COMMUNITY CONTACT

For and About Local Government Development

Happy New Year 2002!

It's another year of promise—one in which you can make a difference by striving toward local municipal leadership excellence.

We want to help you make that difference by answering your technical questions, pointing you to resources and digging into the details of Manitoba government programs and the laws that apply to them. This issue features the continuation of an article that examines the concepts behind bylaws and describes what well-drafted bylaws should contain.

Every issue of this publication is an exercise in communication. Part of our mission is to keep our readers aware of current developments in Manitoba Aboriginal and Northern Affairs. The other part is to hear you. We invite you to share your experiences and insights with others. We encourage you to ask questions. What is it that you need to learn about? Contact us. Our address is on the back page.

Leadership and Community Development

Local people make it happen

Government has its place among helpful resources available to support and promote community development but community residents are often the key actors. Locally generated ideas, energy and commitment to personal or community goals are what pave the way to sustainable communities.

Ideas or solutions imposed from the outside often do not enjoy success as readily as locally generated ideas. Supporting a community's vision for itself or supporting the efforts of local individuals and groups to improve their situation is more likely to succeed.

In developing such a vision, community leaders are vital. They may be elected community representatives, elders or just people who contribute to cultural and economic life by quiet example. Whatever the form, local leadership is prerequisite to community development.

Community residents are often the key actors

Many residents of smaller Manitoba communities know of individuals who have made a significant difference to life in their communities. Recent reflection on the life of Bob McCleverty, the former Mayor of Thicket Portage who passed away this past November, remembered him as a leader, friend and mentor who helped those needing help and who worked tirelessly for the benefit of his community. As a leader, Bob realized visions like the extension of hydro power lines to Thicket Portage. He was also a constant advocate for improved health care and transportation routes.

In support of local government development and community building, we invite you to share stories of people who have made or continue to make a difference in your community. Over the coming year we'll give you the opportunity to acknowledge your community leaders—elected or not. We can all learn from their examples.

Manitoba Hepatitis C Assistance Program Continues

In January 2001, Manitoba's Minister of Health announced a program in which Manitobans who became hepatitis C positive as a result of blood or blood product transfusions and who are not covered by the federal-provincial compensation package can apply for a one-time payment of $10,000. The payment program recognizes those infected with hepatitis C through the blood supply before 1986 and after 1990.

People who contracted the virus as a result of a blood transfusion or the administration of blood products between January 1, 1986 and July 1, 1990, are covered by a federal-provincial-territorial program. An individual who is eligible for the federally administered compensation program is not eligible for assistance under the Manitoba Hepatitis C Assistance Program (MHCAP).

Program Eligibility:

Manitobans who contracted hepatitis C either before January 1, 1986 or between July 1, 1990 and September 23, 1998:

- as a direct result of blood or blood products transfusion in Manitoba;

- indirectly from a spouse, partner or parent who contracted the disease as a result of a blood or blood products transfusion in Manitoba.

Representatives for the estates of individuals who died of hepatitis C and contracted the virus from blood or blood products received in Manitoba during the period covered by the Manitoba program are also entitled to apply for the one-time payment.

Establishing eligibility for MHCAP has 5 phases of activity:

- Completion of MHCAP application forms by the applicant or a representative

- Provision of supporting documentation and confirmation of HCV antibody positive test result by the applicant or their representative

- Request by MHCAP office for medical records from hospital and the initiation of traceback procedures through the Canadian Blood Services (CBS)

- Assessment/adjudication of the applicant

- An appeal process, where necessary, for individuals whose application is denied.

To obtain MHCAP brochures or application form packages, call: (204) 788-6339 in Winnipeg or toll free 1-866-357-0196.

For more information about the program, contact Carol Renner, Director of Blood Services at (204) 786-7395.

Blood Recipient Notification Project (BRNP) *(Concluded)*

On May 14, 2001, Manitoba Health launched the Blood Recipient Notification Project (BRNP) to identify Manitobans who received blood or blood products before April 1992 and notify them that this may have exposed them to the hepatitis C virus. Those notified are advised to seek testing. This project complies with a Krever Commission Report recommendation.

Regional health authorities, Health Links, First Nations and Inuit Health Branch, private and public laboratories have agreed to help review hospital blood bank records, provide public with information and arrange blood tests.

BRNP has contacted other government agencies, stakeholders, and contiguous jurisdictions around Manitoba whose clients may be affected as a result of this notification.

More than 16,000 Manitobans have responded to letters sent out in the spring. Fewer than one percent of those tested are positive for hepatitis C virus. People who test positive for hepatitis C virus after receiving blood or blood products may qualify for compensation through either the Manitoba Hepatitis C Assistance Program (MHCAP) or a similar federal/provincial/territorial program.

The notification project concluded on December 31, 2001. If you have concerns or require further information, call Manitoba Health Links at (204) 788-8200 or toll free 1-888-315-9257 or call BRNP Director of Blood Services Carol Renner, at (204) 786-7395.

"technically speaking"

Bylaw Standards

Bylaws are prepared in a formal format in consideration for the fact that they are intended as the permanent laws of the community. Community residents should be able to recognize the document as a bylaw of the community.

There are some standard items in a bylaw that help both council and residents to understand and recognize bylaw documents:

- The bylaw should have a number. Generally bylaws are numbered consecutively and include a reference to the year of enactment (e.g. bylaw number 21/01).

- It should have an introduction identifying the general purpose of the bylaw in simple and concise form.

- The preamble should cite (or quote) the authority under which the bylaw is being enacted. This can be in full quotation, or by reference to the relevant legislation.

  The enacting portion begins with a phrase such as:

  "Now therefore, be it enacted as a bylaw of the [full name] Community Council duly assembled as follows":

  The enacting clauses follow in sequence according to this order:

- General provisions
- Special provisions

- Exceptions
- Enforcement
- Penalties
- Repeal of former bylaws, where applicable
- Closing (signature block)

The Bylaw Process

Clerks and administrators should be familiar with the general bylaw procedures in order to give good advice to council members.

The Northern Affairs Act requires three separate readings of bylaws. An amendment to the content of the bylaw can be made at any reading. Normally no more than two readings of a bylaw may be given at one meeting. There are some exceptions for administrative bylaws. These exceptions require a special majority vote of council.

Public notice is an important and required part of the process. Clerks and administrators need to be aware of how, when and where public notice takes place in the process. They have an important part in ensuring there is a consistent method within the community for public notice.

Public participation through hearings or meetings is an important part of the process. Clerks and administrators need to be aware of how, when and where public participation is required by legislation. This is to ensure community residents know when bylaws

are being enacted. Public notice informs residents of their opportunity to learn about the bylaw and make representations on their concerns about the bylaw.

In drafting a bylaw for council, it is the clerk or administrator's responsibility to know what government approvals are required for the bylaw and when they are required in the process. The clerk or administrator must make every reasonable effort to ensure that the bylaw is not contradictory to federal or provincial legislation.

It is council's responsibility to ensure that a consistent bylaw process is followed in the community.

Promulgation

Promulgation is the name given to the process of advising the public of the enactment of a bylaw and the date it is effective. *The Northern Affairs Act* requires that copies of the bylaw be posted in the community centre, community offices and at least two other places for two weeks. There is a specific form for the notice to be given to residents outlining their opportunity to use a legal procedure, called "quashing," or having the bylaw declared totally or partially invalid, if they feel that the bylaw unfairly removes some of their rights.

For further information on bylaws, contact your regional office of Aboriginal and Northern Affairs.

Mutual Aid Fire Service Agreements
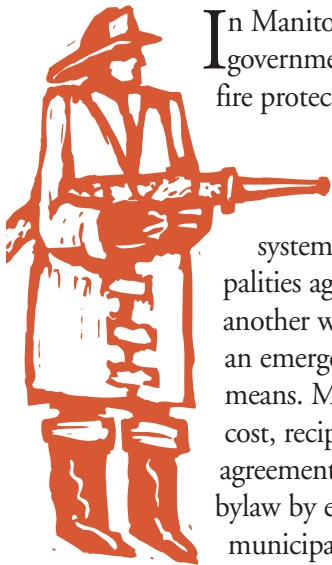
In Manitoba, municipal governments may enhance fire protection by entering into mutual aid agreements. Mutual aid is a system in which municipalities agree to assist one another when faced with an emergency beyond their means. Mutual aid is a no cost, reciprocal, written agreement enacted in a bylaw by each participating municipal council.

Before a municipality may enter a mutual aid agreement it is subject to a review of its ability to provide reciprocal services. This review is conducted by a mutual aid management committee of fire chiefs and deputy fire chiefs who represent the municipalities within the mutual aid district.

If a municipality is unable to offer reciprocal service meeting standards outlined by the management committee's bylaws or guidelines, membership can be denied or revoked.

Mutual Aid is not a way for municipalities to avoid responsibility for fire protection. It is a written agreement between municipalities to assist each other when an emergency is beyond the capabilities of one service alone. It is also an agreement to provide backup emergency services at no cost.

Advantages to belonging to the mutual aid system:

- Locally organized prearranged reciprocal fire emergency response and assistance service.
- Direct assistance to an emergency and backup in the event another emergency arises.

- Availability of additional fire fighters and equipment.
- Specialized rescue response available within the area.
- Use of specialized mutual aid district equipment or facilities.
- Air quality testing.
- Training in fire fighting and specialized courses.
- Rapport with other fire services.

Within Manitoba there are 17 mutual aid districts and three training districts. Training districts are districts in which municipal fires services are too distant from each other for an effective reciprocal agreement to exist. Instead, training districts often are involved at the municipal level in mutual aid agreements with neighboring industries, First Nation fire departments and, in some cases, out-of-province municipalities.

Reciprocal fire protection agreements which were once informal, verbal contracts sealed with a handshake are now gone. Today agreements on paper are approved by all parties involved. Risk is reduced for council, the fire service, your community and all others involved.

Considerations for a successful mutual aid agreement:

- Does the fire service have the equipment, training, and manpower to protect your community first?
- Does the fire service have the equipment, training, and manpower to provide reciprocal service?
- Do the other parties to the agreement have the ability to provide reciprocal service?
- Who can activate mutual aid and what procedures are to be followed?
- Will the agreement be reviewed by legal counsel to minimize risk?

LEGAL-EASE
Understanding Regulations and Legislation

Lega-lease – Understanding Liability

According to the Canadian Oxford dictionary "liable" means: legally bound; subject to a tax or penalty; under an obligation; exposed or open to something undesirable. With legal challenges and court cases becoming more and more common, it is important to have a thorough understanding of one's own liabilities.

For example, a homeowner may be exposed to some adverse action if someone was to fall on a sidewalk leading to that home's front door and it could be shown that the homeowner had not maintained the sidewalk.

Depending on the level of coverage it provides, an insurance company may review any claim to determine if the property owner has been negligent. A determination of negligence could mean that the insurance coverage is reduced or no longer applies, leaving the property owner liable.

How does this apply to a community situation? The community council, as the governing body in a community, has the responsibility to ensure that risk is reduced wherever possible. This means that members of council and community employees must be alert and prompt in taking action to reduce risk within community buildings and in the operation of community facilities.

We have all heard about the Walkerton water plant problems. It was a situation where employees may not have done all they could to reduce risk. In fact they were found responsible for some of the problems. Unfortunately, the employee negligence led to a situation where some community residents died.

Community members have a responsibility to advise council of their concerns and of things that may cause increased risk within their community. Community employees have a responsibility to take appropriate action wherever possible to reduce risk. Employee responsibility also includes reporting a potential risk to council, especially when the risk cannot be immediately minimized.

Council members have a responsibility to ensure that community employees take appropriate action where possible and where necessary. In Northern Affairs communities, council members also have a responsibility to advise the Department of Aboriginal and Northern Affairs, or any other applicable department, of risks within or near the community.

Even though there may not exist a legal liability, there is certainly a moral liability, which may become a legal liability in the eyes of a court. The old adage applies—an ounce of prevention is worth a pound of cure.
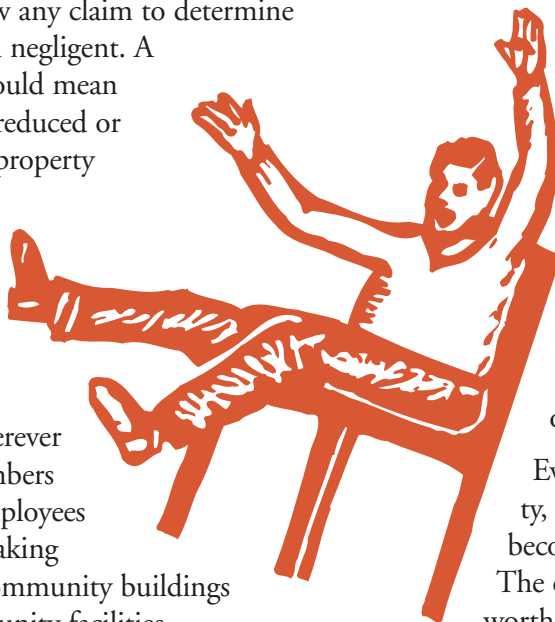
Making a Difference

The Emerging Local Government Leadership Mode

Part II

In *Part I* printed in the last issue, we featured a list of leadership characteristics developed by participants in five Local Government Leadership (LGL) Institutes sponsored by the Canadian Association of Municipal Administrators and the Local Government Leadership Program at the Banff Centre. The participants also came up with a list of priority training needs and top ranked success factors for effective local government managers.

The top ranked training needs were identified as:

• Communication techniques
• Performance counselling and coaching
• Change management
• Conflict resolution/negotiation
• Strategic planning/thinking
• Business analysis

• Creative problem solving
• Team building
• Results-based action
• Staff motivation

The top success factors identified among all the regional LGL Institutes were:

• Places focus on results
• Develops a shared vision
• Acts in a consistent manner
• Motivates others
• Seizes opportunities
• Manages performance effectiveness
• Exercises situational leadership
• Maximizes customer satisfaction
• Promotes organizational learning

You may want to consider using these lists as a guide to defining your community council's training needs. Are the success factors listed observed in your local government operation?

This LGL initiative resulted in the preparation of a resource manual. Information on the LGL Competency Tool Kit and LGL Competency Profile is available from the Canadian Association of Municipal Administrators. Contact Kerri Cameron at (613) 725-9150 or by e-mail at kcameron@thewillowgroup.com

Reprinted and adapted from Making a Difference: The Emerging Local Government Leadership Model, Municipal World, page 19, January, 2001 with permission of the publisher. Author: Gordon McIntosh.

Bostrom appointed Aboriginal and Northern Affairs Acting Deputy Minister

In November 2001, Harvey Bostrom was appointed acting deputy minister of Aboriginal and Northern Affairs. A former MLA for Ruperstland and a cabinet minister with the Schreyer government of the 1970s, Bostrom has served in various capacities with Aboriginal and Northern Affairs, most recently as executive director of the Aboriginal Affairs Secretariat.

Manitoba Public Library Services Offer Access for All

Manitoba Culture, Heritage and Tourism provides basic library service to communities in Manitoba that are not part of the public library system and are not considered federal responsibilities.

This free service is delivered through two provincial programs. One is the OpenShelf program and the other is the Travelling Library program.

OpenShelf

The OpenShelf collection features more than 140,000 French and English items including books and materials covering every topic from Aardvarks to ZZ Top. Popular topics include "how to" books, health and wellness, computers, starting and running a business, gardening and craft books. The collection also includes large print books, government documents, Braille and multilingual publications, and other specialized materials.

The OpenShelf library originated in the 1950s as a "books by mail" program. While basic catalogue service is still available for those who do not have access to the Internet, there is also an on-line catalogue (http://pls.chc.gov.mb.ca/cgi-bin/zform.cgi?MAPLIN-OpenShelf) where patrons can electronically order materials, check loan status, place materials on hold and ask reference questions.

OpenShelf members may borrow up to twelve items for two months at a time. Registration may be completed via an Internet form (http://pls.chc.gov.mb.ca/cgi-bin/os_appl.cgi) or by mail. New members are sent a library ID number that allows ordering materials from both the print and Internet catalogues. Materials ordered are mailed to a home mailbox in a postage-prepaid canvas book bag. Materials for return are simply placed back in the canvas book bag and dropped off at the nearest post office box. Members may also ask reference questions by mail.

Travelling Library

The Travelling Library program is designed to assist a community deciding whether enough local support exists to establish and sustain a Public Library. The program provides a balanced collection of 500 books that are exchanged every six months. To qualify for the travelling library program a community requires a volunteer committee to organize and run the travelling library.

For additional information about the public library system or for a membership application, contact:

Manitoba Culture, Heritage and Tourism
Public Library Services
Unit 200 – 1525 1st Street
Brandon Manitoba R7A 7A1

Phone: 1-800-252-9998 (toll-free)
or 1-204-726-6590 (direct)
Fax: 1-204-726-6868
e-mail: openshelf@gov.mb.ca
Website: http://pls.chc.gov.mb.ca

ANA Selkirk Office Moves

The Program Planning & Development and the Community Services (East/West) branches of Manitoba Aboriginal and Northern Affairs have moved their offices from Selkirk to Winnipeg, a result of Local Government Development Division reorganization this past year. Close to major bus and transportation routes, the new offices are situated at the southeast corner of 1680 Ellice Avenue and Route 90 north.

Update on Northern Health Services Negotiations

by Kim McPherson

In 1964, Canada and Manitoba made an agreement to divide between them the provision of clinical and public health services to certain First Nation communities and adjacent northern communities in Manitoba. In 1998, Swampy Cree Tribal Council First Nations initiated a statement of claim against Canada alleging that the programs and services to their communities serviced by the province under the 1964 Agreement were inadequate and substandard.

Canada filed a third party claim against Manitoba alleging Manitoba was also a party to the statement of claim. Before the third party claim against Manitoba was heard, the three parties, Swampy Cree First Nations, Canada (as represented by First Nations and Inuit Health Branch) and Manitoba (as represented by Manitoba Health) entered into a mediation process. That process is working towards the development of an interim agreement to transfer health services and programs under the 1964 agreement to the Swampy Cree First Nations. The mediation group is known as the Swampy Cree Tribal Council Mediation Team (SCTCMT).

The SCTCMT met in December 2001 to continue discussions on the transfer of health service and programs. Items for discussion included capital initiatives, proposed model of service delivery and a presentation on the SCTCMT process. Community consultation meetings took place in the communities of:

- Moose Lake/Mosakahiken
- Chemawawin/Easterville
- Grand Rapids/Town of Grand Rapids.
- Community based meetings continued in Sapotaweyak/Shoal River in December 2001.

A draft interim agreement is currently in development and is expected to be reviewed at the next SCTCMT meeting. It is anticipated that the interim agreement, expected to go into effect on April 1, 2002, will be instrumental in dismantling the 1964 agreement at all applicable locations in Manitoba within two years.

Contact Information

Community Council members and staff and departmental staff are strongly encouraged to submit comments, suggestions, articles and ideas to the editor.

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