission that we hold an annual conference throughout the city with an evening

session and that the planning begin immediately and we did start planning immediately for next year's conference.

In the educational orientation we felt that it was important that all aspects of the city have some input. Particularly we felt that the city clerk's department, the city solicitor and EPC have some input into our orientation packages so we would all be very cognizant of the method of processing by-laws, especially regarding variances and conditional uses, and that we might become aware of all the protocol that is necessary for citizens to be involved, and that we could act as information people for the citizens of the area so we might know all those kinds of necessary protocol to follow in regard to taking issues to the councillors for their information and to City Council.

We are concerned and wanted the organizational charts of the city staffs and departments to become regular knowledge of all of us so that we would be able to go to the correct people with our concerns.

The recommendations from the education and orientation committee were that each resident advisors group should have their own spokesman to be involved on a regular basis, or possibly two, with an intercity council. Also the resident advisor should have a historian so the history of these groups and of the particular areas would be collected and shared and that we would be in contact with other groups throughout the city.

One of the recommendations came forward, too, that we should be very concerned about the heritage buildings and the preservation of same and be involved with the committees and the organizations of the city and the province that are involved with those heritage buildings.

We also felt it was very important that each resident advisor understand the purpose and the role of each resident advisor and that the councillors, too, recognize their role so the resident advisors groups may serve their community in a manner of benefit to the citizens and rewarding or satisfying to those who labour on their behalf.

We would ask that the funding of the resident advisory group come from the general Government section through the city clerk's department under a program for the resident advisory groups. We also ask that funding cover all costs associated with those groups and their programs regarding printing, administration, postage and paper, et cetera, and that each chairperson of the various resident advisory groups submit a cost estimate to the city clerk's department in order to have our needs met.

There were 131 members this past year in the resident advisory groups throughout the city. We felt that the voting members for each ward should be six; that we do need to have a little more detailed constitution and by-laws and have some standards, but we also felt that each area of the city that we service, very unique, so that all of these rules and regulations not necessarily be carved in stone but be what was necessary for that particular area.



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We like the opportunity to be involved and to serve. We would request that our membership and appointments as resident advisors be from one annual conference, that is the Annual Community Conference, from one year to the next year, and that our term of office would then end at the next Community Annual Conference, and that the elections take place at that time.

We feel we would like to remain as we are now, a part of the civic Government of the city, albeit that we are volunteers and elected only at our community conferences and not by vote. We realize and appreciate that, but we feel there is a very definite need for the citizens to have the opportunity to grow as people and be involved in their communities and to serve. So we feel we would like to see the resident advisory groups be incorporated in any changes that are made to the city by-law and that we be allowed to serve. If there are any questions I would be pleased to answer.

\* (2040)

**Mr. Doer:** Thank you very much. The proposed legislation has, a residents advisory group may be elected. Are you proposing that be mandatory in the Act so that there is that—

**Ms. Sheridan:** It is "shall."

**Mr. Doer:** That would be the recommendation to our Committee?

**Ms. Sheridan:** Yes.

**Mr. Doer:** Thank you very much.

**Mr. John Angus (St. Norbert):** With the one reservation of giving you more money, how can we make the resident advisory groups more attractive for participation and more involved for the general citizenry?

**Ms. Sheridan:** I think a lot of whether the people ought to become involved or not depends a great deal upon the particular councillor for that ward. I think it is important for the citizens of the area to have some input on some major topics, and it really is the responsibility, I think, of the citizens to know that they have that forum and that it is available to them. I think it is really the residents responsibility to go the councillor and to ask where they can serve his needs to communicate with the residents of the area and where he requires assistance on particular—or she, excuse me—of his or her particular needs to serve their community.

**Mr. Chairman:** Anymore questions? If not, thank you for your presentation.

Next we have Ms. Jean Tardiff -(interjection)- okay, Mr. Glen Hewitt.- (interjection)- My error here, there is a correction made. The two parties I mentioned are from the St. Boniface-St. Vital Residents Advisory Group and we will go to the next one. Ms. Jackie Ritchie.

**Ms. Jackie Ritchie (Crescentwood Homeowners Association):** You are going to like this one, because

it really is brief. This is the one here. I think you have been given this one.

My name is Jackie Ritchie. I am a resident of Crescentwood. Crescentwood is in River Heights. It is divided by two boundaries, River Heights and River-Osborne. It is an area that was built around the turn of the century, and we have long enjoyed our lovely old homes.

We have formed a very, very strong and vocal association to maintain our old homes and preserve our neighbourhood. The association has become even more concerned about our neighbourhood and the vulnerability of our properties, especially those bordering commercial or multiuse residential areas, since 1985.

It was in 1985 that the Enderton caveats, those old original by-laws which prohibited anything other than R1 residential use were unfairly lifted. In 1985, we successfully lobbied our city councillors. Crescentwood was represented then and still is by two councillors, and we had them to preserve the intent of the caveats. I would also like to lobby our two new councillors. Therefore, I would like now to address a section of the proposed changes to The City of Winnipeg Act, which we feel would further protect our lovely old neighbourhood in which we have chosen to live.

What I am specifically referring to is on page 14, Section 36. The Crescentwood Homeowners Association wholeheartedly supports the establishment of strong, effective community committees that can make decisions on issues affecting the nature, growth and development of the communities. So Section 36 under Duties of community committees, we have some concerns.

While Section 36 of Bill 32 deals with the duties of community committees we feel there should be a Subsection (d). It just goes to (c) and we would like to put another one in there, (d), to deal more specifically with the power of community committees, because currently the community committees make the final decision on rezoning applications. The zoning variance and conditional use decisions are subject to appeal at the Variance Use and Conditional Appeal Board, and this board is made up of councillors who do not represent our area and the needs and interests of the local community. They frequently will overturn decisions that were made at the community committee level.

The right to appeal is automatically granted without requiring any new information or changes or modifications in the original application. So this process aroused inappropriate development which has been strongly opposed at the community committee level. An example of that is on Wellington Crescent. In the early '80s we had a 30 unit condominium built, which was given as a variance of our one. It was not even rezoned to R3 multiple; it was a variance of R1. We thought it totally inappropriate. So while we do not disagree of the process of appeal—we should always have the process of appeal—we feel it would be more appropriately handled at the community committee level.

Applications for appeals should be granted only when modifications to the original plan have been made. As

a result of such changes, community councillors would become more accountable to their electorate for the decisions on issues of immediate concern to the community they represent, and that is Section (d).

If you turn the page to page 15, the additional supports, Subsection 37, Notice of Meetings, we just feel that is a little bit thin. We thought that to ensure that the community residents have an opportunity for input and discussion, that on community committee agenda items, we suggest that the time, place, and all agenda items for monthly meetings be more prominently advertised.

We suggest perhaps the same page of the newspaper every month, or a section at the front that could identify which page the agenda was on. They should feature an easily identifiable page, prominently displaying the notice of community meeting at least seven days prior to the meeting date. That is my brief brief.

**Mr. Chairman:** Thank you. Any questions? Mr. Angus.

**Mr. Angus:** I am well familiar with the Crescentwood Homeowners Association. Were you ever a member of the resident advisory group?

**Ms. Ritchie:** Not officially a member. I guess we have evolved into a residents advisory group through our own association. We have our own president and spokesperson, who change every two years, and we are always there. The city councillor knows who we are, and we know who the city councillor is, and while we always do not go on and on saying, no, you cannot do this, we do occasionally say, yes, you can.

**Mr. Angus:** Mr. Chairperson, one of the difficulties that I perceive in the resident advisory group system is the ability of individuals and/or splinter groups to circumnavigate the process, and only deal with issues that are parochial to them, and that are their concern as a pull, and Ms. Ritchie you are an example. I am not saying that your activities are wrong in relation to the Crescentwood Homeowners Association, but through the Fort Garry, Charleswood, River Heights triangle, there are many, many very important issues that we heard nary a peep from the Crescentwood Homeowners Association and/or part of the residents advisory group. I wonder why you did not become actively involved in the residents advisory group system?

**Ms. Ritchie:** I guess we felt that since we are living in the area where we are we feel it is a very viable part of Winnipeg, and has a great deal of heritage to offer that we are, albeit narrow-minded, protecting our own interests. We strongly advise establishment of similar groups in other areas. A residents advisory group can be a very broad group dealing with traffic, dealing with density, dealing with everything else, but what we are specifically dealing with is the preservation of our old homes.

**Mr. Angus:** Thank you, Mr. Chairperson.

**Mr. Doer:** I understand the concept of the closer to home, the more appropriate the appeal, but do you think there may be any danger in the recommendation. For example, if we had community integration going on across the city and we were moving from single residences to multi-person residences for groups homes, for example, to de-institutionalize some of our facilities, could we get into a dangerous situation where every community committee was not approving those changes in classification based on parochial concerns?

**Ms. Ritchie:** As a matter of fact, the establishment of group homes is not really against our mandate as home owners. A group home is still actually a residence. It is still R1 residence. It is a variation conditional use of the R1 residence, and upon resale of that house, the U3 reverts back to regular R1. No, we are not opposed to group homes at all. It is still a single-family home.

What we are concerned about is in the area surrounding Crescentwood. When the inroads are being made in around Stradbroom and Academy Road and Grosvenor and Stafford, that the lots at the corners could very, very easily be rezoned R3 multiple, and that it would just progress from there. That is what we are basically against.

**Hon. Gerald Ducharme (Minister of Urban Affairs):** I can appreciate your concern in regard to the appeal mechanism of variance. The few of us who had to deal with it when we were wearing the previous hat found it very frustrating, sometimes not the route to go.

I can only tell Mrs. Ritchie that in the planning section, there are different ways that it is dealt with across Canada. When we deal with planning section, we will certainly take into consideration the variance and appeal mechanism that is available in other places, so that councillors do not have to put up and residents do not have to put with what goes on at the variance and appeal hearings.

**Ms. Ritchie:** There is just one—along the same thing about the appeal process, quite often we have been at the community committee level till one or two in the morning, which is not unusual as you know, to finally get a decision the way that the Crescentwood Homeowners or even areas similar to us would like, and then the developer appeals. We all troop down to City Hall and we stay there till two o'clock in the morning, and quite often it is overturned that we figure that is just grossly unfair considering we have represented the area and the city councillors are on our side. Yet, they are powerless against the appeal board.

**Mr. Chairman:** Anymore questions? Mr. Carr.

**Mr. Jim Carr (Fort Rouge):** Mrs. Ritchie, are you suggesting that the appeal on variance go to the same committee that made the original judgment?

**Ms. Ritchie:** Maybe, yes and no. What we are trying to say is that appeal should be made. If there is some objection to the original plan, then modification should be made or a change or new information should be

brought forward to justify the process for appeal. We do not really feel exactly the same committee should hear exactly the same arguments.

In the case of perhaps an ombudsman or somebody to moderate, it would not be inappropriate. We are not saying that we should totally dismiss the appeal. We should just make the city councillors more accountable to their electorate by making a decision and sticking to it.

**Mr. Angus:** I agree with former Councillor Ducharme. I am sure former Councillor Ernst will agree as well that the appeal process is something that we could discuss all night and address all of our efforts to try and sort out, and we should. I am encouraged by the fact the Minister said he is going to be bringing that forward at some future time.

**Mr. Chairman:** Anymore questions? If not, thank you for your presentation.

Next, we have Mr. Buddy Brownstone and Mr. Alan Cantor, Winnipeg Chamber of Commerce.

**Mr. Buddy Brownstone (Senior Vice-President, Winnipeg Chamber of Commerce):** Mr. Chairman and Honourable Members of the Committee, my name is Buddy Brownstone, and I am Senior Vice-President of the Winnipeg Chamber of Commerce.

The Chamber is an organization representing 1,700 corporate members, 5,500 individuals—representatives, and 135 associations. Tonight, our position is being presented by Mr. Alan Cantor, member of the Chamber Civic Affairs Committee, and chairman of the Executive Policy Committee.

**Mr. Alan Cantor (Chamber Civic Affairs Committee and Chairman of the Executive Policy Committee):** Gentlemen, we recognize that Bill No. 32 is not a complete response by the Government to the proposals to changes to The City of Winnipeg Act as expressed in the Discussion Paper Strengthening Local Government in Winnipeg issued by the Minister of Urban Affairs (Mr. Ducharme) in February of 1987. Specifically, we recognize that in Bill No. 32 the Government is not addressing matters concerning planning, zoning, land development, and welfare. The reason I mention those is because the Chamber made a submission concerning those matters previously.

However, the Bill provides the Government's response to the political organization of the city and, in general terms, we are pleased to see that many of the recommendations regarding the political organization of the city, which were approved and recommended by the Chamber, have in fact been adopted.

Specifically, the position of the city auditor has been significantly strengthened in previous legislation. The Bill will enact provisions whereby the mayor will select his deputy mayor and acting deputy mayor, and chairpersons of the four standing committees of council. Since the Executive Policy Committee will consist of 10 members of council, consisting of the mayor, the deputy mayor, the chairpersons of the four standing

committees, and four additional members of council elected at large but making sure that every community committee is represented on Executive Policy Committee, we believe the strength and leadership ability of the mayor will be assisted and reinforced since the majority of the Executive Policy Committee will be members of his selection.

We endorse the creation of the position of a presiding officer and deputy presiding officer of council which will enable the mayor to be a leader in council and debate and discuss matters coming before council.

We endorse the authorization for the creation of the position of ombudsman and the authorization for an access to information by-law. We recognize, of course, that it will be up to City Council to implement these provisions, but we would hope and expect that the creation of the positions, having been made available by the legislation, that City Council will respond and exercise the opportunities presented by the legislation to appoint an ombudsman and to pass an access to information by-law. We expect that council will be responsive to public opinion, which we would expect would mandate that council fulfill the opportunity presented by the legislation for the creation of the position of ombudsman and the enacting of an access to information by-law, and therefore we are not concerned that the legislation is not mandatory in its language.

\* (2100)

We endorse the limitation on the number of standing committees to four, since this will concentrate authority and strength and direction and purpose. We appreciate and approve the requirement that it will take a two-thirds vote for a standing committee, or the Executive Policy Committee to go in-camera, since this will tend to promote open government and provide a reasonable limitation on the exercise of this alternative. Insofar as Executive Policy Committee is concerned, the mayor's group will have to be able to convince one additional member of Executive Policy Committee that an in-camera session is necessary for Executive Policy Committee to go in-camera, and we believe that this is appropriate.

We have however the following comments to make concerning the details of the legislation. We have taken the position that members of subcommittees of council who are not elected members of council should not be remunerated by the city. While we recognize that some council subcommittees require the assistance of persons other than elected members of council, we are concerned that their influence should be limited to advising and providing opinion, and should not be determinative of issues. The decision making should be left to and be the responsibility of elected councillors. Therefore, we are concerned that Subsection 25(3) provide that additional indemnities should only be provided to elected members of council so that if under Section 34(2) members of a subcommittee should include persons who are not members of council as the legislation appears to imply, such non-members of council would not be remunerated.

With respect to community committees, Sections 39 and 40 as written, give us some concern. We understand

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under Section 39 that the provision of facilities for the community committee is the responsibility of council and as such should be part of the city administration's responsibility to provide in a standard general way. We therefore are concerned that Section 39 implies that each community committee may have its own speciality as regards its facilities. We do not see the utility of such speciality. Further we believe that the standards for library, parks, recreation, museums, and community centres should be a city-wide standard and should not vary from community to community. We therefore are concerned that Section 40 may permit community committees to force special budgetary requirements in respect of these particular institutions within their communities and create imbalances over the city as a whole.

We are concerned that Section 40 as written may represent an incentive to the community committee to spend money in an unorganized non-standard way which would not reflect an overall city-wide policy.

We endorse the concept that the city must provide appropriate physical facilities for the functioning of community committees, and we endorse the concept that community committees should review the expenditures proposed for the community, but the community committee should not be the originating proposing agency.

Finally, we have never been enthusiastic insofar as the resident advisory group. We have always had difficulty in understanding the validity of the mandate of a resident advisory group when its selection represents no popular mandate. To strengthen at least some reference to a popular mandate for a resident advisory group, we believe that some minimum number of electors of a community should be required to be present at the community conference for a resident advisory group to be elected. Since the community will consist of approximately 100,000 people representing probably in excess of 25,000 electors it would seem not unreasonable to require a minimum number of electors present for such annual conference before a resident advisory group could be elected, and we would think that at least 500 electors should be present at such meeting for a resident advisory group to be at all representative of the community they propose to serve.

Further we believe that subsections 41(2) and 41(7) may be contradictory in that we would expect that the by-law referred to in 41(7) should establish and determine the number of members and the manner of election rather than leaving it to the whim of those present at a community conference to decide on numbers and manner of the election. We have heard of community conferences which elect as resident advisors all of the persons present at the community conference. We do not think that democracy is well served if everyone who happens to show up at a meeting is allowed to take a position of apparent responsibility and authority. That is our submission, Mr. Chairman.

**Mr. Chairman:** Thank you for the submission. Any questions from Members? Thank you for your submission.

**Mr. Cantor:** Thank you.

**Mr. Chairman:** Next, we have Mayor Bill Norrie, City of Winnipeg.- (applause)-

**Mr. Bill Norrie (Mayor, City of Winnipeg):** I notice that is not coming from both sides of the table, Mr. Chairman.

**Mr. Chairman:** Mr. Norrie, have you got a written submission?

**Mr. Norrie:** No, I do not. I apologize, Mr. Chairman. I just got back from Ottawa. We made a written submission to the Committee on Transportation today, and I have no written submission for you. I have rather brief points to make and hopefully that will be possible for you to follow without the written submission.

Mr. Chairman, Ministers, and Members of the Committee, my name is Bill Norrie. I want to present to you actually seven points that the Council of the City of Winnipeg passed at our last meeting relative to the Bill in front of you.

First of all, I would like to direct your attention to Section 17. This is the section that deals with the in-camera meetings of committees, and the council motion which was passed read as follows: That the proposed new Section 17 be amended by deleting the phrase "not less than two-thirds of the total number of members" and inserting the phrase "the majority of the members present."

The significance of that, Mr. Chairman, is that there is a concern that of course the matters that are dealt with by a committee in-camera are extremely limited, only personnel matters, legal matters, contract negotiations with employee groups, litigation settlements, and the discussion of land acquisition for expropriation purposes, those kinds of things which would be difficult to discuss in the public arena.

Now the suggestion of the council is that because the standing committees are comprised of seven members and the executive committee is comprised of 10 members, and at the standing committee although I am a member, I rarely get to a number of the standing committees. You reduce the number then to six, and two-thirds of that is five. So you have a problem if we have one or two of the members who are on other city business or who are away, very often there are contract matters that have to be considered urgently. There may be expropriation matters that have to be considered urgently. So the feeling of the council was that their preference would be to have the majority of the members of the committee make the decision.

Another alternative, of course, would be two-thirds of the members present, as opposed to two-thirds of the total committee, but the official position of council is the majority of the members present.

No. 2, recommendation of the council, Section 18(2), and I present this not in a personal way but on the basis of a decision of council, the suggestion is by council that the section, as it now stands, be deleted and the following inserted in its stead: "In the event

of a tie vote at a meeting of council, the mayor shall have a casting or deciding vote."

\* (2110)

That was the position of council. That is the present practice, Mr. Chairman, and the council felt that that practice should be continued. I might point out for your information that there have been about 10 occasions on which that deciding vote has been cast, nine times by myself and once by the deputy mayor who was in the chair, and they affected a variety of matters going back to 1985 through '86 through '87, none in '88 through to '89. Several significant projects—I am sure some of the Ministers who are councillors from the past will remember the Winnipeg Rehabilitation Corporation, will remember the extension of Central Park, some of those things which were decided on the breaking of a tie. The council felt that it was important to retain that provision.

Could I direct your attention, Mr. Chairman, to Section 87(2)? Now 87(2) is the one that deals with the question of attendance. Wait till I find it here, yes. The present wording under (b) is the one that is of concern. A member's seat is forfeited when he or she fails to attend three consecutive regular meetings of council without being authorized to do so by a resolution of council entered into the minutes of each of the three meetings. Now the council's concern was that there might be some reason inadvertently not communicated to the clerk or the council at the first meeting, and as a result of sickness or being away on business or whatever, the first meeting might be missed. What the council is suggesting is deleting the word "each" and inserting "one." So it would then be entered into the minutes of one of the three meetings. In other words, the idea of being advised but not missing the first meeting and thereby forfeiting.

No. 4, Mr. Chairman, refers to Sections 29(1) and 33(1), and it refers to the establishment of four standing committees. The preference of the council, and actually the minutes of council, is to delete the reference to four standing committees and to replace it with wording which would allow the by-law to establish standing committees as the council may deem necessary from time to time, but no less than a minimum of four standing committees. In other words, the principle would be that four would be mandatory and if there was a feeling of council that there was a need for additional standing committees, that the council would be free to create those. The principle of the Bill, in establishing a minimum of four, would be maintained, but there would be additional possibilities.

The next item the council has asked me to direct your attention to, Mr. Chairman, is Section 34(1) which requires council to approve the terms of reference of the subcommittees, which were formerly called ad hoc committees but now will be called subcommittees, established by standing committees, and that is Section 34(1). The recommendation of the council is to delete the requirement for council approval of those terms of reference, and provide that the relevant standing committee which is creating the subcommittee shall approve the terms of reference for those subcommittees

established by it, and reporting directly to the standing committees. In other words, if the council establishes a subcommittee, then obviously the council should determine the terms of reference of that subcommittee, but if the standing committee creates a subcommittee, then the feeling is and the preference is that the standing committee itself create the terms of reference without having to refer to council.

Point No. 6, Mr. Chairman, requires the community committees to meet at least once a month Section 37(1). The council suggested that this requirement be deleted, and that is because in the council and its standing committees under our procedure by-law has been proroguing for months during the summer. The month of August has become the month of prorogation, and the feeling was that the various community committees should have the authority to determine whether or not they wish to meet during that month, and what we might suggest is that there would be monthly meetings with the exception of the month declared by the council for the summer recess. In other words, there would be no standing committee meetings during the summer recess, no council meetings, and similarly, no community committee meetings.

Finally, Mr. Chairman, Section 75 which perhaps, in the general terms, is the most important matter that I would like to draw your attention to—75(2), and this is the authority which your committee is recommending, hopefully, to the Legislature to give the city the power to merge the employee pension plans. This is a very, very important amendment for us.

Just very briefly let me tell you, as you know I am sure, that The City of Winnipeg Act and the City of Winnipeg itself in its present form was created in 1972. At that time there was an amalgamation of the Metropolitan Corporation of Greater Winnipeg and all of the area municipalities, including the City of Winnipeg. Although at that time many city services were unified and many aspects of the employees' work package and work compensation were standardized, there was no means provided in the City of Winnipeg Act at that time to amalgamate the many pension plans that existed for all of the municipalities, the City of Winnipeg, and the Metro Corporation.

At the present time, there is an existing nine pension plans. These have been maintained by the city, some created by the former area municipalities. There is a police pension plan, there is an employee benefits plan which was instituted by the new city on January 1, 1976. The result of that is that most employees who retire will receive pensions from one or two or maybe three different plans, and over the years, I am sure you will agree and would understand, it has become increasingly difficult to administer the various plans. The process is not cost effective. It is confusing to the employees who are retiring, and there is an underlying inequity which exists where employees working for the same employer, that is the City of Winnipeg, receive differing pensions.

As a result of this rather confusing situation, Mr. Chairman, a steering committee was struck, consisted of representatives of management of the city and employee representatives. Members of the various

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pension committees had actuarial assistance and they arrived at a mutually agreeable form of pension plan amalgamation.

The proposed merger has been recommended by the steering committee and has been agreed to by the unions involved, and by the employee associations. It has been agreed to by the pension committees themselves, by the City Council, and by the Department of Labour of the province. Specifically the Pension Commission of Manitoba has indicated that any concerns it had or has with respect to the merger have been addressed. So there is satisfaction and general concurrence all around.

We feel that the proposed merger is very beneficial to the city. It provides improved benefits to both the pensioners and the employees. So I would draw your attention to that section and urge you to consider it positively. The reason we are here is that we felt there was authority to amalgamate the plans without legislation. On obtaining legal advice, we were advised that was not the case, and for certainty and consequence of legal advice, there is the need for the amendment. That is why Section 75(2) is there.

If there are any questions, Mr. Chairman, on any of the positions of council or any other sections in the Act's proposed amendments, I would be happy to respond to them.

**Mr. Chairman:** Thank you, Mayor Norrie. The Honourable Minister of Urban Affairs.

**Mr. Ducharme:** Just on your section in regard to the mayor's tie-breaking vote at the council, I know that this was a decision of council. I think that when we considered increasing the powers to you or to whoever the mayor may be to Chair EPC and to elect five members on EPC and also to have that body of, I guess you would say, power from EPC to go to council, we felt that that tie breaker would no longer be necessary. I wonder if the Mayor can tell me what other provinces in Canada give their mayor a tie-breaking vote.

\* (2120)

**Mr. Norrie:** I do not know of any, Mr. Chairman. All I can tell you is that it was in the Act. It is in the Act now. It has worked well. The feeling of the council, as expressed in their resolution, is that it is something they would like to see continued.

**Mr. Ducharme:** The other thing in regard to the pension plan, I take it that once this is passed you will be making that retroactive back to January.

**Mr. Norrie:** Yes, that is correct. It will be retroactive back to January 1, 1989.

**Mr. Doer:** Thank you. I noticed the council did not take any position on the new powers of the mayor. Perhaps they are treading very softly.

**Mr. Norrie:** Well, no, they actually did.

**Mr. Doer:** I know that. It was about a year and a half ago.

**Mr. Norrie:** Yes, that is right.

**Mr. Doer:** My question to the mayor is, you mentioned the recommendation from council on a number of occasions dealing with the in-camera situation. The council has changed dramatically. One of the underlying currents in the last civic election, I think, was openness in Government. Would you personally be recommending the change that you have proposed as mayor of the city to not have the two-thirds provision which has just been acknowledged by the Chamber of Commerce to be a good step forward for open Government? Would it be your personal recommendation to maintain the proposal here to allow for its tougher standards for in-camera meetings?

**Mr. Norrie:** I concur, Mr. Chairman, with the recommendation of council. I think you have to remember that the relative number of times that committees and executive policy committee itself goes into camera are very few, but the times that they do go into camera are matters which really require in-camera consideration and are often matters of urgency. If you tie it to membership of the full committee, then it will possibly delay the procedure. As you know, council cannot sit in camera, and it never has sat in camera. So I have no hesitation in endorsing the council's view on that.

**Mr. Doer:** That is fine, thank you.

**Mr. Bob Rose (St. Vital):** Your Worship, on Section 33(1) where you advocate or the council has requested an amendment to be able to increase the number of standing committees, I wonder if you could give us a little of the background at the rationale, and did they have some specific requirement in mind when they requested that.

**Mr. Norrie:** I guess, Mr. Rose, the general philosophy of City of Winnipeg's councils over the years, and this council is no exception, and I am sure the next council and council's in the future will be no exception either, is to have as much flexibility in The City of Winnipeg Act as is possible. In other words, council really should, within certain parameters, be able to dictate its own procedure, to set up its own committees, to establish its process, and to carry on its work within the general parameters of The City of Winnipeg Act.

The question of standing committees was an issue which council zeroed in on as being more restrictive than it needed to be in the view of council. In other words, there was no problem with establishing a minimum of four, but the feeling was that if there was need—an issue came up or there was another situation that demanded the attention of a standing committee—that it really was not probably in the best interests of either Government or the city to have to come back to the Legislature and to seek an amendment to the act. As you know, in municipal law, creatures of the legislation, creatures of the province can only act under those powers specifically given to it. So when the act says four standing committees, that is it, there is no change possible, and the thought was that there should be some freedom there to establish additional committees if the council felt it was appropriate.

**Mr. Rose:** Your Worship, I am having a little problem with that, and I wonder if during the debate there was any specific instance that was pointed out where it would have been to the advantage of the city or in your own particular experiences do you recall something in the last four or five years that would have necessitated one more standing committee, some special circumstance?

**Mr. Norrie:** Not particularly, Mr. Chairman, with one exception. There was a suggestion, not acted on yet by the council, but that there might be the need for a standing committee on budget and audit, and that has not been as yet adopted by the committee, sorry, by the council. But if that were to take place then it would not be possible under the present legislation because it fixes the number at four, as I have indicated.

**Mr. Rose:** Your Worship, you have alluded to some of the problems with having a 66 percent vote for to go into in camera and the problems that might arise with people being absent for one reason or another. Would not that be further exemplified by the fact that you would further have to reduce the size of all standing committees then?

**Mr. Norrie:** If you created additional committees, yes, you would. You may remember that the Parks Protection and Culture Committee was created out of another standing committee and we increased the number of committees from, I believe we had three originally to four, and so we now have four. If there was need to do that again, you might want to enhance the number of committees, but you would be restricted because of the provision in the act.

**Mr. Rose:** No.

**Mr. Carr:** Your Worship, in your discussion of in camera meetings you talked about a few categories of discussion that required councillors going behind closed doors. You mentioned as some examples personnel matters, litigation, land acquisition. Do you think it would be reasonable if this piece of legislation asked council to prescribe conditions under which it would go in camera to ensure that the public would know that the proceedings of council were open except under a prescribed number of cases that council itself could decide?

**Mr. Norrie:** Sure, no problem at all. I think it is very precisely known, certainly at City Hall. It may be not understood in the public, but it is very precisely known that are very limited items which are discussed in camera, and a prescription of those items, in my personal view, would not be inhibiting at all.

**Mr. Chairman:** Thank you, Mr. Norrie.

**Mr. Norrie:** Thank you, Mr. Chairman.

**Mr. Angus:** It is not a serious question, Mr. Chairperson, I do not want to be recorded, I want to know if the mayor has picked his Cabinet.

**Mr. Chairman:** Mr. Mayor, do you want to respond to that?

**Mr. Norrie:** Well, let me tell you, Mr. Chairman, I will decide that after the committee makes its decision.

**Mr. Chairman:** Thank you for your presentation Mayor Norrie. Next on our list is Miss Shirley Bradshaw, Mr. Peter Diamant, Winnipeg Into the Nineties.

**Miss Shirley Bradshaw (Winnipeg Into the Nineties):** Mr. Chairman, Mr. Minister, Members of the Committee, my name is Shirley Bradshaw and I am a member of WIN, or Winnipeg Into the Nineties. WIN is a citizens' organization which is independent of any political Party. WIN has five specific objectives which include, among others, providing a vision for the City of Winnipeg, and a future agenda based on clear policies for action and promoting open government and freedom of information among others. In other words, good city government.

\* (2130)

WIN's policies have been developed through a citizen participation process, including two public meetings during the past year, and it will continue to work and be the same as we expand our review of the issues which concern the citizens of Winnipeg. During the recent election and following a process which had been approved in an open meeting our candidates competed for the position of city councillor and eight were elected. While WIN councillors are committed to WIN's objectives and policy goals they will be free to make decisions and vote in council and committee meetings as they see fit.

WIN is committed to research on city Government issue, and is pleased to be here tonight to present the results of our investigation into certain sections of Bill 32. One of our members, Peter Diamant will present WIN's brief. Thank you.

**Mr. Chairman:** Mr. Diamant.

**Mr. Peter Diamant (Winnipeg Into the Nineties):** Mr. Chairperson, WIN is pleased to be here tonight and WIN is pleased to see amendments to The City of Winnipeg Act which make some move toward a more open and accountable government at City Hall.

Bill 32 covers changes to The City of Winnipeg Act in a number of areas and is silent on others mentioned in The City of Winnipeg Act review committee report and the proposals for changes to The City of Winnipeg Act discussion paper.

Our presentation will concentrate on three specific areas: The Ombudsman, Access to Information, and the Conflict of Interest. As a delegation from WIN we are willing to respond to questions that the committee may have on other areas of Bill 32, but WIN has not developed a specific position on many of these areas and therefore our responses will be for informational purposes only.

Ombudsman: WIN supports the creation of the position of City of Winnipeg ombudsman and applauds the Government's initiative in implementing this recommendation of the Review Committee Report.

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We believe that the ombudsman has a vital role to play in enhancing openness and accountability in civic Government. An ombudsman can mediate disputes between residents and the city, and the person can also serve as an independent monitor of city's performance in important policy areas, such as city planning, access to information, resident involvement and the provisions of French language services.

WIN is pleased with Section 8 of Bill 32, but does note that the absence of any reference to the role of the ombudsman in monitoring Part 3 of The City of Winnipeg Act, and we trust this does not bode a change to the policy as outlined in the Government's White Paper.

In supporting Section 4, WIN is opposed to any watering down of the Ombudsman provision in Bill 32. We believe that the Bill supports the concept of open government at City Hall and is consistent with the Government's throne speech statement to make this Government more open and accountable to the citizens of Manitoba.

It is the position of WIN that this is such an important initiative that the "may" in line 2 of Section 73.2(1) should be changed to "shall."

A number of points may have been raised by others regarding Section 4 of Bill 32 in the committee, and if the committee wishes we are prepared to discuss with you any questions you may have.

In summary, on the ombudsman provision, with the change to 73.2(1) suggested above, WIN supports the provisions and is against any changes which limits the powers of the ombudsman as they are outlined in the Bill.

Freedom of Information. At its policy conference on September 16, the WIN membership endorsed nine different policy objectives with ethical open governance and citizen participation ranking as among the most important. WIN's policy on freedom of information states that it is an important mechanism to achieve "open decisions openly arrived at." Citizens require the best information a Government can offer to participate effectively in those decisions.

WIN supports the enshrinement of freedom of information provisions in The City of Winnipeg Act and recommends that Section 78.01 be amended to read: "Subject to Sections 78.02 to 78.08, council shall pass a by-law"

WIN appreciates that certain exemptions to the general rule of openness are necessary and difficult to draft. However, the precise terms used are critical in determining how open government works. The proposed exemptions lack the public interest override provisions of the provincial Act and its other important limitations on the scope of the exemptions. Without these limitation clauses the exemptions become so broad as to permit carte blanche secrecy. For example: Section 78.05(1)(b) exempts "information provided in confidence to the city" with only one limitation allowing employee classifications, salary ranges, benefits, et cetera, to be disclosed. The provincial Act subjects all third party information to being disclosed subject to

notification if it confers a financial benefit, or if the public interest is greater. Without these limitations, the city would be able to keep secret all its commercial dealings with the private sector. This could hamper accountability and undermine public confidence in civic government.

Section 78.05(1)(d), exempting "information that constitutes advice to council on the formulation of a policy matter" also lacks the crucial limitations contained in the analogous sections of the provincial Freedom of Information Act. The provincial Act states that the exemption does not apply to environmental impact statements, product tests, the results of scientific and technical research, policy instructions or guidelines, reasons for decisions and consultant reports.

In addition, WIN recommends that policy background information which supports decisions be made available before the decision is finalized. Such policy information is vital to citizen participation in city government.

In keeping with the above, WIN recommends that Section 78.05 be amended to include limitation clauses at least equivalent to those in the sections listed below of the provincial Freedom of Information Act: Sections 39(2)-(4); Section 40(2); Sections 41(2)-(5); Sections 42(2)-(7); Section 45(2); Section 47; Sections 48(2)-(4).

Such changes will ensure that any ambiguities in Bill 32 that might hinder, rather than facilitate access to information are minimized.

WIN notes that Bill 32 does not deal directly with conflict of interest guidelines.

WIN's policy statement on conflict of interest and election expenses supports the position that all candidates for civic office be required to make complete public disclosure of assets and any material relationships, with any proposal and its proponents coming before council. If elected, candidates be required to disclose on an ongoing basis any conflict that may arise and update their asset statements continuously and openly.

WIN endorsed candidates also support an election expenses by-law which limits and declares a candidate's campaign contributions.

WIN supports enforcement of these reforms by such officers as an independent elections commissioner or ombudsman.

WIN therefore recommends that the conflict of interest section be included within The City of Winnipeg Act which provides for open disclosure of statements of assets which are comparable to those in place for Members of the Legislative Assembly.

WIN understands that the situation in Winnipeg is unique. Since there are only 29 councillors for 60 percent of the population of the province. It is difficult to design amendments to The Municipal Council Conflict of Interest Act which can apply equally well to the 29 councillors in Winnipeg and the over 1,000 councillors for the 40 percent of the population. It is for this reason that WIN supports the enshrinement of conflict of interest legislation for Winnipeg in The City of Winnipeg Act.



WIN recommends that a section be added to Bill 32 which:

\* (2140)

Provides for the inspection at all reasonable times of a councillor's financial records and asset statements and other documents pertaining to possible conflict of interest in the possession or under the control of the clerk who shall, on request and within a reasonable time, furnish copies of the record to an applicant on payment of any fee set before council, by council, by by-law.

WIN believes that this will help to ensure adherence to basic standards of disclosure.

WIN is a non-partisan organization which is directed toward explaining and publicizing policy related to social, economic and political development of Winnipeg. A primary goal of WIN is to assist the democratic process at the municipal level by providing timely information on current issues through both information gathering and analysis and information dissemination. It is our belief that the changes recommended by WIN to Bill 32 will help to improve the citizen's relation to City Hall and will make city government in Winnipeg more open and accountable.

**Mr. Chairman:** Any questions to Mr. Diamant? Mr. Carr.

**Mr. Carr:** Thank you, Mr. Chairperson. Mr. Diamant, in the section on conflict of interest you talk about disclosure and the appropriate Act. You think it should be The City of Winnipeg Act rather than The Municipal Council Conflict of Interest Act. Do you have anything to say on the issue of a perceived conflict of interest where a member of a standing committee of council is perceived to be in a conflict of interest with a pecuniary interest of his own in business? Accusations were made in the last number of months of such a perceived conflict. Do you have any recommendations to make to this committee on how that perception can be handled in the same way that you are handling disclosure for council members?

**Mr. Diamant:** WIN does not have a specific position on that. There have been suggestions that under those types of situations it may be more appropriate for a chairperson of the committee not to have a direct relationship with activities that go on with that committee in the sense that you were discussing, but to my knowledge that is not, at this point in time, a fixed position of WIN. It has not evolved a policy position on that.

**Mr. Doer:** Yes, you were here for the mayor's presentation dealing with a proposed amendment to this Bill on the provisions for in-camera meetings and a provision to loosen that up. What would the position of WIN be? I would assume that WIN would support the proposal in the legislation to make it somewhat more difficult than a majority vote just to go in camera.

**Mr. Diamant:** Yes, it would also be my assumption from my discussions with other WIN members that the

more open the government can be, the better it would be, and that the majority seems an appropriate way to deal with that.

**Mr. Doer:** I was not around the Legislature although I have read the old debates dealing with the conflict-of-interest provisions in The Municipal Act, and there are some quite interesting old debates—well, not old, they were in the '80s—on that issue of fairness, conflict of interest. Quite frankly, the old Government withdrew some provisions because of the inability of people, for example, in agriculture to become reeves. You see then a preferential or differential provision in The City of Winnipeg Act for conflict of interest, for disclosure, and how do we justify that to other communities, not bringing in the same kind of standards outside of Winnipeg?

**Mr. Diamant:** On the debate you are referring to I believe in the mid-'80s when this was discussed there were not significant presentations at that time. I believe there was in the neighbourhood of only three or four presentations at that particular time which dealt with the question of conflict of interest outside of Winnipeg. Whether those disclosures should be only to the clerk or be open, for one reason or another it was determined that it should be closed.

I think there is a distinction between, that is the reason for showing the statistics, 29 councillors for 60 percent of the population and over a thousand for, is a substantial distinction and it may be almost impossible to draft disclosure legislation which is really suitable for all those situations. Places like Brandon, et cetera, may be exceptions and might be done in the same way as Winnipeg.

**Mr. Doer:** The recommendation, and I read the debate with, it was between Sterling Lyon, I think it was, and Roland Penner, on the issue. As I say, it was before my time. While they are quite interesting in their approach, I happen to agree more with Roland than the Minister of Justice of today.

You are recommending the specific provisions in The Legislative Assembly Act dealing with conflict of interest and you do not see any difficulty in its application for city Government?

**Mr. Diamant:** No, we do not see any difficulty as outlined in the presentation.

**Mr. Doer:** Thank you.

**Mr. Chairman:** Any more questions? If not, we want to thank you for making your presentations.

Next, we have Mr. Jae Eadie, private citizen. I will ask you, Mr. Eadie, have you got a written submission to present to the Members.

**Mr. Jae Eadie (Private Citizen):** No, Mr. Chairman, regretfully I do not. I was a little busy the last few weeks and unable to unfortunately find the time to sit down and write you a proper presentation, so you will have to bear with me because I am going to more or less

wing it. I will try to be brief because you have a number of people from whom you wish to hear this evening. The mayor may have covered a couple of points.

Mr. Chairman, my name is Jae Eadie. I am a member of City Council for Deer Lodge ward. I do not know whether your clerk was anticipating a different result than I was last week but I am really not quite a private citizen. I am here not representing City Council, but I am a councillor representing myself.

Mr. Chairman, it is refreshing in appearing in front of this committee to be appearing in front of a number of Members, some of whom were former colleagues, but a number of Members who have had practical hands-on experience in municipal Government which I think is refreshing when you are dealing with legislation dealing with the city or any other municipality. It is good that there are people here who have experienced municipal Government and know what it is really like.

Mr. Chairman, I am going to zero in on just a few sections of the Bill that I wish to make a couple of comments on. I am going to first refer to Section 27(3), the presiding officer. I am of the opinion that the restriction contained in that section whereby the presiding officer can be a member of any committee of council except Executive Policy Committee is rather restrictive. I am of the view that City Council should decide which committees its members should sit on and I do not think the Legislature should make that determination.

We had some debate upon this matter at City Hall and I think in all honesty a number of our own members were confused about the perceived role of the presiding officer in this new system. I think perhaps there are some others. To quote the words of the Minister, page 1133 of Hansard, in his introductory remarks on this Bill, the Minister stated with respect to the presiding officer, to ensure the neutrality of this position, the presiding officer would not be eligible to sit on Executive Policy Committee, but would be elected to one of the standing committees. In actual fact, Mr. Chairman, if you have read the Act, the presiding officer is entitled to participate in the debate on the floor of council and under our own rules and under the Act, the presiding officer must vote on every issue. The neutrality of that position has disappeared right off the bat. Even the previous sentence in the Minister's statement, that the presiding officer would be entitled to participate at any time during council meetings in debate contradicts the next sentence.

\* (2150)

The presiding officer under the Act is not like the Speaker of this Assembly. The Speaker, as you know, because you have experienced it, is in fact totally neutral. He is not a Member of committees of the House, he does not participate in the debate, he does not vote. Under our system, under the system that you have proposed, which is similar to that in existence in the Province of Quebec, the presiding officer may participate in the debate if he so chooses and he must vote on every issue that comes before the council.

If the presiding officer is a Member of any committee, let us say the committee on Finance, and participates

in the consideration of the agenda at Finance and the Finance report comes to council, the presiding officer will have participated in votes in the Finance Committee and will be participating in those same discussions at council. What I am saying, what council was deadlocked on in this case is that the presiding officer should be eligible to be a member of any committee that council chooses to put that person on, whether it be Executive Policy Committee or any other standing committee of council. It should be council that makes the decision, not the Legislature. I think council can better determine than you can which committees its members should be sitting on.

Mr. Chairman, if the position of presiding officer was the same as the Speaker of the Legislature, there may be a case for restricting committee membership. As a matter of fact there would be a case for preventing the presiding officer from being a Member of any standing committee, but under the Act the presiding officer must vote on all issues and he or she can debate issues on the floor of council, so why restrict the individual from sitting on EPC if that is where in fact council feels that the presiding officer could best serve at the committee level. I would hope that in your discussions on this Bill that you will change that section to let the council decide which committees the presiding officer will sit on.

The mayor, Mr. Chairman, touched on Sections 29(1) and also on 33(1) and that is with respect to stating specifically in the Act that council shall establish four standing committees. I am personally opposed to that restriction. Council did suggest a minimum of four. My personal preference is that there should not be a specific reference to the numbers of standing committees.

Some people have suggested that a mischievous mayor or a mischievous council after November 7 may not appoint any standing committees. Mr. Chairman, that is not possible. We have an Organization of Government by-law in effect in the City of Winnipeg and it specifies today the standing committees, the numbers of them, and the titles of them. Council is required by its own by-law to appoint right now four standing committees. So even if there was a desire to say only have two standing committees on November 7 or November 8, we would have to appoint the standing committees that are laid out in our own by-law. Then council at a later date if it only wanted two committees would have to amend that by-law accordingly before it could only have two committees, but we have a by-law in place now.

I am suggesting to you that the present Act since about 1978 or '79 permits the council to establish as many or as few standing committees as it sees fit. It does so by by-law. Why specify in the Act under these sections that there will be four? The mayor has indicated to you a problem that may occur. We are presently examining the possibility of establishing a committee on budget and audit. If in fact council decides to establish that committee, before we can make that effective we have to come here and ask you for another amendment to the Act either to say five committees or perhaps to loosen the wording altogether.

What I am saying to you is, Mr. Chairman, leave well enough alone. Allow the council to determine how many

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standing committees it feels are necessary and allow it do so by by-law which we do today. I think that is only right.

Another concern I have, Mr. Chairman, is with respect to Section 29(4), which basically says that Executive Policy Committees shall have representation from all community committees. I am personally opposed to that recommendation because in my opinion and in the opinion of many other members of council, Executive Policy Committee is the one committee of council, certainly all of them should have it, but it is the one committee of council that should have a broad city view on issues that come before the city. Executive Policy Committee is not a committee of delegates from the community committees. That is what Section 29(4) is going to make EPC. It is going to be by and large a committee of delegates from the community committees. That is the wrong thrust for Executive Policy Committee.

Executive Policy Committee should be and has been operating basically as a committee with a city-wide view. Our practice has been over the last few years that Executive Policy Committee as much as possible has at least one member from each community committee but that is becoming a practice and a tradition just as in this level of Government the Premier of the Day tries to appoint Ministers of the Crown from the various regions of the province.

There is nowhere in statute law in this province as far as I am aware that requires the Premier to appoint at least one Minister from Winnipeg, and one Minister from Brandon, and one Minister from the North, et cetera. Why would you want to say in The City of Winnipeg Act that there must be at least one member from each community committee on EPC. If you are going to be specifying that, what you are doing is turning Executive Policy Committee from a committee with a city-wide view to a committee of delegates from the community committees. You will have some members whose only concern will be to report back to the community committee on their next set of instructions.

That is how I see it evolving. That is why I think that section should be taken out of the Act. Let the council in its wisdom decide the composition of Executive Policy Committee. The mayor will be deciding the composition of Executive Policy Committee if you ever get these amendments out of here. Let the council in its wisdom make those decisions. You should not be making it for them. I think you will find that the practice that we have been operating under the past few years will continue just as it has fallen into place at this level of Government for many years. Practice and tradition will prevail. It does not need to be specified in the Act or I see a number of problems being created with respect to future Executive Policy Committees.

Mr. Chairman, the mayor made reference to Section 34(1) which is the requirement in this Bill that City Council should approve the terms of reference for subcommittees. I repeat what the mayor said and what council has suggested. From practical experience some of you at this table will know that the ad hoc committees as we know them are basically ad hoc committees of a specific standing committee who are appointed by

that committee to review a policy matter sometimes which is strictly germane to that committee. It is a delegated matter that has been delegated by council to the standing committee. The standing committees have always approved the terms of reference for those ad hoc committees. It is an unnecessary procedure to have council as well approve those terms of reference.

Some of the issues that are dealt with by ad hocs or the subcommittees as you now call them are matters that may never go to council for approval in any event because they are matters that have already been delegated by council to the standing committee to deal with. I would suggest, and I believe my colleagues on council have agreed with me, that requirement should be taken out of the Act. It is obvious if City Council establishes a subcommittee on an issue which is composed of a number of members of council on a city-wide issue, that of course council will determine the terms of reference. Council has done so in the past on a number of things. It will do so in the future.

\* (2200)

The subcommittees of standing committees, Mr. Chairman, should not have to go through the additional hoops of having terms of reference approved by the whole city council when eventually if there is going to be a policy recommendation, that matter and all the reports will come to council for consideration. Let the standing committees, let their ad hocs or their subcommittees get on with the job without the additional requirement of going to council for approval of terms of reference on those things.

Mr. Chairman, the mayor touched on Section 37(1) which is the requirement in the Act presently that community committees must meet at least once a month. I felt for a long time that should not be in the Act, that community committees under our procedure now are relatively autonomous. City Council does not tell them when they will have their meetings or how many times they will have their meetings. Community committees make that decision themselves. If they want to meet once a week, if they want to meet three times a week, they can do that. They are the masters of their own procedure.

As the mayor has indicated, council over the last few years has been adjourning for at least a month in the summer, but our community committees do not have that option because the Act does not permit it. I think the community committees know best, Mr. Chairman, what their anticipated workload is at any given period of time. If in the opinion of the appropriate community committee it is not going to be possible for them to miss at least one meeting a month because of anticipated workload. They will not be cancelling any meetings, but let the community committee make that decision.

This Act has been in place since 1972, and I do not think the Legislature has to now make it a requirement of the Act that community committees must meet at least once a month. I think community committees are well able to make that decision themselves. There are a few of you here who have served on community

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committees, and I think you may recall from your own experience how your procedures would work best for you.

I refer now, Mr. Chairman, to Section 41(2), Resident Advisory Group Procedure. I am personally not in favour of the notion contained in this section that residents advisory groups should determine the numbers of members. In my community committee, let me tell you, I was a member of the resident advisory group for six years and chairman for three.

In our community committee, we have operated over the years on the basis that each ward should have equal representation. We have tried to determine that as a consultation between the community committee and the resident advisory group. We have tried to determine over the years that each ward should have an equal number of members, and that is predetermined before a community conference.

So that if there are any people who are interested in getting on the resident advisory group from a particular ward, and let us say for example there are six members to be elected from each ward and there are ten people interested, well then you have an election at the community conference and you elect the people who will serve as resident advisors for the coming year.

What you are doing here, Mr. Chairman, is really you are going to create a whole lot of problems. I mean, it could very well be that a hundred people will come out to a community conference and they will all become resident advisors, and over the next year, three quarters of them will never be seen at a meeting again. That can be verified just from looking at minutes from time to time of RAG group meetings, but what you do cause a problem for is with our administrative staff trying to determine the numbers of agendas and items that have to be duplicated for a number of people that may never come to meetings.

I think, Mr. Chairman, it is appropriate—and council will have to enact a by-law to establish the resident advisory groups—to perhaps state in that by-law—that the community committee and the resident advisory group, in consultation, should determine a limit on the number of members to be elected from each ward, if that is how they want to do it. The Act should not leave it wide open like this. I do not find it very proper.

I find it actually rather unusual that the House of Commons can determine how many members it will have, you determine how many members you will have. City council has no say, has no actual jurisdiction over the number of members that it will have at city council, but you are saying that a group of citizens who are not elected can determine how many members they will have in a resident advisory group. That does not make sense.

We have operated, as I have said, in my community, in consultation with the resident advisory group of trying to establish a limit on the number of members to come out of each ward so that if there is a full complement, every ward has an equal number of members in the Resident Advisory Group meetings, and you are not finding the case where you have one ward perhaps dominating over all the others.

So I would suggest you re-look at that particular section of the Act, and perhaps you could talk to your advisors, but that perhaps that section should be changed, and perhaps empower the council when it adopts the by-law to allow the community committees and the resident advisory groups to consult on the number of members they will have before you get into the process of a community conference. I think that is much more efficient and probably also quite fair.

Under Section 85 of the Act, under General Provisions, you do not have it in the Act. It is a suggestion that I raised at one time with the Taraska Commission many years ago. I will raise it with you again. You may want to look at it sometime, but it is my suggestion that in a situation as we have in municipal Government where we have fixed election dates, and just having gone through another general election, Mr. Chairman, it is my opinion that there should be a requirement in the Act that at a given period of time, city council and all its committees should dissolve prior to the election, perhaps at nomination day or at the end of September or something.

There should be a date in the Act in the year of a general election at which city council, and that includes all its committees, would dissolve, so that for three or four weeks there is in effect no council and no committees. It is a theory. I hate getting too theoretical because that is half the problem with this Act. It has been crafted by theoreticians and not by people with practical experience. It is a theory that should be looked at from time to time, Mr. Chairman.

My last point is with respect to Sections 90 to 95, Election Expenses and Contributions. For the information of some people whom I have heard previous to me and who are not aware, City Council has approved this year a resolution calling upon the Legislature to enact an election expenses law for the City of Winnipeg, modelled somewhat on what is in place in the Province of Ontario. City Council is already on record as having suggested that this Legislature adopt such a law.

You have in these Sections 90 to 95 basically included everything that the City Council has already suggested you include, with one exception. There is no provision in Sections 90 to 95 for the tax credit system, which was also a part of our council resolution and which was also a part of the Ontario legislation. There is no provision in this Bill for allowing City Council the option of adopting within its election expenses by-law a provision for tax credits for election contributions. I would like to see that in here. City Council, I think, would like to see that in here because it is the stated position of council. It is the one omission that is contained in Sections 90 to 95, and I hope that you would consider putting that provision in here, which would be subject, of course, to City Council having the option of either including it or not including it. The rest of those sections I support wholeheartedly. It falls in line with the resolution which I brought to council earlier this year which is modelled on the Ontario law.

\* (2210)

My last comment to you, Mr. Chairman, is simply this. I hope you will get on with this Bill. I think all of

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us who are forming this new City Council are rather anxious to have these new provisions in place so that we can get on with them. I am hoping that you will be able to get this Bill out of here and give it Royal Assent at least by the end of this week so that the mayor knows what he is going to do and the rest of us know where we are going to be next week, so that we are not going to have a confusing situation next Tuesday or Wednesday of not really knowing what Act we are going to be following. I hope that, as friendly advice, you will get on with this job after you have concluded the representations tonight and get this Bill out of here and hopefully get it to Third Reading and Royal Assent no later than the end of this week so that we can get on with the business that we have to do over the next three years.

Thank you, Mr. Chairman. Those are my remarks in brief.

**Mr. Chairman:** Thank you, Mr. Eadie. Any questions? Mr. Rose.

**Mr. Rose:** Mr. Eadie, you seem to be concerned with the RAG group and that they should not be allowed to determine their own numbers. One of, maybe the principle reason you gave for that was the problems with making copies of the agenda and what have you. You mentioned that you were Chairman of a RAG group I think for three terms and you certainly are sitting on a community committee. Could you let the community know say, during the last six years, what was the normal high and low of attendance of RAG people, RAG committee members at your meetings.

**Mr. Eadie:** Probably the average, Mr. Chairman, in our community I would say has been about 20 out of a possible 28 or 29 members.

**Mr. Rose:** Mr. Eadie, what would be the average variance from one meeting to another? Would it go from five to 25? What would be the range?

**Mr. Eadie:** There have been, I do not know whether it has been as low as 5. I am trying to recollect. It has probably been as low as 8 or 9 in some meetings. There have been one or two meetings without a quorum. As I say the average would be 18 to 20 as a rule, but that is not always the case. I am only talking about our community committee. I cannot speak for the other five.

**Mr. Rose:** Do you think that would be such an administrative nightmare that it would be worthwhile—

**Mr. Eadie:** Mr. Chairman, I did not say it was an administrative nightmare. What I said was I think it is appropriate that—

**Mr. Chairman:** We will let Mr. Rose first ask his question.

**Mr. Eadie:** Oh, I thought he had finished. Sorry.

**Mr. Rose:** You think that that would be a sufficient reason to limit the participation of RAG groups for their

own ability to determine how big or how small they should be?

**Mr. Eadie:** Mr. Chairman, what I have said all along is basically what our community committee has always tried to practice in the 18 years, 17 years of Unicity is that in order to make sure that each ward has balanced representation that we have tried to determine a reasonable number of members to be elected from each ward, and if in fact there are more than the six members from each ward wanting to run for the RAG group, then you have a real election.

You do not just let everybody who comes in off the street be a resident advisory. You have a real election if you have to, but then each ward also has the potential for say six members each and a balance, so there is not an overbalance. It is not an administrative nightmare, Mr. Chairman. It can be a problem and it may be a minor problem, but it certainly can be a problem for our administrative staff in terms of trying to determine their own budget for reproduction of materials for resident advisors when they are not exactly sure how many there are or they are reproducing materials for 100 people and only 20 may show up to a meeting.

Our people have to establish a budget that they can be somewhat precise on. When it is an open ball game it makes it a little difficult for them. It is not a nightmare, but it is a difficulty. I do think there should be a requirement or a provision that the community committee and the resident advisory group agree on a number of members to be elected, and prior to going into a community conference so at least the rules are the same, the rules are known in advance. They are not just picked out of the air at the time the people come to a community conference.

**Mr. Rose:** Mr. Eadie, you seem to indicate that the RAG groups would be more equitable if they were sort of equal representation across the wards and yet earlier seemed to indicate, if I hear you right, that EPC, which is a very powerful committee at present and which you knowledge probably would be more powerful in the future, would be effective indeed without city wide representation and indeed that one-sixth of the population of Winnipeg could be minus or absent from that most powerful committee. There seems to be a contradiction there. Would you explain how you think that EPC could be better represented and be more effective for the city if one-sixth of the population did not have a representative on that committee?

**Mr. Eadie:** Mr. Chairman, I said in my remarks that Executive Policy Committee will not be an effective committee if it becomes a committee of delegates from the community committees. That is my concern with the legislative requirement that each community committee must be represented. I think it will follow in practice, but to require it by legislation is going to lead, I see, to in some areas for EPC to become a committee of delegates. That is the wrong way to view Executive Policy Committee. You should not, by implied suggestion in the act, make it become that.

**Mr. Rose:** You say that with your experience that it will probably become the practice that it is city-wide

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representation, at least one member from every community committee. Would you favour that practice on City Council?

**Mr. Eadie:** Do you want to repeat that? I thought I missed something there.

**Mr. Rose:** Would you encourage that practice when it comes to the selection of EPC at city council?

**Mr. Eadie:** Yes, Mr. Chairman, I think in the past few years we have tried to encourage that. You try to get councillor's on Executive Policy Committee who you know have a broad city-wide view of issues and who are not going to be serving on EPC in a parochial parish pump sort of fashion. You want to try and avoid that on Executive Policy Committee if at all possible.

**Mr. Ducharme:** What do you perceive the task of the presiding officer?

**Mr. Eadie:** Pardon me?

**Mr. Ducharme:** What do you perceive his task to be—the presiding officer?

**Mr. Eadie:** The presiding officer under the Act is the Chairman of Council. He will preserve order and decorum in the debate, which is expected, just like a committee chairman. Maybe it will evolve into more than that as we have experience with it, but basically that is the requirement of the presiding officer under the proposal in this Act.

**Mr. Ducharme:** Do you perceive EPC as being like a Cabinet? Do you perceive EPC under this legislation to be like a Cabinet?

**Mr. Eadie:** Yes, I believe it will be over time.

\* (2220)

**Mr. Ducharme:** What is the advantage of a presiding officer to sit on EPC?

**Mr. Eadie:** What is the disadvantage, Mr. Chairman?

**Mr. Ducharme:** Well, if you perceive it as Cabinet, then I feel that the presiding officer should be one who is not sitting with Cabinet.

**Mr. Eadie:** Mr. Chairman, I guess it is a matter of how we are perceiving things. I thought the remarks in the Minister's introductory statement on the Bill were contradictory and the Act is contradictory. If you are of the impression that the presiding officer is going to be neutral, then I would say you should disabuse yourself of that notion because the Act does not permit the presiding officer to be neutral.

You cannot be neutral when you have to vote on every issue that comes before council. Whether you sit at Executive Policy Committee, or whether you sit on the committee of works and operations, if you, as the presiding officer have participated in a committee

deliberation at the committee level, you have taken a position in that committee on a clause that is going to council. You are not going to sit like a eunuch on the floor of council and not participate one way or the other in that decision, so the office of presiding officer is somewhat of a hybrid.

As I mentioned in my opening remarks, Mr. Chairman, we are not talking about the Speaker of the Legislature here or the Speaker in a Parliamentary system, we are talking about an officer like those in the Province of Quebec and like those in most major American municipalities where the mayor—as a matter of fact the mayor is not even a part of city council—but the presiding officer of council is a member, participates in debate and votes, and also tries, I guess, to keep an even hand on things and to make sure that the rights of members are not trampled on and what have you. But we are not talking about an individual who, by this Act, can be totally neutral. It is impossible.

The Act does not provide for that kind of neutrality so it does not matter where, or which committee the presiding officer sits on, he or she will have taken a position one way or another on matters that are going to come before council, and they are not likely to change their—well, they will have to vote on those issues when they come before council. Let us let city council decide where that member will sit. I think council is best able to make that decision, not the Legislature.

**Mr. Ducharme:** Just one more, and not get involved in debating any longer. This was hashed over quite thoroughly. Do you not perceive that someone sitting on EPC under this particular structure, or one sitting on a standing committee, the standing committee member will definitely have an advantage to be more neutral sitting in the presiding chair?

**Mr. Eadie:** No, Mr. Chairman, if you have to vote you have to vote, so you cannot be neutral.

**Mr. Rose:** Mr. Chairman, at the present time the mayor is the presiding officer, the mayor takes part in debate, the mayor votes on council, certainly not in a neutral position. In fact, the mayor has a tie-breaking vote. Are you suggesting, in your years that you have sat on city council, that there was a flaw in that system?

**Mr. Eadie:** Do you want to elaborate on that?

**Mr. Rose:** Well, earlier, Mr. Chairman, we heard the mayor thought that was a good effective democratic system, the way it was functioning right now and he certainly was not in a neutral position and had not only just one vote, but had two votes.

**Mr. Eadie:** I am sorry, Mr. Chairman, I am trying to understand Mr. Rose's question. He mentioned do I think there is a flaw in the system and I am not exactly sure what he is referring to. Maybe he would like to rephrase it so I can understand it better.

**Mr. Rose:** Well, Mr. Chairman, Mr. Eadie is advocating that we have a completely neutral person as the presiding officer, which does not exist at the present time.

**Mr. Eadie:** Mr. Chairman, maybe now I understand. As I said, and if you read the Act, the presiding officer as proposed under this Act is not a completely neutral person or position. He cannot be unless you provide in the Act or we provide in our own procedure by-law that the presiding officer is not required to vote on issues that come before council, just like Mr. Speaker here does not vote in the Legislature with one exception.

If you want to change some of the wording in this Act to make that application to the presiding officer, then maybe we will not have to argue any longer, but as long as you are saying in this Act and we say in our own procedure by-law that all members of council must vote in the chamber, when they are in the chamber, there are no abstentions allowed and the only exception is for conflicts, all members of council must vote in the chamber, then the presiding officer is not really very neutral.

It is much like, I guess in a way, a standing committee chairman—and you have served on standing committees, Mr. Rose, and so have I and I have been chairman of one. The standing committee chairman is not really neutral either. He or she does try to provide an even-handedness in the deliberations and tries to make sure that each Member is able to have his or her say and all of that, but at the end of the day the standing committee chairman has to vote on issues, just as you are saying that the presiding officer at a council meeting has to vote on issues.

You are not creating a neutral position here. You might like to, but if you would like to create a neutral presiding officer modelling it the same as the Speaker of this House, then say so in this Act and prevent the presiding officer from voting on the floor of council. Then we will be talking about a different system altogether and I probably will not have any argument with what is contained in this Act. Under the present system you do not have that, so why restrict which committee the presiding officer may sit on? Let City Council make that decision.

**Mr. Chairman:** Any more questions, Mr. Rose? Anybody else have any questions to Mr. Eadie? Thank you, Mr. Eadie, for your presentation.

**Mr. Eadie:** Thanks very much for your time.

**Mr. Chairman:** Next on our agenda is Mr. Walter Kucharczyk.

\* (2230)

**Mr. Walter Kucharczyk (Private Citizen):** Good evening, Mr. Chairman, Mr. Minister of Urban and Housing Affairs (Mr. Ducharme). Correct? It is surprising indeed there are four more Cabinet Ministers. I cannot recall when I saw so many Cabinet Ministers present. I am very glad you are taking the issue quite seriously.

Of course, I address myself to the rest of the committee, and the Leader of the NDP (Mr. Doer) concentrated I notice on quite a few issues which is rewarding. Some of them normally in the past used to fall asleep and then I shouted "Her Majesty would not enjoy to see a scene like that."

I regret very much that Mr. Lawrie Cherniack is not present here tonight because when you go back to that "secret" hearing last time you had with the two people and the "secret"—I am saying that sarcastically, of course—with three total submissions and what you have tonight, Mr. Minister and others did a good job to let the public know that it is no more in "secret,"—again, secret in quotation marks.

I suggest strongly when you take a look at the report that was prepared by Mr. Cherniack, particularly, you might agree or disagree with him, that is your prerogative and I am not strong enough to convince you otherwise. However, when you will see how many verbal submissions he had in his group during the inquiry, and how many written, then I think you are insulting yourself without realizing that you do because I would call you ignorant not to have him over.

Certainly he has a cross section of this city with a number of the people expressing their opinions on the subject matters. Surely it is not written with a lawyer's language the way Bill 32 is prepared. But I would suggest that you use horse sense and hear the people in their own language, not sophisticated legal language that God only knows, and maybe even God would have a hard time to decipher. I do not know, it depends what language it is in or how it is translated. Why do you not give yourself the opportunity before you will pass the Bill? Have him before you.

Unfortunately, I learned that the NDP does not believe that the committee should use the power to subpoena somebody to be present. Well, sometimes you know, when you have to save your health you have to amputate even both arms, so maybe set aside the principle for that one particular issue. After all, that is the future of the city, it cannot run every day to amend the Act. So again if I make myself clear, I urge you to get in touch, tomorrow of course, with Mr. Lawrie Cherniack. I am not speaking politically because neither his father nor myself were ever agreed on politics. I do not know if somebody else agreed with him, but as a taxpayer we paid for it, for his work, and I am really flabbergasted with every detail that he produced in that report. I attended a couple of times because one learns, of course, from the people, so that is one issue.

Another issue, if you can call it an issue, for you it is a benefit, for you as a committee. On the subject matter of conflict of interest—I guess he is not here any longer, the past Deputy Minister of Urban Affairs, who presented the case much better in the English language than I could, but you get the message anyway. On top of that, I say think it over because you are dealing with what he had to say on the subject of conflict of interest. He is a very knowledgeable man. I do not know why he did not manage way back while the New Democratic Party were in power, why did they not put that Bill through so that you would not be wasting your time tonight. In the past somebody was dragging the sheet, but that is history already.

However, repeating myself, Mr. Peter Diamant presented the case of conflict of interest extremely well. I only say in simple language, do not give a chance for temptation for those people because when you look at the federal cases, particularly eastern Canada, it is

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pretty hard to control people when they see a little loophole and take advantage. Some go to jail, some do not. Some have good lawyers and run away from the country, but that is beside the point.

I urge you, plug in every possible hole and do not give a chance. If those people cannot overcome the weakness, where the conflict of interest will be obvious, where the public at large will suffer, there are means and ways to handle it. I overlooked to mention that I am very much surprised that the Deputy Leader of Her Majesty's Loyal Opposition is here and I notice that he listened very intently. I must congratulate him, he is a young man and has quite a future ahead of him.

On that note, I will not waste any more of your time because I notice that the hour is late and there are a number of people who want to get it off their chests as I do once in a while. Thank you.

**Mr. Chairman:** Thank you, Mr. Kucharczyk. Any questions to the person? No? Thank you, Mr. Kucharczyk, for your presentation.

**Mr. Kucharczyk:** I wish you good night and drive carefully.

**Mr. Chairman:** Thank you.

**An Honourable Member:** Especially after midnight tonight.

**Mr. Chairman:** Next on the list, we have Mr. Ken Reddig.

**Mr. Ken Reddig (Association of Manitoba Archivists and Manitoba Council of Archives):** Mr. Chairperson, Minister, and Members of the Standing Committee, my name is Ken Reddig and I am speaking on behalf of the Association of Manitoba Archivists and The Manitoba Council of Archives. A representative could not be here tonight and so I represent both associations. We wish to indicate our strong support for those sections of The City of Winnipeg Amendment Act, Bill 32 which delineate a systematic approach to the retention of public records, specifically Section 77 and public access to those records, specifically Section 78.

Members of the City of Winnipeg Act Review Committee have kept two essential concepts regarding government records clearly in focus. The first is that public records are public property, owned by its citizens, and therefore must be held in trust in perpetuity by properly trained custodians of public records, namely archivists. Secondly, that citizens must have access to these records as a right, subject to the protection of personal privacy, confidentiality and third-party information factors.

Our two organizations have reviewed the Act and are delighted with the farsighted approach of both the City of Winnipeg and the Manitoba provincial Government in supporting these basic concepts. It is a significant step by both Governments to initiate proper control and access to the records created by all departments of the City of Winnipeg.

In support of Bill 32, we would like to reaffirm four essential components of Sections 77 and 78. First we support the appointment of a city archivist by council as stated in Section 77.1(3). We would further encourage that the appointed individual be a properly trained and certified archivist, familiar with the policies and procedures for establishing and administering a records and information management program according to prevailing professional standards.

Secondly, we support the establishment of procedures whereby a person might make application for access to any record held by the city as stated in Section 78.1(a-c). We encourage the city to ensure that the city archivist has administrative involvement in the preparation of policies and mechanisms by which information held by city records will be made available to applicants.

Third, we support the establishment of a records committee and its composition as described in Section 77.1(5), (6), and (7). Such a committee would ensure broad representation and responsibility for the policies and procedures of record retention by all departments within the jurisdiction of the City of Winnipeg.

Fourthly, we support the determination of preserving and safekeeping the City of Winnipeg records as stated in Section 77.1(2), and 1(4)(c). Because of the unique value and irreplaceable nature of such records we would further encourage that the City of Winnipeg ensure the adequate protection of those records of enduring and long-term significance by housing them in a location that meets recognized archival and environmental standards.

As professional associations dedicated to the preservation of records documenting our Canadian heritage we are affiliated with similar provincial, national, and international associations. This provides our associations with a wide base of research and experience in a variety of aspects of records management and preservation. We therefore offer our expertise to the City of Winnipeg and would be most willing to serve in an advisory capacity in the implementation of Section 77 and Section 78.

Therefore we congratulate both the provincial and city Governments for coming to terms with these important issues and we encourage the speedy acceptance and implementation of The City of Winnipeg Act, Bill 32. Thank you.

**Mr. Chairman:** Any questions to Mr. Reddig? Mr. Doer.

**Mr. Doer:** Yes, thank you very much for the presentation. In discussions with Alan Artibise, when we were also preparing sections similar to the ones Ministers brought forward tonight, he stated to me that: the state of the records in the City of Winnipeg was in just absolute shambles; they were all over the place; there was no way of even beginning to accumulate the records, and it would be a monumental task to implement a Bill of this nature, although this obvious recommendation was contained in the Cherniack Report, and through the City of Winnipeg review. Is that the assessment of professionals such as yourself in terms of the state of the records in the city?

\* (2240)



**Mr. Reddig:** Yes, basically that would be very similar. I have personally never gone to see the location—I think it is on William Avenue—of the City of Winnipeg Archives, but I have spoken to numerous archivists who have been there and attempted to find certain records, and I think there are several problems.

One is of course simply the determination of which records, and at what time they come to the City of Winnipeg Archives. Therefore some of the records do not come for a lengthy period of time, and therefore are being shuffled in offices and closets, and what have you before they eventually do get there.

The second is simply, I know the city, I think has spent well over \$100,000 in doing some upgrading of the structure itself in terms of humidity, heat control, fire control and such things, but the building is less than adequate as it presently stands—at least I am told that—and so therefore I think there are several levels.

I would also say one should not despair because I think the City of Winnipeg has a long history, a very important history, being in a sense “the gateway to the West,” and you all know the heritage of the city. I think it certainly is time for us to look at this whole question because I think—and another thing if I could just add, would be that some of the historical research that a city of this size should be producing is simply not being produced.

Alan Artibise, of course has written his book and he stops about—what is it—1920 or something like that, but some of the further research simply is not being done, and part of it is due to the fact that the records are very difficult to access.

**Mr. Chairman:** Mr. Doer, any more questions? The Honourable Minister.

**Mr. Ducharme:** Just a question. The delegation, would he agree that if Mr. Marion was happy that it could be done, I know that he has retired, and I know I had several meetings with Mr. Marion, and he assures us that it can be done. Would you question Mr. Marion's credibility on that?

**Mr. Reddig:** No. I think it is possible to do. There are a variety of ways archivists have tackled very difficult tasks in the past, and I think this one is not beyond salvation.

**Mr. Chairman:** Any more questions? Thank you, Mr. Reddig, for your presentation.

Next we have Ms. Shirley Lord and Ms. Heather Grant—Winnipeg Labour Council. Have you got a presentation to present? Have you got a written presentation? Please. Thank you.

**Ms. Heather Grant (Winnipeg Labour Council):** My name is Heather Grant, President of the Winnipeg Labour Council, and with me tonight is Shirley Lord, who is our Municipal Co-ordinator on staff with the Labour Council.

The Winnipeg Labour Council, comprised of 120 affiliated local unions, representing 41,000 union

members in the City of Winnipeg, is one of the oldest parent labour bodies in Canada.

The first labour council in Winnipeg was formed in 1884, but was subsequently dissolved in 1886. A permanent labour council was established in 1894 and the Winnipeg Labour Council has been functioning continuously since that time.

\* (2250)

Throughout the years the Winnipeg Labour Council, through its activities on behalf of working people, has been highly visible in the community, with the Winnipeg General Strike of May 1919, organized and led by the Winnipeg Labour Council, as the most prominent event in our ninety-odd year history. The Winnipeg Labour Council was also instrumental, along with the Winnipeg Chamber of Commerce, in initiating community discussions which led to the formation of the United Way of Winnipeg in 1965. In short the Winnipeg Labour Council over the years, through its many and varied activities, has impacted directly on the community in general and Winnipeg civic politics specifically.

The Winnipeg Labour Council appreciates the opportunity to appear before the Municipal Affairs Committee to extend our comments on the amendments to The City of Winnipeg Act, the opportunity being afforded to have input on the form, structure, and effectiveness of our city government is an important task which our organization views seriously. The Winnipeg Labour Council's Annual Policy Conference has passed a number of resolutions concerning amendments to the present Act. We wish to thank this committee for the opportunity to present our concerns. The committee has a large task with many citizens and groups here to make their views known. The Winnipeg Labour Council is pleased to add our organization's comments for the Committee's consideration.

Since the inception of Unicity much attention has been focused on the political structure of Winnipeg's civic government. Paramount in discussions held prior to the formation of Unicity and during the first review committee's hearings was the concept of a parliamentary form of government and party politics at the civic level. It is unfortunate that such discussions and debates have been viewed by many as new and radical departures from the traditional history of Winnipeg's civic politics. That view we respectfully suggest is an uninformed one based on the misconception that party politics have not existed in our city. Despite the fact that a certain group has denied the existence of party politics and has campaigned against party politics for over 60 years, there is more than adequate evidence to the contrary.

Professor J. E. Rea, in “An Analysis of Winnipeg City Council, 1919-1975,” documents in detail the reality of an identifiable class politics as evidenced by the activities of two distinct political groups. One group, the Independent Labour Party (ILP) campaigned openly. It eventually ran under the CCF banner and has campaigned as the NDP. The anti-labour group which emerged out of the 1919 Winnipeg General Strike was

known officially as the Citizens' League; the Citizens Campaign Committee in 1922; the Winnipeg Civic Association in 1923; the Civic Progression Association in 1929; the Winnipeg Election Committee in 1936; and the Independent Citizens Election Committee (ICEC) in 1971.

Professor Rea, through extensive analysis of voting records and electoral campaigns spanning a 60-year period concluded, "... that the benchmark of the political history of Winnipeg was the General Strike of 1919." Despite the fact that the Citizens' League and its subsequent offspring have steadfastly denied the existence of party politics, Professor Rea points out, "... at every election and on major economic and ideological issues the two groups confronted each other directly and consistently." The conclusions drawn by Professor Rea in his exhaustive study deserve to be reprinted in full as an acute depiction of the reality of Winnipeg civic politics:

It should be obvious from the evidence included in the Appendix that no credit whatsoever should be given to the Citizens' denial that they are a political Party. In fact, a disciplined Party situation has existed and functioned in Winnipeg since 1919. The report has attempted to indicate as well the hypocrisy that has not only been the result, but that several serious disadvantages have also ensued. The Citizens have been enormously successful, never losing control of Winnipeg City Council in the past 57 years. But control also implies responsibility and it seems to have been evaded. The result has not been effective leadership, but as the roll-call votes make clear, interest protection. There is nothing wrong with this situation per se, if the electorate had been able to assign group responsibility and judge accordingly. The clearest charge against the Citizens has been their failure to acknowledge the political responsibility which their position of power surely entails."

The existence of stated CCF-NDP or unstated Citizens' League, ICEC party politics is irrefutable. A debate on whether or not party politics should exist is effectively meaningless. Party politics have in the past and continue to dominate city government. The most recent example of this was on October 25, 1989, last Wednesday, when a fledgling grass-roots organization, Winnipeg Into the Nineties' successfully took on the challenge of the ruling majority or gang at City Hall. The real question remains regarding what structure and the form of government such politics should be practised in.

The present system is a series of contradiction with what is essentially a form of the parliamentary model, with a Cabinet structure in the form of Council's Executive Policy Committee but with a mayor elected at large who, past practice has shown, does not necessarily have the confidence of council's majority, and has little power to influence decision-making in the absence of majority support. This dilemma was recognized early in the life of the new Unicity system by Free Press columnist Frances Russell when she stated in April, 1973 that, "As a result of the change

to provide for the election of the mayor at large the new form of civic government was emasculated. The shell remains, but is it virtually unworkable." L. Axworthy and J. Cassidy in "Unicity: the Transition" (1973) in criticizing the same point stated that "The designers of the system would have done well to remember that when one engages in structural engineering, it is not enough to know how to arrange the bricks and mortar, there should also be a good understanding of the political foundation upon which the structure rests."

Councillor J. Eadie, as a private citizen in November, 1975 submitted the following comments on this matter to the first Review Committee: "I find myself leaning towards the possibility of having the mayor by virtue of the majority vote of his fellow councillors. In that way he would probably have the support . . . of the majority political group - and there is such a group."

Clearly the above cited views, put forward shortly after the inception of Unicity and during the first extensive review of The City of Winnipeg Act, are relevant today. The question remains as to what the appropriate remedy is. There seem to be two options, one being the "Strong Mayor - Weak Council" option; and secondly, the true parliamentary system with the mayor elected from within council's rank.

The first option, which has been proposed in Bill 32, calls for expanded powers for a popularly elected mayor. This option, in the view of the Winnipeg Labour Council, continues to ignore the understated reality of Winnipeg civic politics. Such a mayor, with expanded powers to appoint members to Council's EPC and Committee Chairpersonships might provide a temporary semblance of political power and control on the mayor's part. We respectfully suggest, however, in the time tested tradition of Winnipeg civic politics that inevitably the mayor would find himself at odds with council's real political power base, it's active political groupings.

\* (2300)

Accordingly, the Winnipeg Labour Council opts to propose the creation of a modified form of parliamentary government as follows:

- 1) the election of the mayor from within the council;
- 2) the mayor to have the sole responsibility and authority to appoint the chairpersons of council's standing committees, and after consultations with the rest of council to nominate the other members of the standing committees; and to appoint the deputy mayor.
- 3) the Executive Policy Committee to consist of the chairpersons of the standing committees, the deputy mayor, the two other councillors, all appointed by the mayor;
- 4) the delegation to the EPC of all the powers it would require to function as a "Cabinet," subject to the authority and by-laws of the council;
- 5) the control of the administration by the EPC to be exercised through the board of

commissioners whose members would be approved by the EPC;

- 6) the mayor and EPC to be confirmed, or replaced, in their positions annually by a vote of the council;
- 7) the creation of the office of chief critic, and the confirmation, or replacement, of the incumbent by an annual vote of those councillors who did not vote for the mayor.

**Ms. Shirley Lord (Winnipeg Labour Council):** The size of council: The Winnipeg Labour Council—

**Mr. Chairman:** Would you please identify yourself?

**Ms. Lord:** I am sorry. Shirley Lord.

**Mr. Chairman:** Thank you.

**Ms. Lord:** The Winnipeg Labour Council advocates the retention of the 29 elected councillors. This position was affirmed at our 1982 annual Policy Conference where extensive discussions confirmed that the election of 29 elected civil politicians, virtually mirroring the number of provincial MLAs elected within Winnipeg's boundaries was not inappropriate, and afforded reasonable representation at the civic level.

At our most recent policy conference in November 1988, the Winnipeg Labour Council passed a further resolution calling for a commitment of resources for city councillors to effectively provide the day-to-day support they need to respond to their constituents' requests.

**Resident Advisory Groups (RAG):** Section 41(7) states that the section mandating the creation of RAG only takes effect if and when council passes a by-law to establish resident advisory groups for each community committee. Rather than deal with the issue of citizen participation in civic government through RAG or other possible forms, Bill 32 simply gives council the ability to maintain the present setup or dispense with it altogether by default.

The Winnipeg Labour Council believes in effective citizen participation in decision-making, particularly at the level of government that has the most direct impact on their daily lives—civic government. Therefore, the Winnipeg Labour Council recommends:

The role of resident advisory groups should be defined and their participation in community decision-making should be encouraged. This would include wide advertisement of annual and regular meetings, the provision of resources to RAGS for research and communication, and facilitation of access to information needed to participate in effective decision-making perhaps through the assignment of support and liaison staff with civic administration. City Council should also look at new and innovative ways of increasing citizen involvement in civic affairs. These could include a commitment to a supportive relationship with community groups including procedures and guidelines for funding special projects, such as research or matching grants for ongoing organizational activities."

**Electoral Process:** The Winnipeg Labour Council has dealt with a number of issues at annual policy conferences that come under The Local Authorities Elections Act that our members feel must be dealt with under The City of Winnipeg Act to assist in ensuring the enfranchisement of all of its citizens and equality of position for all of the candidates.

Under the present Act the provision for enumeration states that voters lists must be done in the year of the election. The practice is for the City Assessment Department to complete the enumeration in the spring of the year. The Winnipeg Labour Council supports the position that voters lists should be completed in the 30 days prior to the filing of nomination papers. Particularly in inner city areas and areas of high population mobility, the chance of individuals receiving their enumeration card would be greatly improved—many citizens believe they cannot vote without this card.

Citizens voting without this card should also be required to provide two pieces of identification at polling stations. It is also apparent that the rules must be clear. At many polling stations the rules of eligibility to cast a ballot were at the discretion of poll clerks. If candidates did not have scrutineers present to challenge the interpretation, citizens can be disenfranchised.

Citizens who own several properties have more political power than most individuals. Under The Local Authorities Election Act, they can select the authority and ward they wish to vote in, if they hold property there, as non-resident electors. The Winnipeg Labour Council supports the position that citizens should only vote in the authority and the ward in which they reside. This would also ensure that no citizen casts more than one ballot.

In keeping with a commitment to access to information, registered political parties should be able to obtain voters lists, maps, street key guides. The only persons who receive all of this information are declared mayoralty candidates and only after they file their nomination papers.

Provisions in the Act should also be made for those candidates who wish to have Party identification on the ballot when accompanied by an affidavit of endorsement by the Leader of a registered political Party. Citizens then have a better opportunity to assess the position of candidates.

The present legislative requirements governing advance polls is extremely limited. Advance polls are provided only in the week prior to the election. The Winnipeg Labour Council has repeatedly passed resolutions calling for an adequate number of advance polls covering a significant period of time. The advance polling dates should be well-advertised. Also provision for time off on election day should be guaranteed under the Act. With working people required to work in 10- and 12-hour shift operations or travelling some distance to and from work, these people lose their opportunity to cast their ballot.

\* (2310)

With all levels of Government giving lip-service to affirmative action, it was extremely frustrating last

Wednesday to find that a very large community was disenfranchised on election day. The Act does not guarantee that polling places are wheelchair accessible and in the absence of a civic commitment to this very fundamental principle of equality, the Act must be strengthened to guarantee this right.

One of the most important amendments the Winnipeg Labour Council was hoping to see in these amendments deals with campaign expenses. This legislation should include strict disclosure and accountability guidelines with severe penalties that include the loss of their seats if candidates do not follow these requirements.

**Ms. Grant:** In conclusion, while there are numerous areas of the Act, the points herein reflect certain specific concerns that have been raised by our membership in recent years. We are pleased to see the inclusion of a provision for Freedom of Information and an ombudsman. We believe the citizens of Winnipeg deserve a civic government which can be held accountable for its actions or non-actions. This type of government cannot emerge within the present structure, nor do we feel it will be if the present structure is merely tinkered with. What is required is a true parliamentary system that will afford the electorate the opportunity to view openly the Party system which in reality has existed for so many years. As Professor Rea stated, power certainly entails political responsibility, and unfortunately such responsibility has not been displayed in the past by civic politicians.

We thank you for allowing us to appear, and Shirley Lord will answer any questions that you may have.

**Mr. Chairman:** Thank you. Any questions?

**Mr. Doer:** Yes, thank you very much for the presentation. Are there any recommendations you would make to us concerning the pension provisions referred from the individual unions? I am sure the Labour Council has reviewed the pension proposals in the Bill. Are they consistent with the recommendations of the people affected in the legislation?

**Ms. Lord:** Yes, they are consistent with Labour Council policy.

**Mr. Ernst:** Mr. Chairman, it is interesting to see that the Winnipeg Labour Council proposes an executive form of parliamentary Government on the one hand, and yet proposes to have citizen involvement and a broadening of powers for resident advisory groups on the other hand. Do you not find this inconsistent?

**Ms. Lord:** Inconsistent in what way?

**Mr. Ernst:** On the one hand you want executive government, you want responsibility, you want political Parties to be identified so that they take and assume responsibility for the policies that they both espouse and implement; but yet on the other hand, you want to have resident advisory groups with broadened powers and, if I remember correctly some funding and assistance and so on, that is totally opposite from executive government.

**Ms. Lord:** We do not find that to be inconsistent. We believe that the council should direct the policy. That does not prohibit citizen input into decision making, particularly when it comes to the way their communities develop in a number of areas.

**Mr. Ernst:** But you are saying that you want political Parties at City Hall, you want the mayor to become the Premier of the city, so to speak, and assume full responsibility. If they are going to do that, then they are going to exercise those powers under their Party policies; yet on the other hand, you are suggesting that somehow fitted into that is the broad grass-roots community committee RAG operation which is inconsistent in my view between the two types of government.

**Ms. Lord:** That may be your view. The view of the Labour Council has been that there has been Party politics. So all we are asking to do is force accountability on the existing Party politics. That does not in anyway conflict with citizen participation in decision-making on any number of issues dealing with the way the city moves forward.

**Mr. Ernst:** If the citizens are going to be involved in the decision-making process, how are you going to hold the politicians accountable?

**Ms. Lord:** I guess what I would do is ask if in effect we do not have in this forum community involvement in decision making even though we have parliamentary procedure process at the provincial level. I do not see that in conflict with supporting that there should be forums at the civic level for citizens' input into decision making.

**Mr. Chairman:** Any more questions? Thank you for your presentation. I will call on Mr. Len Sawatsky, private citizen. Have you got a written brief?

**Mr. Len Sawatsky (Private Citizen):** Yes, I do. It is being handed out. Thank you very much for this opportunity, Mr. Chairperson, Honourable Members, Mr. Minister.

\* (2320)

Although I support the general direction of Bill 32, I wish to register my regret that in taking this opportunity to make some needed changes to The City of Winnipeg Act that the Government was not more comprehensive. As you know, Plan Winnipeg made a number of suggestions that could have been incorporated at this time. I would therefore like to speak in favour of some of the amendments that I have heard discussed publicly that would empower citizens of Winnipeg to participate more meaningfully at the civic government level, and certainly the WIN submission, as well as the Winnipeg Labour Council gives some suggestions towards that end.

Certainly, the services of an ombudsperson for civic matters should be an obligation of the city and so I would strongly endorse any move to make Section 73(2)(1) to make the word "may" there into "shall" or

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some other such word that obligates the city in this area. I applaud the Government for the inclusion of this kind of ombudsperson but I really think we need to go ahead and make sure that it is an obligatory duty of the city government.

Although I have in mind what I believe is at least a better system of citizen empowerment than that offered by residents advisory groups as they are presently structured, provisions to strengthen the RAGs and make them work is better than the current haphazard situation that we face, and again I would suggest that in Section 4.1(1) that we use the word "shall" or "must" instead of "may."

There are other things that I wish could be included into Bill 32. I am not going to get into them in detail, what I have in mind instead of residents advisory councils or neighbourhood councils or residents advisory groups—neighbourhood councils that would have a budget that would be a primary form of local government on certain matters and to whom the council would be somewhat accountable and more on a neighbourhood level.

There are other things too, a rational way of establishing group homes, present zoning provisions tend to zone people as opposed to zoned property. There has been, as you know, a challenge in the courts around that, and also, in line with the recent conference in Montreal on urban safety and crime prevention, I would really like to see one of the standing committees or subcommittees of council be a neighbour or a crime prevention council. This is part of the final declaration of the Montreal conference and I would certainly urge you to look at that document.

However, the purpose of my submission to this committee is to urge you to consider a further amendment to Bill 32, an amendment which would require the city to establish zoning provisions which would protect sensitive lands. On principle, I have no overwhelming objections to changes which would make the mayor's office more than a ceremonial symbol. Nevertheless, I would rather have a symbolic mayor than not have zoning regulations which would prevent developments that pose a hazard to sensitive lands. Although there are areas of the city which are even more sensitive, the development that is proposed for Omands Creek, consisting of a six-storey office tower and car wash provides us, I believe, with a very good example of what is required in the Hazard Lands Amendment that I am urging you to consider.

Within the parameters of the existing city by-laws, and zoning regulations, city officials had no choice but to initially approve an application for a six-storey office complex straddling Omands Creek minus, of course, the car wash. Now it is true that this development has more hurdles to cross before it is finally approved. First, the City Rivers and Streams authorities will require a geotechnical study to ensure bank stability and adequate water flow. Secondly, the provincial ministry of Environment must review the developer's plans to see if it falls under the definition of development as stipulated in The Environment Act and if it does, then the licence requirements will necessitate an environmental impact assessment. Third, this particular

project at Omands Creek will also require approval from the ministry of Natural Resources to ensure adequate water flow.

Now some would say that such a maze of approvals to apply for already provides for adequate protection for sensitive lands. I would say not. Why? Well, first of all, wealthy developers with connections have stick-handled their way through such obstacles before. Secondly, it makes a lot more sense to have clear and rational and well-understood by-laws, regulations or legislation in place protecting hazard lands long before an application is even considered by a developer. It certainly would save the developer the cost of an expensive application process, possibly eventually leading to a rejection in the final phase. More importantly, I think it would save the Government bureaucracies much time, expense and several trees worth of paper in having to consider each stage of what I would deem at least frivolous applications.

Thirdly, a developer can often use such an obstacle course for his own advantage. For instance, in the case of Omands Creek, the developer could go halfway through the obstacle course, get the city over the proverbial barrel and then make a deal with the city to abandon the controversial development in exchange for a choice piece of property elsewhere in the city, and that has happened before. This kind of market-driven haggling by a private developer with various levels of politically vulnerable governments puts the citizens hard-earned tax money up for grabs and, more importantly, it places the environment, our source of life, at risk.

Now surely we are at the stage in this day and age where everybody, regardless of partisan interests, acknowledges that sensitive lands should not be left to the vagaries of this kind of "Let's Make a Deal" mentality. What we need are zoning provisions at the civic level which would automatically protect the sensitive lands in question, and such provisions should be clearly set out, widely understood and accepted and defined in concrete terms in order to rule out any subjective interpretations.

\* (2330)

Many American and Canadian cities, as some of you may know, have already adopted such zoning regulations for hazard lands. In fact, in my own fairly skimpy research in preparation for this I found provincial staff already have samples of wording used in other cities. In Edmonton, for instance, zoning by-laws prohibit development on hazard lands and provides a definition of such lands which I submit to you for the purposes of clarifying what I have in mind here.

Hazard lands are those lands upon which development is likely to cause one or more of the following impacts, and that is land that requires restorative action due to bank stability and lands characterized by extensive drainage and erosion problems, which is definitely the case with Omands Creek; degradation of the environment and reduction in natural and ecological diversity; destruction of biotic communities, such as, tree stands, wetlands, nesting

areas; direct and indirect impact on human settlement and areas of archaeological and paleontological value; and finally, major cumulative impacts resulting from the recurrence of minor harmful actions.

That is the kind of thing that I have in mind. Now this is not wording that needs to concern you necessarily tonight, but an amendment saying that this kind of thing is necessary for the city to do, I think, is important.

I believe it is clear that under such a zoning provision, the Omands Creek development in question would never even have been proposed. I am fully aware that this, as I have already said, this committee does not need to concern itself with the actual wording, but I hope that you do obligate the city to establish a zoning by-law that would protect hazard lands from development for commercial purposes.

It would certainly be preferable for the city to have shown some leadership in the protection of environmentally sensitive lands, but with the past record of city council voting patterns in mind, which sometimes, at least in my maybe jaded view, seems to be according to the size of donations by well-endowed real estate and development interests, such an expectation would be naive.

Despite the fact that there seems to be a new wind blowing at City Hall as a result of the recent civic election, I believe it is beholden upon the provincial Government to set the guidelines and initiate action in this area, and I would note that provincial Government, through the Minister of Municipal Affairs (Mr. Ducharme) has done this in the past in terms of new development west of the Perimeter in the city. This is an opportunity, I believe, to show the people of Winnipeg that this Government is serious about sustainable development and that it is not just rhetoric. I thank you very much.

I hope that we have an opportunity to make corrections here based on other people's mistakes. I am referring of course to Toronto and the Don Valley which was destroyed beyond restoration simply because city councillors orders were bought out by big time developers. Parts of the Don Valley that were salvaged was brought about by citizen action and the establishment of a hazard lands amendment. I urge you to get the ball rolling on this matter before it is too late.

**Mr. Chairman:** Thank you, Mr. Sawatsky. Questions? Mr. Angus.

**Mr. Angus:** Thank you, Mr. Chairperson. Mr. Sawatsky, I understand that you are talking futures in terms of protecting—I think you used the term sensitive land. What do you do with a small guy like Peter Diamant back there, who owns land sensitive property on Kilkenny Drive and wants to develop it? Do you just take it away from him? Do you inhibit his rights for from it? Do you force in the regulations for them to sell the land? How do you do that?

**Mr. Sawatsky:** I would just say that I think we need to have instead of dealing with things on a case-by-case basis, we need to have some rational laws that

are understood, that are part of not only by-laws, part of zoning regulations, part of plans that we develop, and that all citizens have input to, and then a decision is made, and it is published. Everybody understands it, and then we do not tend to pick and choose our cases as they come before City Council. That is all I am suggesting.

**Mr. Angus:** That is fine, thank you, Mr. Chairperson.

**Mr. Doer:** Thank you. I agree with the end result, but I am not sure how you are recommending that we get there, if I can be so honest. Mr. Sawatsky are you proposing that we have guidelines in provincial legislation to allow for by-laws at the city level or are we proposing that there be very strong provincial legislation in light of the fact that there have been zoning variations almost illegally—well, there have been illegal variations—on the Assiniboine River as I am aware that buildings have been built right down to the river front notwithstanding the by-laws, and there has been, I recall, the intervention had to take place to take back the Omands Creek for developers for the first proposal and give it back to the public. Yes, some of us were on different sides of that. So I guess my question is, should it be done by by-law or should it be strong provincial legislation?

**Mr. Sawatsky:** I think that both are quite in order. We should have strong zoning by-laws but as well as provincial Environment Act that again where we do not have to deliberate a long time to find out whether something is a development or not. Maybe that definition of development should be clearer so that we know for sure that there is going to be an environmental impact assessment rather than waiting for somebody's interpretation. I recognize too that what I am suggesting to you is going a little bit further afield from the general tenure of Bill 32. However, one way to fit it into the current context, and that is why I said in my opening remarks I wish it would have been more comprehensive, and that is why I am suggesting this amendment, but certainly the strengthening of RAGs or even changing of RAGs so that they move beyond just advisory and have more teeth so that the citizens have more input into local developments such as the one at Omands Creek. But other cities have gone ahead with zoning provisions on sensitive lands, hazard lands, as it is alternatively referred to, and I really think that it is time that Winnipeg gets out of the backwater and gets into the forefront on matters of environment.

\* (2340)

**Mr. Doer:** I agree with you, other cities have done that. The City of Winnipeg has in effect even operated contrary to their own by-laws, and wherever we have seen action such as Omands Creek 1 and now moving into Omands Creek 2 or 3 it seems to be moving in the opposite direction. Would you not support strong and mandatory regulations under The Rivers and Streams Act to protect all rivers and streams facilities in Manitoba as the best way to go, rather than having an Environment Act that is somewhat equipped to deal with rivers and streams but not totally focused on rivers and streams?

The city or some municipalities from time to time will neglect any priority for rivers and streams as we have seen in the '80s and could take place with changes in council in the future subsequent council.

**Mr. Sawatsky:** Right now my understanding is that rivers and streams will have to approve this Omands Creek proposal anyhow. They are going to require the developer to do a geotechnical study of the soil and at a \$10,000 cost to the developer -(interjection)- Yes, geotechnical study of \$10,000 regarding bank stability and so on.

Sure, that can be strengthened and maybe we need more than just a study that lets it up again to just experts and not the citizens, but I still would hope that the by-laws and the zoning provisions are such that it empowers the citizens to be able to speak to things like this and not simply be dealt with by the bureaucracy, even though I believe that it serves a purpose and we must strengthen those provisions. Citizens should know that they are protected, not only at the provincial level but at the local level. I have not looked into rivers and streams that much in detail, Mr. Doer, but if that is an option that you think is a good way to go and still make sure that citizens are protected at the local level without always having to rely on provincial legislation, then I would certainly be open to that.

**Mr. Paul Edwards (St. James):** Firstly, thank you for highlighting the Omands Creek problem in your presentation tonight. That speaks certainly to me—the development you speak about is in my constituency and I appreciate the concern you have expressed on that issue. In particular I think you have brought forward a very interesting suggestion in respect to by-laws and the by-law in the City of Edmonton.

Firstly, the Minister of the Environment (Mr. Cummings) is here tonight and he can confirm that there is a commitment that has been given, you might be interested to know, that an environmental impact assessment study will be done before that development is allowed to go ahead.

Secondly, my question is, I presume you would then support an amendment to The City of Winnipeg Act which banned construction over rivers and streams inside the City of Winnipeg other than for right-of-way for traffic where it is necessary.

**Mr. Sawatsky:** I guess any river property, especially in the City of Winnipeg with the way our rivers are, not being on rocky kinds of situations, could all be identified as sensitive lands, not only current river streams but also previous ones. In fact, Edmonton even talks about a 100-year flood plain. So as to whether we should span any structure over a river, my gut reaction is no, but obviously I need to study it further to see if there are any exceptions. I think I would support it, at least on the surface.

**Mr. Edwards:** Just to clarify then for you, what my concern is, is not just building what in Omands Creek will be commercial construction over a stream, but also building on the banks which of course is defined in

engineering technology—the bank is something that can be defined—and what I gathered from your comments was that you would certainly see any river or stream and the bank associated with it as what you have pointed out in Edmonton is called a hazard land, that is a land that should not be allowed to have construction over it, as proposed in Omands Creek. The only caveat that I put on that is, of course, it is necessary in some cases to build bridges but other than that my suggestion to you is that construction should not be allowed. Do you agree with that sentiment?

**Mr. Chairman:** I would agree, yes.

**Mr. Sawatsky:** Yes, I would agree Mr. Chairperson.

**Hon. Glen Cummings (Minister of Environment and Workplace Safety and Health):** There were two issues that you raised regarding land use coming at it from the point of view of environmental assessment or through land planning. I would suggest that a lot of the issues that you referred to would be best addressed through land planning and land use resolution so that the fragile lands or the lands which you wish to protect are covered under planning process.

Do you believe that is possible, given how far along the development of the city is at this point?

**Mr. Sawatsky:** Yes, I do believe it is possible. I mean, I also have some understanding of realism here and what has gone on, but I do not think it is too late.

When I look at—and I have lived in other cities as well—what has happened there, we are beginning to experience some of the urban sprawl that will lead us into grave problems down the road but I do not think it is too late. I really do not, because other cities that have more development than we do have put a stop to it even in crisis situations such as in Toronto. If they can do it then it should be quite simple for us to do it if there is the will to do it.

**Mr. Chairman:** Any more questions? Mr. Cummings.

**Mr. Cummings:** Yes. Briefly, and I do not want to belabour or take the committee's time.

I have a great deal of sympathy for several of the points that you have made. I only want to make one more or have you give me an opinion on one more observation. That is that too often the city and the province probably find themselves in a similar position to the province and the federal Government and as much as there is not a clarity between the two jurisdictions responsibility for environment, would you support the idea of the city having their environmental process brought into position to be compatible with the provincial one or would you prefer the province to impose its environmental process on the city?

\* (2350)

**Mr. Sawatsky:** I believe that I would prefer the latter, Mr. Chairperson, because I do believe that there is a role for the provincial Government to give direction.

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As I mentioned in my remarks, not in the written part, but certainly the Minister of Municipal Affairs did so on the occasion of a proposed development west of the Perimeter and there was direction given by the provincial Government. That direction should be made clear, it should be understood, it should be defined, it should not be subject to all sorts of interpretations and then the city should make itself compatible with that direction.

Environment is too risky a matter to fool around on as far as letting it go on a case-by-case basis. I think there needs to be some clear direction here and yet there is nothing wrong with the city having a by-law or a zoning provision that says all these lands, just like this is going to be our one or whatever, all these lands in the city are going to be hazard lands and sensitive lands and nothing can happen there. We are going to protect them as they are and restore them when they are already at risk, which some of them are.

**Mr. Ernst:** Mr. Sawatsky, do you believe that we live in a country where the rights of individuals and private citizens is paramount in our society?

**Mr. Sawatsky:** Well, I have a lecture on that. I do have a lecture on that. I believe that the rights of individuals are best protected in the context of groups and collectivities, such as family, such as neighbourhoods, such as community and schools and so on, and churches. I think that if we ensure these groups are functional, organic and healthy, then individuals are best served.

**Mr. Ernst:** Let me pick one of those, Mr. Chairman, and that is the family of Mr. Peter Diamant (Private Citizen) who was referred to earlier by the Member for St. Norbert (Mr. Angus). Does the family of Mr. Peter Diamant then, Mr. Sawatsky, have some rights over land which they own, and have owned and purchased legally in this country under our Land Titles system and so on—albeit sensitive or not, and if they do have those rights or some rights associated with that—how do you treat those rights? How do you recognize that they do have those rights by your suggestion that nothing can happen on those lands because they are sensitive, in your opinion?

**Mr. Sawatsky:** I would note that even though I disagree with certain laws in this country—that I feel certainly infringed upon certain ethics and values that I have—I still feel, even though I will protest those laws, and maybe sometimes even disobey them, that I am subject to the penalties of the laws of this country.

Basically what I am saying is that, yes, I am an individual. But I live in this country and I live in this province and I live in this city, and individuals need to have much more perspective of what is good for the whole instead of just what is good for me. Now I do not know anything about the situation that you are referring to, so I do not know what toes I am stepping on, but I do believe that individuals must—especially with the environment—have an attitude that says we live in harmony with the environment and not in conflict with the environment. There needs to be that kind of

ecological balance, and if we do not have that kind of perspective, we are sunk. There will not be room for individuals if we do not think of others.

**Mr. Ernst:** But then again we have to consider, I suppose, the family of Mr. Diamant and the fact that they have invested money—a hypothetical situation somewhat I agree. But nonetheless I think it has some application, that you have a family, Mr. Diamant, who owns a piece of land. Now is —(interjection)—

**Mr. Doer:** A point of order.

**Mr. Chairman:** On a point of order, Mr. Doer.

**Mr. Doer:** I think we could talk about the general principles without picking out any individuals in terms of their own personal property. I think the principle of the floodway, the principle of parks versus the principle of individual ownership I think is one that may not have to be germane to this Bill, but I think choosing any individual is a little inappropriate.

**Mr. Chairman:** That is not a point of order, and I would like to have Mr. Ernst carry on with his presentation.

**Mr. Ernst:** For the sake of argument because it was focused on and because it was raised by the Member for St. Norbert (Mr. Angus) as a constituent of his, Mr. Chairman, if the Member for Concordia (Mr. Doer) is offended by the use of an individual's name, then I will use Mr. X or anybody else he wishes.

The fact of the matter is though, we have a family who owns a piece of property, who has under normal context, shall we say, a right of splitting their lot in half to develop another home on the property for another family. But because it is deemed sensitive in your view, riverbank lands and so on, then it could not happen. Now what do you do with the individual rights of that family to realize on the property that they have purchased? You are suggesting that out of the goodness of their hearts that they should in fact do nothing with the property and maintain it in perpetuity and pay taxes on it for the benefit of the rest of the community. Is that what you are suggesting?

**Mr. Sawatsky:** Well, I think in cases where people do own land, which would be defined by a plan to be sensitive or hazard lands, then maybe there could also be some consideration in the tax system that would differentiate between lands that cannot be developed and lands that can be developed. People that have lands that can be developed are going to be making a profit on it, and benefitting from it. Maybe those properties could be taxed at a higher rate than those that are considered sensitive lands so that there still is some consideration given to the family that owns that land. But if it is going to affect the balance, the ecological balance, of other lands or rivers flowing through it that go to other people's lands, then we have to consider other individuals, too, not just ourselves.

**Mr. Ernst:** Mr. Sawatsky, I suspect that your system might well work if we all started at square one, where



no one owned any land, and then we could sort of designate all these lands so then no one is injured in the event that something takes place. But that is not reality. The reality is that Mr. X and his family do in fact own that sensitive land and do in fact have an expectation under normal circumstances to be able to subdivide that property on the riverbank to create another building lot by which another family could build a home. Now, facing the reality, what do you do in terms of recognizing that family's rights?

\* (2400)

**Mr. Sawatsky:** I do not think that it is outside the bounds of reality, Mr. Ernst, to suggest that there be a differentiated tax system for those lands that can be developed that are not considered sensitive lands and those that are considered sensitive lands. I do not think, even though I would very much wish to go back to square one, that giving people a tax break because they cannot develop their lands, due to the fact that they are sensitive lands, is outside the bounds of reality. Do you?

**Mr. Ernst:** I do not want to prolong this matter. It is getting late, and so on, but I think we could have a long and probably unproductive argument between us so I will pass, Mr. Chairman.

**Mr. Chairman:** Any more questions to Mr. Sawatsky? If not, thank you for your presentation.

**Mr. Sawatsky:** Thank you very much.

**Mr. Chairman:** Mr. Glen Murray.

**Mr. Glen Murray (Private Citizen):** Thank you. Mr. Chairman, Mr. Minister, Honourable Members, I would just like to start by paying particular thanks to the Government. I think this is an important initiative and the Bill is an important one. I think the comments I read in the paper today by the New Democratic Party, the amendments I wholeheartedly support, and the comments that Mr. Carr has made I think are well worth pursuing. I would also like to thank the citizens who are here today for their participation and patience. I have been told that I am now in training for City Council meetings and I got a good taste of it this evening. I am also the councillor-elect in River-Osborne. We are the ward just across the river from this building.

I think this legislation is particularly important because what we are talking about fundamentally is our ability to participate in the governance of our city and the removal of obstacles to that participation. The last time I was before a committee of this House, I was here fighting for the removal of obstacles so I could more fully participate in the city and offer myself up as a public servant without prejudice, and thanks to that kind of legislation and many of you who voted for it, I am, three years later, a testament to its success. But there has to be regulation and there has to be fairness, and a few things that I think need to be strengthened in this legislation are (1) a disclosure of investments, especially personal investment that are substantial in

the area of development. As a city councillor it is my job and a fundamental trust I have with the residents and taxpayers who elected me to be an impartial advocate on their behalf in the regulation of development and in the control of development especially in residential neighbourhoods.

If I held large investment interests, as many people who have run for City Council have, there is a potential for conflict. I think that voters need to know that up in front before, and that people who want to run for City Council should not be discouraged from doing that if they are developers or they have investments, but there should be the same conflicts of interests that exist at other levels of Government to put those assets into a blind trust so that the councillor is free from a conflict-of-interest situation.

The article or Clause 93(4) states that there should be contributions for the purpose of this Act and the by-law passed under Section 91, but the limit of the amount of contributions established in the by-law does not apply in respect to such funds. I think the same limitations of my own money or personal wealth as a donor to my own campaign should apply that would apply to any other numbers of contributors.

Someone of great wealth, a millionaire, or someone who has a great deal of wealth with no spending limitations can easily put up \$10,000 or \$20,000 of their personal money into an election and really give themselves an unfair advantage. This was discussed, and I suggest people read it. On October 24, the Free Press did an editorial called "Buying Elections" which really articulated a number of points that had been raised by many people in the media, many people in politics that name recognition is very, very important in a civic election without visible party participation. I will give you an example.

Had my friend, Peter Diamant, or at least the constituents of University ward had benefit of these committee hearings, Mr. Diamant's profile might be considerably higher. He might be sitting with me right now as a colleague at City Council.

It is very easy to buy advertising, to buy banners, to have public relations firms design your literature and help you with campaigns. There has to be some very severe restrictions on that. I would suggest that there be a maximum of a dollar spent per voter in an election up unto a maximum of \$10,000 with a provision for cost of living being built into that. That puts people on a much more equal playing field.

Also I think residency is a very important factor. I think in the last election we experienced in many, many areas of the city people who lived far away from those neighbourhoods running for City Council there. I think the very nature of having six different districts in the city and a number of wards means that we have different interests that I, as a resident of the downtown neighbourhood as compared to a resident of the suburbs, paid our taxes differently, have different priorities, our neighbourhoods are experiencing different types of problems and challenges.

I would like to see article 84(d) changed rather than just saying that a resident who resides in the city for

a period of six months immediately before being nominated that that be changed to the district in which that person is running in. That would put a provision which would mean that the person who is contesting the City Council seat is a legitimate resident of the neighbourhood and has a legitimate history in that neighbourhood. Without that it allows, especially the low-income neighbourhoods like the one I represent, wealthier people from the suburbs as has happened often and happened in my ward with both my opponents, to contest the seat with a greater amount of wealth than most of the lower-income families and people in middle and fixed incomes.

\* (2400)

**An Honourable Member:** You won.

**Mr. Murray:** I will address that in a second.

I had a particular advantage in the sense that I have a profile in this community that is higher than the average citizen. As a matter of fact, I would say I have an exceptionally high profile in my community. The vice-president of the Edna Stafaniuk Community Centre or the Earl Grey Community Centre who has worked long and hard in the community would be hard pressed to compete with the profile of a Mr. Katz from Tuxedo, and that person would be hard pressed to raise the kind of funds in the short periods of time involved in election campaigns to compete effectively.

Politics in the division of power has often been the club of white middle-aged men, hence, look around this table, you and I are all pale of complexion and have dominated politics. Without that kind of regulation, without that residential requirement and without some severe restrictions on funding, many other people who are not traditionally represented, and I certainly do not represent the majority of my ward which is a majority of women, older women and single mothers, Native people in the core area are very rarely represented, either on City Council or on our city commission. That kind of regulation which is considered essential at every other level of Government, I think is required here.

I want to make one brief comment in response to my colleague, Councillor Eadie. I think the two-thirds vote for in-camera meetings is essential. I think that if we are going to truly have open city government, where we do not have a minority gang which determines the outcome on the agenda from any political perspective, that is required. I would even go farther and say that two-thirds majority should be needed for two other particular items.

One is called walk-ons, where some of you who were city councillors at one time are all too familiar with, where items sort of appear on the council floor without any prior notice, or yellow sheets, and I am new at this, so correct me if my terminology is wrong, where sometimes large ticket items show up the day of the meeting without prior notice.

That robs citizens of the ability to prepare, to participate or to make representations and it robs city councillors of one of their most effective tools in being

representatives, which is the lead time they need to consult with their constituents and with others in the city to properly prepare for an articulate, intelligent discussion at council. I would like to see a two-thirds majority required for both those items recognizing that in some emergency situations those kind of items are needed, but I think that the provincial Government needs to step in and regulate that.

I also want to agree with Mr. Rose's point about the need for representation. I think that the Executive Policy Committee should be representative of community committees. I say that as someone from an inner city neighbourhood, in a city where almost two-thirds of the City Council seats come from predominantly suburban areas, that it is really important to those of us who live in central neighbourhoods to have at least the guarantee of a strong voice or one strong voice selected from the councillors in consultation with citizens on the EPC. I strongly support that, I think that Mr. Edie took a rather narrow and suburban view of City Council.

I will leave it at that because the hour is late, and I think most of the other things that I wanted to say were covered. I thank you for your patience in waiting to hear me out.

**Mr. Ducharme:** To the delegation, are you aware of the city's proposal that they suggested on election expenses? Have you seen their proposal?

**Mr. Murray:** No, I have not.

**Mr. Ducharme:** They have made suggestions on limitations for expenses, limitations for contributions. There is one thing that I should make quite clear tonight. Even if a person is very, very wealthy under these proposals they would not be able to spend their own monies over and above the expenses that they do have to file with the City of Winnipeg. Are you in favour of the city setting those expenses?

**Mr. Murray:** I am less concerned with who does it. I would prefer to see it done by the province consistently because I think we have some very good legislation at the provincial level, and I would like to see that reflected and adapted to the city level. Who does it is of less concern to me than the fact that it gets done. I have a feeling at this point in time, given the urgency of it, it is more likely to happen more immediately if the province did it.

**Mr. Ducharme:** Just one philosophical question. You mentioned about the wealthy running for council. When I was there, I think over six years and I know previous to that two or three years, I did not know any wealthy people on council. I can honestly say that. I hope you do not expect you are going to get rich on council. I did not know any wealthy people on council.-(interjection)- No, no. I did not sit with him.

You mentioned about carrying on business or having everything in blind trust. Where do you feel a person or a family should be able to operate a business if they are on City Council? I can see if they own lands, then

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they should declare the lands. They should not be involved in any land development while they are on council. I have no problem with that, but where do you stop with somebody who is sitting on council doing business?

**Mr. Murray:** I was a small business person for six years, and I do not see that having run a marketing and sales agency that was quite a successful business and still exists has a conflict of interest. There is very little that behoves me, ethically, to declare that.

What I am talking about is, some of my competitors who had large land holdings in the ward, who had a business investment relationship with the ward that I was running in, never were under any obligation to declare that, and most voters I think have a right to know that. That is what I am talking about specifically, land investments, development, any issue which is up to city regulation. If it was something that was primarily in the area of provincial or especially federal regulation I think that is a different set of issues.

Having not been a councillor for more than a week I would have liked more time to sit down and look at that. So I cannot give you a more detailed answer than that. I agree with the division, but even that, the development interests that I believe—and my constituents said very strongly to me on the 10,000 doors that they feel run the city right now—are never visible.

\* (2410)

They would not have so much trouble even developing for someone who they perceived to be a developer if they knew what that person's interests were. If they had built a strip mall and ripped down a row of houses on their neighbourhood street and put up an office building, as was being proposed in one of the highest density neighbourhoods, that may not be the kind of person that they want. There are some developers who run in this city, who ran in my ward, who have built community centres; who have built houses; who have built quality shopping facilities that the residents support, and to them that would be a plus in running in my neighbourhood.

I think voters, as they would judge me on my visibility and commitment in the community, should also be able to judge anyone with development or land holding interests on the same grounds.

**Mr. Ducharme:** Just one final question. I am not trying to put you on the spot with this, because I like to hear this type of report, especially from someone who is new, because they are usually the ones that you get the best answers from anyway. Later on when you are in politics you do not seem to get the answers.

What I would like to know is: if you are in the marketing business and a contract comes up with the City of Winnipeg, or someone is dealing with the City of Winnipeg, do you feel that as long as you declared—or you are in business with your family, or whatever—that you would have no problem doing business?

**Mr. Murray:** I would like to see a regulation with the province to declare that. I think with experience, and

that is very important, City Council within its by-laws should set conflict of interest legislation beyond that. I think there is probably a good feeling in City Council right now that those kinds of things should be discussed.

We have had a great loss of trust in city councillors in this city, that many of us got elected because—I think of a very real perception—the Genstar deal, and some people who profited or at least were perceived to have profited personally by that, had a loss of trust.

I think that I as a city councillor—I think the majority of us that were elected will take strong legislative action through the city's authority, but I think the disclosure that would allow to do that would be very well placed in provincial legislation. I think Members of the provincial Legislature could assist us providing some strong leadership that would send us a message that would allow us some political momentum to carry it further.

**Mr. Edwards:** I just want to clarify on that point, Mr. Murray, and your talk has been very challenging and very interesting. You mentioned at one point blind trust. You are not suggesting that a person's land holdings have to be put into blind trust should they be elected to council are you?

**Mr. Murray:** What I am suggesting is if you have a large office development you identify that, and I would like to see a criteria that if you have major investments in Cadillac Fairview, or Shindico or a number of companies, that yes you remove yourself from active participation in that company and that is turned over, the same way it is done at other levels of Government, as a blind trust, yes.

**Mr. Edwards:** I am just a bit confused. I mean, visibility and disclosure is very important, and I think we are in agreement on that. Are you suggesting that we put into law for civic politicians that at some point, and if so at what point, they have to put their land holdings in this city into blind trust?

**Mr. Murray:** Yes, I do. I think we have clearly seen examples of that with the Genstar deal that we have not had the kinds of standards that I believe, in ethics, are fundamental to good city government. If you, for example, are able to vote on a development deal with the city, and then have a company that could benefit, or does stand to benefit through gaining the contract, and you receive direct personal benefit, or your company or holdings does, I think you are then in a conflict-of-interest situation.

**Mr. Edwards:** Of course, in that situation you are in a conflict and if you are participating in debate or in votes on land that you own you are in a conflict. That is a different thing to say than to say that a person, when they are elected to council, must put their business holdings and land holdings in the city in a blind trust. That is a very, very different thing to say. Is that what you are saying?

**Mr. Murray:** I am not married to that idea. I think it is one way in which we could approach that. I think if it had not been perceived to be a common practice,

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I think if you are involved in a development company and you are involved in large-scale development in the city, yes, I think that you should place those holdings in a blind trust, or make business arrangements prior, through managing partners, that distance you and put you at arm's length. But I think the goal, and I do not want to get hung up in a long debate over the particular term of blind trust, but that business arrangements are made that put you at arm's length from any business holdings that are regulated by the city. I am not talking about poor Mr. Diamant's few square feet of land, I am talking about Genstar, or -(interjection)- I have no problem with names, he is a friend of mine—Cairns Homes, and those kind of deals which are fundamentally regulated by the city.- (interjection)- Yes, I do believe that.

**Mr. Edwards:** Finally, and I just would say that when you get elected, oftentimes people cannot predict what is going to come up in the term that they are sitting in. If they do own land, and sometimes substantial amounts of land within the city, it is my view that if you required people to put their land holdings in the city in a blind trust, if that was in law, that would be a serious disincentive to a lot of people in the city who may want to run for council and stand for life because you cannot predict, of course, what comes up in the course of a term. The key is, and I think we are ad idem on this, that clearly disclosure is essential so that everybody knows when a conflict exists and that is I think what you are getting at.

\* (2420)

**Mr. Murray:** No, it is not. It is not exactly that because we have had disclosure, people have found out about things and I think if city councillors had acted responsibly and responded to that and said, no, this is wrong and not done it, there would not be a need for that. I am fundamentally a minimalist when it comes to the need for regulation, but I think that for a period of time in this city that those interests have been overrepresented and that city councillors have not traditionally behaved responsibly in that way. I think that what we have to concentrate on is involving much more representative groups in the city. We have horrible problems in the city with race relations, we have horrible problems in this city with aboriginal people feeling part of our city. Those people are not actively—we can use a few less developers on City Council.

I will be a full-time city councillor, I will make the equivalent with the tax breaks of about \$25,000 a year. That is more than the average income of people who live in almost all of the neighbourhoods I represent; \$50,000 or \$60,000 is very wealthy by the definition of most of the people I represent and I think that we often forget what wealth really means. If you walk from the Fort Rouge School all the way down to Mulvey Street and you knock on doors there and you look at the conditions that people live in those wards, most of us in this room are considered wealthy by their standards. I would like to see people like that being much more able to fully participate. I would like to see a few Native people on City Council; I would like to see more new Canadians; and I would like to see a few single mothers

who do not have the time, who are not in private business, who cannot take two months away from their business to run full time, and who do not have the kind of profile that I have that lends itself to political life.

So, yes, if some people have to be penalized in that way I say, well and good, because those interests have been overrepresented at City Hall.

**Mr. Edwards:** We all share your desire that City Council be entirely representative of the city and the people who the city makes decisions about. I just want to touch, in closing, on the issue of residency that you raise. I do take issue with that. Why would you not allow the people of a ward or a constituency to decide who they wanted to be their representative, and let those people run on their record on local issues?

Why would you restrict, I believe unwisely, the people that can run? Surely you would want as large a slate as possible, as much choice as possible. Let the people run on the local record that they have, and the ideas that they have, for their constituents under redistribution as has happened recently, civically and provincially.

That leaves a lot of people who have represented areas for a long time, sometimes outside of their wards or constituencies, are you saying that is an outright bar to them seeking re-election?

**Mr. Murray:** Within the district I think in a city that is so large and covers such a diverse number of communities that the idea of having districts, having six districts within those, you do not have to live in the ward but in the district that they are so diverse, the income groups representing those districts are so diverse, the privilege and access to offices so diverse, that residency is an important factor.

If you live in the suburbs, if you live in St. Vital, or St. James, or you live in Kildonan Park, there are numbers of wards you can run in. I question the motives quite frankly of people who choose to run in low-income downtown neighbourhoods when they are middle-class or upper middle-class, because those people right now perceive government, and city government as trespass. I think that we spent a lot of time, when Unicity was formed, talking about the need for regional representation that right now we have, and almost had, a number of downtown wards represented by people in the suburbs.

So yes I do take issue with that because I think the intent of regional representation was to have people who work, live, sleep in those neighbourhoods, and are a part of those communities, represent them. Often when those communities do not have the representatives, those people can not compete with people who are better educated, more articulate, and wealthier, from neighbours.

Now I am an articulate, reasonably wealthy, white, middle-aged, man. I have certain privileges, and I fortunately live in that area, but I think that there are compromises to be made, and there are some regulations that are sometimes required. I do not think that we have been well served in the central

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neighbourhoods by having strong representation, it has reflected that.

I think a lot of the problems that we have had at the city government have been because the communities often most affected by city services, and contact with the police, with the public health department, with all of our city services, the people who use those services, are very rarely represented in the political structure.

So if we do develop stronger neighbourhood binds maybe we will not need this legislation, but I think right now we do. We were allowed to disagree on things, we represent different parts of the city.

**Mr. Edwards:** One final point. I think that you raise an interesting issue. It seems to me that what you are saying is fundamentally against the democratic principle of letting the people decide. If you put limits on spending, if you do those things, which allow the people you and I both want to see on City Council to compete fairly.

Why would you be afraid to let the people decide who they want to represent them?

**Mr. Murray:** I am not afraid to let the people decide. I think we have a concept of regional representation. We as western Canadians experience that problem more severely than others.

\* (2430)

It is not much different in a central neighbourhood. I think we need to take a city-wide perspective, but when you look at had I lost that ward, two out of the five wards would have been represented by suburbanites. They would all, except for one, be represented by white men. That excludes, and I think there is a strong message when you look at the history of representation at City Hall, that certain communities that have always been excluded.

There are not the benefits of the nominating process. Each person in this room represents a political Party which has actively tried to involve women in the process. We do not have that kind of support that immediately comes around you at the other levels of Government. Everyone knows the importance, when you are running politically, to make sure that your caucus is as representative regionally as the makeup of the province. We do not have that kind of nominating, recruiting process.

We have a very passive process, which unless there is some protection for regional representation, and some encouragement, then it becomes compromised. I wish it were not necessary. I wish I could argue your case, Mr. Edwards, strongly that this kind of regulation was not necessary, but I think you would be hard pressed to point to me, in the last 30 years, where we have had any strong representation from the majority of minority communities in downtown, especially people who are members of visible minorities, very few. I credit Mr. Yuen who is one of the first.

**Mr. Rose:** Mr. Murray, I appreciate your observation on the potential danger of a walk-on item, and I

wondered if you might feel strongly enough that you would support even a required majority in excess of two-thirds to hear such an item, either in committee or at City Council, particularly if they have been sitting for long hours.

**Mr. Murray:** Yes I could even go to three-quarters. I think once you are getting past two-thirds, realistically you are requiring enough city councillors consent that any kind of monkeying around is not possible. I am more concerned that we get more than half, that we get two-thirds, or if people want to go to slightly more, 70 percent. I do not want to dicker over numbers.

**Mr. Angus:** Pass.

**Mr. Chairman:** Any more questions for Mr. Murray? Thank you for your presentation, Mr. Murray.

**Mr. Murray:** Thank you very much.

**Mr. Chairman:** Ms. Jean Tardiff and Mr. Glen Hewitt, St. Boniface-St. Vital Residents Advisory Group.

**Mr. Glen Hewitt (The St. Boniface-St. Vital Resident Advisory Group):** My name is Glen Hewitt. I have Jean Tardiff with me tonight. I represent the St. Boniface-St. Vital Resident Advisory Group, and I would like to thank the committee for the opportunity to appear before you and present our concerns regarding Bill No. 32. I appear along with Ms. Tardiff representing the St. Boniface-St. Vital Resident Advisory Group.

Our brief will deal with only one section of the Bill, that being subsection No. 41 titled Residents' Advisory Groups. The St. Boniface-St. Vital Resident Advisory Group used as a reference a report prepared by the Urban Affairs Department titled: Government Mandated Citizens Board in the City of Winnipeg, analysis by Mr. Larry Orr, dated August 1988.

If I might be allowed to give you a brief history of the resident advisory groups in the City of Winnipeg. The introduction of The City of Winnipeg Act in 1972 created six different community committees and the resident advisory groups in each of these community committees, providing for the amalgamation of the City of Winnipeg with surrounding suburban areas. The City of Winnipeg Act was designed to increase both citizen participation and administrative efficiency.

Mr. Orr argues that local government reform of the Unicity was a response to political theory of the '60s and was urged by political decentralization and statutory provisions of citizen participation. The emphasis at that time was to make local government more responsive and representative of citizens' wishes.

The City of Winnipeg Act provided for the community committees and resident advisory groups structures to meet the needs of the citizens input in local government. Mr. Orr notes that as part of the structure, resident advisory groups were intended to be a focal point of the community for citizen participation. The resident advisory groups were to be the vehicle to enhance citizen participation, and in doing so to provide access to information, channel communications, and influencing local government decision-making.

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When the resident advisory group was first introduced in 1972, they were considered to be a unique experiment in citizen participation and local government. In fact they were only one of the first, and still are the only legislative mechanism for citizen involvement in local government in Canada.

Because of their uniqueness, resident advisory groups have been subject to considerable study and evaluation since their inception. The role of the resident advisory group as prescribed, under Section 2, Subsection 4 of The City of Winnipeg Act, is to advise and assist the members of the community committee for the community at whose conference they were elected, and to perform, and the performance of their function, under this Act.

\* (2440)

A general conclusion of many of these studies is that the resident advisory groups had failed to enhance meaningful city participation in urban government. The main reason cited for this failure is that the mandate and responsibilities are not clearly defined in the legislation. Consequently, this has resulted in frustration among resident advisory groups.

Mr. Orr, in his report, stated the resident advisory groups find themselves with little of which to advise or assist. Mr. Orr also stated that the resident advisory groups were initially intended to address broader issues as they affect local areas. In reality, however, they have only been involved with minor issues of local concern.

Taking into consideration the many problems associated with the functioning of the resident advisory group, The City of Winnipeg Act Review Committee in 1986 recommended that council either make a decision to continue the resident advisory groups and to improve their role, or establish a new mechanism to facilitate resident involvement. It was the opinion of the review committee that the resident involvement is desirable, that the existing Act did not necessarily foster meaningful participation.

As it now stands the section of the Act, which relates to the resident advisory groups, is not clearly defined in a role or mandate, and council has not assigned specific responsibility or resources to them. The review committee concluded that while citizen participation in the form of the resident advisory group has not been particularly successful, neither have the conditions necessary for success been present.

The Minister of Urban Affairs in 1987 issued a White Paper in which he suggested the strengthening of the resident advisory group by changing the Act, which would ensure that each ward would be represented on an appropriate resident advisory group. Furthermore, the Government proposed offering financial assistance to the resident advisory groups to enable them to carry out their duties, provided such assistance was supported and matched by the City of Winnipeg.

It is important to note, however, as pointed out by various studies, as Mr. Orr in 1984, and Mr. Wichern in 1984, and the City of Winnipeg Review Committee that the key to meaningful citizen participation depends

to a large extent upon the responsibility of the community committees and the relations between the community committees and the resident advisory groups.

In a survey of resident advisory group chairpeople, the majority of the respondents indicated that they felt the resident advisory groups reflect a general social economic and ethnic characteristic of their communities. The majority of the respondents also felt that the resident advisory group provided an adequate opportunity for residents to become involved, and that they were no particular aspect of the existing structure, the resident advisory group, which might discourage participation.

Furthermore the lack of an advertising budget means that general knowledge of the resident advisory group may be limited. All respondents agreed that the citizen participation afforded by the resident advisory groups was essential to urban government.

We would ask for your consideration the following changes to Bill No. 32, The City of Winnipeg Act, page 17, Section 41, entitled the Residents' Advisory Groups. We would like to start with your proposal, Section 41(1), which is entitled Election. We would recommend one change, and it has been mentioned tonight, and we support that recommendation that the word "may" after the word "group" be changed to the word "shall."

Our second recommended change is Section 41(2), Procedure, term of office, etc. What we are suggesting is that the wording for that section be: where a resident advisory group is elected, the members shall formulate and set by-laws that are to state the rules and regulations, under which the resident advisory group is to operate. The by-law shall not vary or change in any respect the intent or meaning of the conditions of The City of Winnipeg Act. The reasons behind this proposal that we make is that the St. Boniface-St. Vital Resident Advisory Group felt that it was important for each of the resident advisory groups to function under guidelines they feel are best to serve the area communities which they serve.

To this end we suggest each resident advisory group be instructed to formulate their own guidelines in the form of by-laws. These by-laws will be structured with the input of the area councillors and approved by the resident advisory group. We submit for your information a copy of the by-laws which are in effect in St. Boniface-St. Vital. I will do that after our presentation.

The St. Boniface-St. Vital Resident Advisory Group suggests your committee consider adding a new subsection under this clause.

The subsection would be funding for the resident advisory group. Funding for the resident advisory group will cover all costs associated with the resident advisory group's programs such as administration, printing, paper, et cetera. The funding will come from the City of Winnipeg current Estimates. The section will be general government, the department would be city clerk, and the program would be called resident advisory groups.

The reason behind this proposal is the Minister of Urban Affairs, in his White Paper in 1987, proposed a

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strengthening of the resident advisory, and furthermore the Government proposed offering financial assistance to the RAGs to enable them to carry out their duties, providing such a system was matched by the city.

\* (2450)

The St. Boniface-St. Vital Resident Advisory Groups feel by giving favourable consideration to this section would allow each resident advisory group to better understand the budgeting process of the city. St. Boniface-St. Vital Resident Advisory Group suggests the committee consider removing the following subsections, as they will be covered under the proposed Section 41(2) Procedure, and by the residents' advisory group By-laws Section 41(3), Section 41(4), Section 41(5), Section 41(6) and Section 41(7). I thank the committee for their indulgence, and I will answer any questions.

**Mr. Chairman:** Thank you for your submission. Are there any questions to Mr. Hewitt?

**Mr. Rose:** The one proposal you have here for funding for the resident advisory group. They seem to have some difficulty in regard to having such a clause in the provincial legislation. I was wondering if you could give us in your experience what approximate amount of money would be required to cover the administration costs that you allude to in your report.

**Mr. Hewitt:** Just in answer to your question, Mr. Rose, in 1979 this city allowed us \$200 per ward. In 1989 the city in its wisdom amended that policy by giving us \$100 per ward. Approximately three months after that, after considerable lobbying by the resident advisories, they increased it to \$400 per ward. They put a stipulation on that it only be used for agendas.

We are appearing before you tonight on paper that I had to pay for and copying that I had to pay for. We have no resources whatsoever in our community committee to do any kind of presentations like this. We have no way to advertise our meetings. We have no way to get word out about when we are going to meet.

**Mr. Rose:** Do you think that could be covered by some sort of per capita grant with an escalation for inflation?

**Mr. Hewitt:** The problem with a per capita grant is that it seems to be decided out of our hands. We do not seem to participate in per capita grants. We would like to participate in what we want money for, and we are willing to stand before council with what we want, like any other department within the city.

**Mr. Chairman:** Mr. Rose, no more questions?

Thank you very much for your presentation. We have now Mr. Greg Selinger, private citizen.

Mr. Selinger, have you got a written presentation?

**Mr. Greg Selinger (Private Citizen):** No, I do not. My comments strictly will follow the text of Bill No. 32. I

just wanted to make a few practical comments that could be easily accommodated tonight. I do not want to make any large statements about some of the bigger issues, which I think have been very well dealt with by most of the presenters earlier on this evening.

Just by way of introduction, I support the mandatory ombudsman, the "shall" clause that I hope you will put forward for the ombudsman, freedom of information, election expenses.

I think the idea of the mayor having a tie-breaker vote is a good one that should be maintained. It focuses policy, and provides some leadership on crucial issues.

Conflict of interest disclosure I think is a good idea and of course the two-thirds majority on in-camera items.

The areas that I wanted to maybe add just a little bit of I think helpful information are for example on page 3, Minutes, item 14(1): "Council shall cause minutes of its proceedings to be kept," also Hansard. I think there has been a real demand for a Hansard to be kept at City Council so that people can have some record of the proceedings, the comments, and the flavour of the events that create policy at the city level. It would be a simple addition of the words: "shall cause minutes, and Hansard of its proceedings to be kept," easily added if there is any interest in it on the part of the people here tonight.

The second suggestion that I was going to make is on page 4, the in-camera meetings item. I was just briefly talking to the city solicitor and he was concerned about the two-thirds requirement I still think it is a good idea, but there were no specifics as to the items. This was your suggestion, Mr. Carr, to have some specifics. I think that is a good idea.

I think, however, it is a little early for us to tell all the items that might legitimately go in camera or might not go in camera, and one way to maybe deal with that is if we have a mandatory ombudsman. We could ask that on an annual basis the ombudsman review those items that have been taken in camera and make a comment on it in their annual report. It is a flexible, simple procedure that might set some standards for how council does business, and I think it could be easily added into that clause. So that is the suggestion I would make there.

Also on page 4, Special Meetings, and I note that in the legislation you have made a distinction between Special Meetings and Emergency Meetings. Emergency meetings have to be called on very short notice, but for special meetings there is no provision for any minimum time that is given, and I would recommend simply three-to-five days so that if somebody is out of town, and a special meeting is called, they have a chance to get back. It simply says here, reasonable notice, but I think that opens up for a lot of unnecessary debate. Just set a minimum standard, is all I am suggesting, three-to-five days. It does not prohibit you from having your emergency meetings, which are set out in a separate clause. So a simple suggestion to have some minimum standard there on special meetings.

The other item is the business of pensions. There has been a lot of discussion over this, over the last year. It is just public disclosure on the costs of pensions for councillors. It is available to the public, so we know how much it is going to cost, and if the public does not like it, they are going to let us know about it.

\* (0000)

Penultimate item on page 15, and this I think responds, in a very narrow way, to the concerns of the resident advisory group that just appeared before you on page 15: Copies of documents to be available. It has become, at least in my experience, increasingly difficult to get access to documents that are going to be discussed, debated, and voted on at community committee. It is getting to the point where you cannot get a document until the day before the meeting.

Now from a citizen's perspective it is very hard to respond intelligently to a major item coming up at community committee when you only have less than a day to read it, review it, and prepare a response. So once again, could we have some sort of minimum requirement, say three-to-five working days, so a citizen can get a document, have a chance to review it, and prepare some intelligent comment for community committee. I think it would just improve the process of decision-making.

The last item, it may be peculiar to my area but I think it is an important one, and that is, that right now a councillor can run for provincial Government or federal Government without having to resign a seat on provincial council. In ideal terms I think a councillor should have to resign before he runs for another level of Government, but at a minimum, if you are not prepared to accept that, a councillor should have to withdraw from doing business at the city, when he is in the middle of an election campaign.

I had the experience of a councillor involved in a provincial campaign who was transacting business while he was running in the election campaign. There seemed to be a linkage between the business he was transacting and his candidacy for the provincial seat. I just think it is quite inappropriate to have both of those agendas going at the same time. So at a minimum, if a councillor is going to run for a higher office he should have to at least withdraw for that period of time from transacting business at the city level.

Those are some practical suggestions that I think could be easily worked into the Bill tonight. Thank you very much.

**Mr. Chairman:** Mr. Minister, do you have a question to the Member?

**Mr. Ducharme:** Yes I have a question to the delegation, in regard to somebody resigning either to run as an M.P. or MLA. What good does it do for that person to resign?

**Mr. Selinger:** What it does is it makes it so that if he is a representative for that area and he is running for another level of office he has an unfair advantage using

that position to run for the senior level of office. He is still in a position on council, he can still be getting media coverage, he or she can still be getting media coverage, and I just think it puts the competitors for an elected office, one at an advantage over another.

Now what I am saying is that if you are uncomfortable with that, at a minimum could you at least have that person withdraw from being actively involved in the business of the city electoral campaign?

**Mr. Ducharme:** I would say that I have been in that position of running for City Hall, running for an MLA in City Hall, and I will tell you that probably that councillor at that time is probably more cautious than any other time that he is in office, because he is out there, he is talking to people. The other disadvantage is he resigns, and then if he loses then a lot of times his seat is doing without a councillor for three or four months until they fill that seat via a referendum. So that is what the problem of that suggestion is.

**Mr. Selinger:** I understand your point on that. I appreciate your point that you would have a vacant seat for a period of time, and that is the disadvantage of that suggestion. However, whether or not a candidate is more careful has everything to do with the individual candidate. It has nothing to do with whether or not they will be, in general terms.

**Mr. Ducharme:** I just say to you that I do not think anyone who is running, and he is a councillor now, neglects his position as councillor when he is campaigning for another elected spot. He just does not do it.

**Mr. Selinger:** I did not even suggest that was the case.

**Mr. Angus:** Mr. Selinger, I caution you if I may, three years from now the wheel will turn and you will be a councillor that will be perhaps seeking re-election, and if it is the undue publicity that you have got of an individual who is running, you are going to be in that position where you are going to be performing your duties and getting publicity. So you will have to be cautious about these traps that come out. However, it has been a debate that has gone on for a long time as to whether or not councillors should be required to resign their seat, and I think it is worthy of consideration. Maybe collectively we can come up with a reasonable solution.

The other thing that I would like to suggest to you is that the notification and the information for meetings is entirely within your preview, you direct the administration, and if you decide, and if you determine that you want to have that documented information five days, 10 days, 100 days before the actual public meeting, then that is something that you can determine yourself.

If I may I am sure my colleagues on council would agree that anything that came that was contentious, and we agree, or I agree anyway, that it was very difficult to analyze the information in its entirety and share it with your constituents if it had an overwhelming effect,



especially if you only got it earlier that afternoon; I would suggest in every case I laid it over for three weeks to allow that interaction. So again you have that within your preview. Some of these things I think are within your own sphere of control and do not require Big Brother's legislation.

**Mr. Selinger:** I recognize that is the case. I think with the right councillors you can solve a lot of these problems at the local level. I am simply saying that the legislation is the responsibility of the province, and the role of the province in my view is to simply set minimum standards for performance. That is all I am asking you to do. I think many councillors will exceed those standards, but there are also cases where councillors fall below what would be reasonable standards. All I am asking you to do is set a standard, that is all.

\* (0010)

**Mr. Doer:** I think Mr. Selinger raises some interesting points. I have often thought it is inconsistent that Members of the Legislature resign from seats to run for Parliament because of the concept and theory, I believe, of the constituent accountability when you are running for a certain position is somewhat different than the one you are leaving. We had situations where Spivak and Axworthy I think both had to leave their seats in this Legislature to run for Parliament. One of them won the seat and the other one did not.

You would therefore not be opposed to a requirement in the Act that would have a person running for the Legislative Assembly have to resign their seat?

**Mr. Selinger:** No, I would not be opposed to that. I recognize that immediately upon being elected I had the advantage, and because I am a new councillor I think it is incumbent upon me to move quickly on these kinds of suggestions, rather than to sort of let it seep in that maybe there is an advantage and being able to have an easy shot at it. That is why I brought it forward tonight.

Now I also recognize Gerry's point, that you leave your seat unrepresented for a period of time, and I think that is a valid point, and that is why I was saying that at a minimum, if you do not want to proceed on that, get the councillors out of transacting business while they are running for office, I think that at least solves part of the problem.

**Mr. Chairman:** Anybody else have any questions? Mr. Carr.

**Mr. Carr:** Just one quick question, Mr. Chairperson. Many people think that the reason we had a less than scintillating competition for mayor this time was because it is not possible for councillors to run for mayor simultaneously, that councillors. Councillors have to resign their seat in order to run for mayor. Do you think that it would be reasonable to debate the merits of having councillors run for mayor simultaneously?

**Mr. Selinger:** It is kind of the flip side of the point that I am trying to make, is it not? It is an interesting

question. I have thought about it. The danger of it is that everybody runs for mayor because then they all get free publicity which increases their chances of getting their ward seat back. If I am going to be consistent with the presentation I am making tonight, my argument would be that, no, you could not run for a council seat and mayor at the same time. You have to make a real commitment to which level you want to serve at and not hedge your bets. That would be the same if you want to run for a Legislature seat or a Parliament seat as a city councillor. You have to make a commitment, what level you want to serve at and go for it. So that would be my answer.

**Mr. Chairman:** Any more questions? Mr. Ernst.

**Mr. Ernst:** I do not want to prolong this, Mr. Chairman, but I want to ask Mr. Selinger a question. As a newly elected councillor, not in terms of the last issue we have been debating, but the one you brought up earlier about the notice period and things of that nature that are clearly within the privy of council under the legislation as proposed, what makes you think that we as elected officials here at this level of Government are any better or any more different than people that are elected at the City Council level of government? I mean they are elected out of the same process, the sizes of the constituent areas are about the same, the electors are close to being the same. Where is the mystique, if you will, of having one level of government suggest or put restrictions or some other kinds of rules on people who operate at another level of government, who are elected in a similar manner?

**Mr. Selinger:** For me, it is an understanding of how the Canadian Constitution works. The city is the creature of the province and is created by the province, and the province is ultimately responsible for how effective city government operates. With that understanding of how our constitution works, I simply think that you people are one step removed from the day to day self-interest of being a city councillor and running city business and have the constitutional responsibility for setting the proper framework in which we operate. That is why I bring it forward tonight. I am asking you to simply do the job of giving us a good, strong framework that we can operate in—fair rules, due process. That is the thing, I think, that makes the city business run more smoothly, more fairly.

**Mr. Ernst:** That is only the comment, that I would like to ask you that same question two or three years from now and see if I get the same answer.

**Mr. Chairman:** Any more questions to Mr. Selinger? Thank you for your presentation, Mr. Selinger. Is there anybody else in the audience that would like to make a presentation? Thank you for making your presentation.

What is the will of the committee? We have gone through, all the representation has been made. Okay, who has the floor? Mr. Carr.

**Mr. Carr:** I move, seconded by the Honourable Member for St. Vital (Mr. Rose), that the committee do adjourn

**Tuesday, October 31, 1989**

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and resume at 8 p.m. tomorrow evening to consider the Bill.

**MOTION presented and carried.**

**COMMITTEE ROSE AT: 12:20 a.m.**