



Fourth Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

Standing Committee

on

Municipal Affairs

Chairperson
Mr. Jack Penner
Constituency of Emerson



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

Member	Constituency	Political Affiliation
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert	Steinbach	P.C.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FAURSCHOU, David	Portage la Prairie	P.C.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David, Hon.	Riel	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank, Hon.	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike, Hon.	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupertsland	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
SVEINSON, Ben	La Verendrye	P.C.
TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON MUNICIPAL AFFAIRS

Monday, June 15, 1998

TIME – 7 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Jack Penner (Emerson)

VICE-CHAIRPERSON – Mr. Edward Helwer (Gimli)

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Messrs. Downey, Reimer

Ms. Barrett, Mrs. Driedger, Messrs. Dyck, Helwer,
 Laurendeau, Martindale,
 Ms. McGifford, Messrs. Penner, Reid

APPEARING:

Mr. Gary Kowalski, MLA for The Maples

WITNESSES:

Mr. Brian McLeod, Private Citizen
 Mr. Paul Moist, Canadian Union of Public
 Employees, Local 500
 Ms. Carolyn Garlich, Council of Women of
 Winnipeg
 Mr. Ambrose Percheson, Private Citizen
 Mr. Paul Labossiere, Winnipeg Chamber of
 Commerce
 Mr. John Kubi, East Kildonan-Transcona
 Residents Advisory Group
 Mr. Richard Gagnon, Point Douglas Residents
 Association and Norquay Community Centre
 Ms. Linda Eryou, Woodhaven Homeowners'
 Association
 Ms. Valerie Price, Manitoba Association for Rights
 and Liberties
 Mr. Paul Nielson, Private Citizen
 Ms. Leonore Sanders, Provincial Council of
 Women of Manitoba

MATTERS UNDER DISCUSSION:

Bill 36–The City of Winnipeg Amendment and
 Consequential Amendments Act

Mr. Chairperson: Good evening. Will the Standing
 Committee on Municipal Affairs please come to order.
 This evening the committee will resume consideration
 of Bill 36, The City of Winnipeg Amendment and
 Consequential Amendments Act.

Previously the committee had met this morning to
 hear presentations. We are now continuing those
 hearings. I would just like to remind presenters that
 this morning the committee agreed to use 15-minute
 time limits for the presentations on a gentlerperson's
 agreement with the Chairperson's discretion to be used,
 which I did, for questions and answers following the
 presentation. In addition, the committee also agreed
 that the names would be dropped to the bottom of the
 list after one call on the list and would be eliminated
 from the list after two calls.

I will now read for your information, if that is the will
 of the committee, the presenters that are still left. If
 there is anybody else that is in the audience that would
 like to make a presentation, they can do so by
 registering at the back of the room with the Clerk's
 staff.

By the way, did the committee wish to indicate how
 late we want to sit, or do you want to leave that for a
 later time?

An Honourable Member: Leave it open till twelve
 o'clock.

Mr. Chairperson: Okay, thank you. We have then got
 Mr. Paul Moist of CUPE; Carolyn Garlich, Council of
 Women of Winnipeg; Ambrose Percheson, Private
 Citizen; Paul Labossiere, Winnipeg Chamber of
 Commerce; George Harris, Private Citizen; John Kubi,

East Kildonan-Transcona Residents Advisory Group; Mrs. R. Ross, Private Citizen; Richard Gagnon, Point Douglas Residents Association and The Norquay Community Centre; Russ Wyatt, Private Citizen; Linda Eryou, Woodhaven Homeowners' Association; Valerie Price, Manitoba Association for Rights and Liberties; Paul Nielson, Private Citizen; David M. Sanders or Kerry Reimer, Collier Pratt McGarry; Valinda Morris or Leonore Saunders, Provincial Council of Women of Manitoba, and Glen Hewitt, who was dropped to the bottom of the list this morning, Riel Resident Advisory Group.

Those are the presenters, and I will call at this time, Mr. Paul Moist of CUPE Local 500. Mr. Moist, just one second. Before we call Mr. Moist, I would like to indicate to the committee that we had finished the presentations this morning. There was, however, a matter of questioning to Mr. Brian McLeod. I understand Mr. Brian McLeod has come back, and if there is anybody that would like to ask Mr. McLeod any questions or has some comments, I would give the opportunity to Mr. McLeod to reappear.

Mr. McLeod, would you come forward, please? Are there any questions?

Mr. Gary Kowalski (The Maples): Thank you very much, Mr. McLeod, for coming back. It shows your tenacity for wanting to get your viewpoint across today, and I really appreciate that. I know my colleague the member for Inkster (Mr. Lamoureux) had a number of questions he wanted to ask you, but he has been delayed. I know one question he wanted to ask you was about resident advisory groups: if you have ever been involved in any resident advisory group, and if so, if they were consulted about this legislation.

Mr. Brian McLeod (Private Citizen): No, I was never a member. However, I saw them in action so to speak several times over the years, but it has to be a good 10 years or more since they vanished from the community committee that I attended. So I really have no knowledge of the consultation process at all.

Mr. Kowalski: Now, it is interesting what you were talking about. At one time you used to go to the Charleswood community office to present, and my family originally, the Kowalski family, were farmers

out in what is now Community Row and Rannock. That is where my grandfather had his quarter section of land when he first came here, so I find it interesting now.

Now, one of the things in your submission is that now to go to community committee meetings you have to go to St. James. You know, Winnipeg is not that big of a city in comparison to many of our rural members here. Do you see that as a hardship going to a standing committee meeting downtown if this legislation is passed?

Mr. McLeod: Well, of course, the local flavour has been lost somewhat. It is not that it is a great distance to travel, but it is a little bit of a hardship. At one time the community committees met in Charleswood and now it is St. James, and somewhere down the road where is it going to be? Is it going to be right downtown? Who knows?

My interest, of course, is maintaining the local flavour. Just as an aside, I know your family very well, the Kowalskis.

Mr. Kowalski: From your submission, it gives an indication that you have been very involved in the past and made presentations at different committees. If the City Council does away with the community committees, can you see people like yourself getting apathetic and feeling they do not have a say in civic government and no longer wanting to be involved?

Mr. McLeod: Well, I certainly feel that it has become more remote, and the advantage of the community committee, as I see it, is that you have three councillors in Assiniboia-Fort Garry now. You have one whom you speak directly to, and the others sort of know what is going on by osmosis. So you are not really dealing with complete strangers as you would be if you were dealing with a standing committee because I cannot see the councillor, say, from Transcona being very interested in my problems in Charleswood, even though they are of significance to me.

Mr. Marcel Laurendeau (St. Norbert): Mr. McLeod, I remember you from the council days when I was there. The one area that I would like to touch on is: do you think the city should have the authority to put

together a system that is working better than what you have today, not looking back to the '80s, which I know you have discussed your concerns around those ideas? But, with what you have today of three council members, do you not think the city should have the ability to put in place a system for better public representation?

Mr. McLeod: Well, I am not sure what that system would be, but I certainly agree that the city should have the right to change and to change with the times. There is no doubt about that, and there are certainly things in the community committee that need changing in my opinion, too.

Mr. Laurendeau: Do you not think that the local authority, City Council, should be the one that would make that decision, rather than us at the provincial level, who are not dealing with your community needs on an everyday basis, as your local councillors are or your local representatives? They are the front-line workers. Should they not, as a City Council, then have the ability through Plan Winnipeg to have open meetings to bring forward—so you could bring forward how you would like to see these committees structured in the future?

Mr. McLeod: That is really a pretty tough question. I certainly feel that the City Council should have more power, but at the same time I am a little nervous about giving this kind of authority. To me, it is the proper function of the Legislature to sort of direct them.

* (1910)

Mr. Chairperson: Thank you very much. Any further questions? Thank you, Mr. McLeod, for your presentation.

Mr. McLeod: Thank you.

Mr. Chairperson: I call next Mr. Paul Moist, CUPE Local 500. Mr. Moist, have you a presentation for distribution? The Clerk will distribute.

Mr. Moist, you may proceed.

Mr. Paul Moist (Canadian Union of Public Employees, Local 500): Mr. Chairman, Mr. Minister,

members of committee, we are pleased to have the opportunity to speak to this committee on Bill 36. Our local represents about one-half of the city's total workforce. We do not intend to speak on each and every proposed amendment; rather, our focus will be on a few significant changes which we believe will lead to both less democracy and less citizen input at City Hall.

Just by way of background and history, we have worked under the Unicity model for the last 25 years, and note that it has been the subject of almost constant debate and review. The City of Winnipeg Act itself has been amended regularly throughout this period and has been studied extensively, including the review done by the Cherniack committee, chaired by former Councillor Lawrie Cherniack. From an employee perspective, prior to Unicity, just to give you a bit of history, our members were covered by some two dozen collective agreements under 13 former municipalities. Since unification of the city, members now work under one agreement, and the city's total departmental structure since the advent of Unicity has gone from 27 departments to 12, with more consolidation pending.

Employees over the years have witnessed the shift from part-time to full-time councillors. That has been a painful one from an employee perspective, and the very public dismissal of our Board of Commissioners in October of last year. In 1991, in this Chamber, we spoke against the recommendations contained in Bill 68 to reduce the size of council. We predicted that citizens would have less access to their councillor, and the overall councillors' costs would rise. On both counts, that has proven to be the case.

The shift to full-time councillors has been a painful one for civic workers. We have watched our council's battle of wills with civic administrators, and, from our vantage point, it has been one of the darker periods in our city's history. Some excellent administrators have been fired.

Our elected officials have embraced micromanaging practices to the detriment of overall civic policy direction, and perhaps one of the most significant recent trends has been the steady stream of managerial resignations which amount to a brain drain which could have serious consequences for our community in general. Morale of all civic employees has never been

lower than it is at this time, and this is a direct consequence of the heavy-handed approach of our council's current leadership.

This heavy-handedness was evident in 1996 when council's leadership sought legislation from this level of government to roll back civic employees' wages. This unprecedented move came less than 12 months after City Council had freely entered into a five-year deal with our local. The hallmark of this council has been a propensity for in camera decision making, a desire for power, and attempts to quash all who do not succumb to their dictates. Many of the amendments being sought here seek to codify this less open and less democratic form of governance. We have concerns with these specific amendments.

Section 9, Term of office. There is not a lot of precedent for four-year terms at the municipal level, nor has there been any substantive justification put forward for this change from three- to four-year terms. Nor has there been any dialogue by City Council with Winnipeggers on this proposal. Given that citizen input in civic affairs is being reduced elsewhere in this bill, it is our view that the citizenry's right to replace their elected civic government ought not to be reduced to once every four years.

As an aside, we recall this government requiring City Council that they had to have a public meeting prior to any decision to establish a frontage levy on property as a new source of revenue for infrastructure renewal work. Why, on such a fundamental question as the public's right to vote on their civic government at regular intervals, is there no such requirement for council to meet with Winnipeggers?

Section 17, In camera meetings. Throughout the past six years, City Council's leadership has conducted much of the city's business in camera, away from a majority of councillors and media. This has not led to good government and at times has reduced city government stature in the eyes of many citizens.

Perhaps the most bizarre example occurred during the period of June to December 1996 when council's Executive Policy Committee took control of the city budget process and formulated a draft budget over a six-month term completely in camera. On the day their

budget was tabled, most of that Executive Policy Committee, including the mayor, repudiated their own budget within minutes of it being tabled.

The other concern we have centres around Section 17(2), which delegates authority to council to draft a by-law to approve matters which may be considered in camera. There are no caveats on this delegated authority, and it would seem almost anything council deals with might be determined to be an in camera matter. This, in our view, will not lead to an open and accountable city government.

Section 35 and Section 41, dealing with community committees and resident advisory groups. The removal of the legislative requirement for community committees and RAGs is a regressive move that reduces the right of citizens to participate in the affairs of their civic government. The Cherniack committee reviewed both of these bodies and recommended an option of strengthened RAGs and community committees. On the matter of citizen access to city government, the Cherniack report said: A good city government should have local involvement, accessibility, and openness. Does the structure encourage citizen involvement and confidence in city government? Is there adequate two-way communication between councillors and the public? Is city government sufficiently open in its operations? Close quote.

We strongly urge you to reject the recommended repealing of the requirement for council to have community committees and RAGs.

Power of the mayor, Section 18(2); Tie-breaking vote, Section 28; and Powers to appoint, Section 47(1), along with the power to suspend the CAO, all under the heading of Powers of mayor. The continuation of the trend towards the creation of a so-called strong mayor system is one we do not agree with. We believe it masks the inherent structural weakness in our form of civic government, namely that political accountability is absent, given the nonpartisan nature of City Council.

Vesting a tie-breaking vote and expanded appointment powers in the office of mayor will not create good government. Fully half of council could be disenfranchised by one person, the mayor, given these new and expanded powers. The proposed power for

the mayor to suspend the chief administrative officer for up to three days is without question the most bizarre amendment in this area. Can you imagine any employer, private or public sector, suspending their top administrative officer, in our city's case, somebody earning \$140,000 a year, for three days? At this level, in either the private or public sector, you back up your CAO completely or you dismiss the person. It strikes us as almost unbelievable that anyone would request such a trivial power or that this body would grant it.

The Cuff report. Many of the amendments we have commented on flow from the Cuff report tabled in two stages in September and October of last year. City Council did not reflect long on this report, nor did they consult the public on it. They also rejected virtually all of Cuff's recommendations for administrative restructuring below the level of the Board of Commissioners, correctly rejected them, in my view.

* (1920)

The other fact is that Mr. Cuff himself was a small-town politician with no consulting track record in large Canadian municipalities. That this Legislature would embrace so many of Cuff's recommendations, none of which were debated with the public at large, is inconceivable to us. Have you considered that Mr. Cuff may be less than qualified to consult when it comes to a city the size of Winnipeg? His resume has no cities of this size on it. Have you considered who hired Mr. Cuff and what their motivation was?

From our vantage point, City Council's Executive Policy Committee wanted rid of the Board of Commissioners, and they paid to have this conclusion reiterated in report form. Mr. Cuff's firm did not acquire an intimate knowledge of our civic government in the three or four months they worked as city consultants, and their report reflects this. Most of the report was rejected outright by all of council. It ought not to be used as a basis for such fundamental changes to our City of Winnipeg Act.

Finally, in closing, for the foregoing reasons we oppose the proposed amendments referenced in this brief. We do not believe they either enhance citizen participation in our city government, nor openness and accountability at City Hall. In fact, they do the

opposite. The other thing they do not do is deal in any way with the real issues facing our city, which include the following: no Capital Region development plan; failing civic infrastructure; unstable city finances; a crumbling assessment base; a sizable capital debt load; no downtown redevelopment plan, no coherent downtown redevelopment plan. This provincial government has over the past decade hurt City Hall through a policy of non co-operation and, at times, legislative attack. Winnipeggers deserve better from their provincial government, better than Bill 36 and better efforts on the above mentioned issues.

Mr. Chairman, if there are any questions, I will be pleased to try and answer them.

Mr. Chairperson: Thank you, Mr. Moist, for your presentation.

Ms. Becky Barrett (Wellington): Thank you, again, an excellent presentation. You say, and I think it is fairly obvious that we on this side of the House agree with you, that Winnipeggers deserve better from their provincial government. Leaving aside for a moment the real issues, which I also agree with you are not being dealt with and probably will not be dealt with, even if Bill 36 is passed—well, definitely if Bill 36 is passed—how would you see the provincial government dealing with the administrative issues that Bill 36 deals with? I think people have said during the hearings today that there are problems with, say, community committees and there are problems with the way City Hall goes about its business. Do you have any suggestions in that regard or any process suggestions?

Mr. Moist: Through the Chair, I think all elected members of this Chamber have responsibilities to almost 60 percent of the population who reside in the city of Winnipeg, and other administrations have taken it upon themselves to provincially mandate reviews of The City of Winnipeg Act, not to accept carte blanche motions passed by a harsh majority on the floor of Winnipeg City Council.

Please do not take any of these submissions as being an affirmation that the current RAG groups or the current community committee systems are working. Mr. Cherniack found that they were in need of resources and they were in need of restructuring, but it

is not hard to imagine why a community committee like the St. James-Assiniboia Community Committee may not work when meetings are regularly held at City Hall, at 510 Main Street, at one o'clock on a weekday, and that will fulfill your prophecy of saying people are not interested if you choose to structure meetings that way.

I also think all incumbents of this Chamber recognize that they may well have a new civic government in a few short months, and what is this Chamber to do, receive a steady stream of proposals from successive councils who may want this or may want that? It has never been the history under this act that a motion passed by council is instantaneously adopted by this Chamber, nor should it be. So I think there is lots that this Chamber can, and should do, to ensure that 60 percent of Manitobans have good government, and I would argue we have had painful government for the last six years.

Mr. Chairperson: Any other questions? Thank you very much, Mr. Moist.

Hon. Jack Reimer (Minister of Urban Affairs): I just wanted to thank Mr. Moist for his presentation. I just want to point out one thing. I was not sure whether you are aware of it. The requests for four-year terms were also submitted to the province in '87, '91 and '93, and, in fact, in the Ross committee report, it was also recommended, a four-year term.

Mr. Moist: Well, I guess it probably merits some discourse, much more than it has received to date; and, if it was coupled with comprehensive agreed-to plans to enhance citizen input, to put back into the neighbourhood community planning and regulatory authority, if it was housed with what I would like to see at some point in time some more agreement on capital works between this level of government and City Hall and a whole host of other amendments to get away from sort of the name calling that often happens between this building and that building, I think then you could more justifiably put on the table something as substantive as four-year terms. But, in the absence of any of that, just to hope that four-year terms are going to allow a council, as one speaker said here this morning, to be more aggressive with its employees because they will not fear the wrath of those employees at election time, is hardly justification to more in that direction.

Mr. Chairperson: Thank you very much, Mr. Moist, for your presentation.

I call next Carolyn Garlich, Council of Women of Winnipeg. Have you a presentation for distribution? The Clerk will distribute. You may proceed.

Ms. Carolyn Garlich (Council of Women of Winnipeg): Thank you, Mr. Chairman, Mr. Minister, and members of the committee for this opportunity to address Bill 36.

Since it was founded 104 years ago, the Council of Women of Winnipeg has been advocating for changes to improve the quality of life for women, children and families. We are here today asking not for changes but for the preservation of values embodied in The City of Winnipeg Act, which was adopted after widespread citizen participation. I would like to note that our 104 years of advocacy at City Council did not win us an interview with Mr. George Cuff.

There are many elements of Bill 36 which we can support. Some of the provisions give the city greater independence and flexibility in limited areas. Other provisions can be considered as housekeeping details. We can support these measures, but Bill 36 also introduces fundamental changes to the governance of the City of Winnipeg. We are appalled that this legislation is going forward without public consultation. In fact, our committee wrote to the minister, pleading with him to hold public hearings, but that request was denied.

Because we are an advocacy group, we realize how important it is for citizens to have access both to information and to their elected representatives. By removing all references to community committees and resident advisory groups, the bill makes it possible for the mayor and council to eliminate these avenues of access for citizens while placing no onus upon them to provide alternatives. This provision strikes a blow at democracy at its local level. While we acknowledge that in some areas the resident advisory committees have ceased to function, we feel that in other areas they still provide an important arena for citizens concerned about the quality of life in their own communities.

Concerned individuals may find that they have nowhere to turn. We would not like to see this door closed without another being opened. I have suggested an amendment. I am not entirely happy with the wording, but an amendment to the effect that, instead of saying the committee "may" provide a process, they "shall" provide a process to make citizen participation a requirement.

The increased concentration of power into the hands of the mayor and the Executive Policy Committee creates a cabinet style of government without the checks and balances of a party system. Candidates do not run on a platform for which they are responsible to the electorate. There is no organized opposition and little prior notice to members outside of the chosen ranks of issues that will come before council. Some of these conditions, and in fact most of them, already exist at City Hall, but this bill will make the situation worse.

I would like to comment that, as an advocacy group, these conditions have made it extremely difficult for us to track a measure through the process at City Hall. Councillors are often unhelpful. Approaching councillors is not particularly helpful, because we found that in fact there are two parties at City Hall, the in-group, who will not tell you anything, and the out-group, who do not know anything. So you are kind of stuck in trying to get information that would make you a good advocate for the public interest.

* (1930)

Often there are several candidates for mayor. The successful candidate may have an agenda endorsed by a small minority of citizens. It is quite typical for there to be six candidates, and it is quite conceivable that somebody could win an election to mayor with 17 percent of the vote, and quite typically it is around the range of one-third of the voters actually vote for the winning candidate.

If an impossible situation should develop, I mean, a mayor that obviously does not work out at all, the problem would be made all the worse by the extension of the term of the mayor and councillors to four years. In itself, the extension of the term is not a bad thing. A lot of energy, time and money is taken up in running for office. A somewhat longer term is justified. The

solution, however, should come in building some checks into the system and guarantees that each councillor has a voice.

I am not going to go through this whole list here of particular items, but we would like to see those particular items that increase the powers of the mayor removed from this bill by amendment. Instead of going through them, what I would like to do is I would like to paint a picture, if you would give me leave, of what this government might look like if you had to operate by these rules. Would that be allowed?

Well, first of all, none of you would be running on a party, so you would not be responsible for any kind of a platform. That includes the Premier, who is not the head of any party and responsible to no one but himself and perhaps a small minority of people who have elected him. Once you all get here together, you find there is one party, and that is the Premier party. The Premier would be allowed to choose half of you minus one to form his cabinet, anyone he so chose or felt like choosing and could exclude anyone for any reason that he did not want to include. Now, together with that, with naming the Speaker and with the additional vote for himself, he is guaranteed a victory on any matter that will come before the Legislature.

Now, he does not have to get many of these things because this bill will also allow him to rule that everything, except for a vote on a budget or a vote on the Estimates, can be handled by a committee. A report of the committee does not have to come back to the Legislature to be approved; it can be made final law by the committee. It does not have to be referred back. So, as soon as the Estimates are passed and as soon as the Premier gets this power, he then has the right to reduce his huge cabinet to a few individuals who are then in the position of passing all the legislation. The rest of you are nothing; you are nowhere.

Now, I think that most citizens would find this a very unacceptable form of government here. I hope you all would. I hope none of you would be pleased with this. I hope none of you would impose that on the City of Winnipeg, because those are some of the problems that could happen. Now, granted, if the mayor was a saint and did not use these powers—I am switching here back to the city and the mayor—if the mayor decided not to

use them, that might be well and good, but it really would take a saint not to be tempted to use these powers if they were faced with recalcitrant members on the council. We should not be building this information around saints. We should take people as they come.

I would like to go to my summary then on the last page. The kind of government that is contemplated in this bill would not be tolerable at the provincial level. Although the changes that stem from the Cuff report use the CEO of a major corporation as a model for the mayor, such an arrangement would not be tolerated in private business either. While power is certainly concentrated into the hands of the CEO, no business would guarantee an incompetent CEO four years in which to run the company into the ground.

Democracy is sometimes a messy business, but no better alternative has been found. It is not enough to give the public a vote every four years. Government, particularly at the local level, must be accessible to the public. It would be intolerable to put in place a system that would almost guarantee that half the councillors would be powerless.

Those who approve of these changes often have had the present mayor or their own ideal mayor in mind, but these changes, once in place, do not distinguish between good and bad mayors, competent or incompetent ones. The real test of a system is how it would function in the worst case, and that should be the standard that we set.

There has been no widespread discussion of these issues. We believe that, if the majority of people knew what was being proposed in this bill, they would certainly oppose it. We ask you to think carefully before passing this legislation. It will be difficult to undo, although now we have had one candidate for mayor who has said he would not bring them in. But we find it hard to imagine anyone elected to the office of government who would want to forgo the powers once tasted, and it would be politically difficult for the Legislature to make the move on its own initiative to undo them. The most prudent course would be to put the whole bill on hold until the public can be consulted. Thank you very much.

Mr. Laurendeau: Ms. Garlich, during your painting of your picture, you brought a thought to my mind.

You were saying that a committee of council could make a final decision without something coming before council. Could you explain to me what section of this bill would give you the idea that they could form such a committee that could make such a decision that council would not have the final say?

Ms. Garlich: Subsections 33(1) and 33(6), which require reports, orders, and decisions of Executive Policy Committee and standing committees to be adopted by the council as a whole, except under special circumstances, are repealed by this legislation. So the obligation to come back to council is repealed by 33(1) and 33(6).

Also, Section 33(2) allows council to delegate almost all of its powers to the Executive Policy Committee. Only a few duties listed in Section 105, which includes quotes on the budget and annual estimates, are required of the city as a whole.

Mr. Laurendeau: So would it not be, then, council delegating that authority on a whole? It would not be the committee that would be delegating the authority. Council would be delegating such authority to a committee. Is that not correct?

Ms. Garlich: That is correct, but you forgot the first part of my scenario. The first part of the scenario is that the mayor is able to appoint seven members of this committee, plus the speaker, and with their own votes they can make this motion and pass it. Once it is passed, then these things will be delegated to that committee.

* (1940)

Ms. Barrett: I do not really have any questions. I have a couple of comments. I thought one of your first statements, that Mr. Cuff did not see fit to consult with you, quite remarkable, and tangentially, if I may, no one, as far as I know, has access to the list of whom Mr. Cuff did consult with. His report only includes categories of employees and councillors, and then I believe there are approximately 14 outside individuals who were consulted. We do not have any idea who they were or what the process was. But I find it incomprehensible that Mr. Cuff did not seek to talk with your organization, all the work that they have

done, one of the best research organs in the city of Winnipeg and the province of Manitoba.

I like your scenario. I thought it was very true to what could potentially happen, particularly in the light of what you have said in your second to last paragraph that we must look at how a system would function in the worst-case scenario. All legislation must be looked at in that case, and I think that you have made a very good summary of what could very possibly happen in a City Council and with a mayor under the implications of Bill 36. So I thank you very much for your comments tonight.

Mr. Kowalski: As an opposition member not being in government, of course, we know that this bill is sponsored by the government who has a majority, and this bill will pass unless there is a groundswell of public interest and public debate. So far I have not received one phone call on this bill yet, and I have concerns about this bill. I think back a couple of years ago in my constituency. They were going to place a fire hall in a particular location and the people were very much against it, so they rallied the forces and they flooded the community committee meeting. The three city councillors then re-evaluated the situation, saw it was in their best political interest not to locate the fire hall there. As a result, I believe it is in a much better location.

So what I could see happening, this is an exercise for us to be able to say I told you so. A year from now when some local issue happens and, all of sudden, if this would happen a year from now and they went to the fire hall, they might go down to a standing committee to face some city councillors who have no connection with their community whatsoever, and as an opposition critic, I could say I told you so, but that is not very satisfying to me. Can you suggest any reason why there is a lack of interest by the public on these, what I consider very important issues?

Now I have seen this committee room just standing room only on some legislation. Why have I not received a phone call? Why is there not a great deal of interest about this legislation?

Ms. Garlich: I think the main reason is that the majority of the public really do not understand the

legislation or understand what is involved. It is really hard to get their attention on something as abstract as rules of governance. But I guess I do not feel—maybe I should, maybe I am naive in feeling so hopeless, but when I am speaking here I am speaking not to just the opposition, but I am also speaking to members on the other side. I believe that this committee does have some power, if the political will is there to amend this bill and to make it more friendly to the citizens of Winnipeg and maybe to some of yourselves who live in the city of Winnipeg. So that is my appeal to you, that all of you take that into consideration and bring back a better bill to the floor than left it.

Mr. Kowalski: I mentioned to some other speakers that we have a procedure. It is called a six-month hoist motion that allows, if it is voted upon and successful, that we would not vote on this bill for six months. That would allow for a lot of public debate during the next civic election. It would allow there to be a new mayor and City Council to—with a new mandate, a fresh mandate—give their view on this.

Do you think it would be a good idea to hoist this bill and not vote upon it for six months till after the next civic election?

Ms. Garlich: I think it would be a good idea to delay it, but maybe I do not share the same reason. I think the important thing is not to get a new council in who might or might not approve this. The important element is the public consultation, and that is what is missing. I would like to see not necessarily a six-month delay, but a delay until such time that the public could be adequately consulted.

Mr. Chairperson: Thank you very much, Ms. Garlich, for your presentation.

I call next Ambrose Percheson, private citizen. Ask the Clerk to distribute your presentation. You may proceed Mr. Percheson.

Mr. Ambrose Percheson (Private Citizen): Mr. Chairman, ladies and gentlemen. Most of Winnipeg council is requesting more power to govern Winnipeg by. Some social scientists claim that if these powers are granted, the mayor and the Executive Policy Committee would become a dictatorship within the

council. If you should study the Winnipeg act and the proposed amendments to it, yes, you will agree, that the mayor and the Executive Policy Committee will be the dictators of council. Right now the council stands somewhere between an oligarchy, the provincial government system, and an English duchy system. It is a mixture of many ideas. This is where the problem lies.

I do not think that anyone in particular is responsible for this setup, because I feel that you the government, the politicians, the thinkers, and the political scientists wanted the best government for the city of Winnipeg. But somehow, somewhere, something went wrong. As a result, the mayor and the council have a low profile among the residents of Winnipeg. Winnipeg is \$1 billion in the hole. The civic bureaucracy is so bad that the city had to hire an Ombudsman to help them. It is not the fault of the mayor and councillors, because they are shackled to a system that locks them in this terrible experiment of a unique municipal government for Winnipeg. To make matters worse, the council cannot function more effectively unless they are granted additional powers. Given these powers, our council will become a dictatorship. I detest the word dictatorship, so I choose to call it a benevolent dictatorship.

Whatever you wish to call it, it is the wrong government system for the city of Winnipeg. In my humble opinion, I suggest to the Winnipeg council to request the same system of government as 201 municipalities in Manitoba, every municipality in Saskatchewan, Alberta, and British Columbia have. The system may seem alien to some people, but it works. It is called a government of the people, for the people, and by the people.

You the government can easily do this with or without Winnipeg's request. All that is necessary is a change in Section 28(1) and Section 29(1) of the Winnipeg act. In Section 28(1) we read that the mayor is head of the council of Winnipeg. Ladies and gentlemen, in law, "head" means a chief or a ruler. You do not question the chief or the ruler. Section 29(1) creates the Executive Policy Committee. This should be omitted. In contrast, the municipal acts of every western province, including Manitoba, read that the mayor or reeve of the municipality is the chairperson or the person who presides over council. The

key words here are "chairperson" and "presides over." If Section 28(1) of the Winnipeg act is changed to read: the mayor is the chairperson of the City of Winnipeg council, councillors will be free and truly represent their electorate. If these two sections are amended, the result would be a true democratic system for Winnipeg, because the mayor becomes the chairperson of a free-thinking council.

Maybe I am asking for a miracle to happen, but I am optimistic. However, should the proposed amendment to the Winnipeg act go to a vote, I plead that you vote it down. It would be wrong for this government to inflict original sin on the incoming council, just as it is wrong for the present Winnipeg council to leave a benevolent dictatorship for the new council to govern by.

Thank you, Mr. Chairperson, for the opportunity to address such a distinguished group. Till we meet again, I bid you farewell.

* (1950)

Mr. Chairperson: Thank you very much, Mr. Percheson, for your presentation.

Mr. Doug Martindale (Burrows): I would like to ask Mr. Percheson—and thank you for taking the time and effort to be here tonight. I would like to ask you: why do you think the provincial government is giving the City of Winnipeg basically a cabinet-style government or cabinet-system government but without the checks and balances, which other presenters have pointed out, such as an official opposition party. Do you think there is some rationale for giving the city this model of government?

Mr. Percheson: I do not know why you would propose such a situation. The cabinet is the Executive Policy Committee. Now, they are the rulers of council. There are no checks and balances like an opposition party, or there are no political parties, as I mentioned in my presentation. Our council, the Winnipeg council, is a mish-mash of every other council, every other system you could think of. At least if you had one system, at least, all right, we have that system, we could do something with it. But you do not have it. You change it. Every year we change something there. Let us get

back to the old system or the system that is used right across the Prairies. Even the City of Vancouver uses a parliamentary system. The mayor is the president of the council of Winnipeg. The appointments are made by council, not the mayor. This is wrong.

The council should take an active part in everything, in the policymaking, the by-lawmaking, resolutions, everything. They should not rubber-stamp decisions by an Executive Policy Commission.

Now let me explain this to you. At present we have eight votes, that is, the mayor, the speaker, the deputy speaker, and the Executive Policy Committee, who vote as a unit, as a block. We have eight more votes, which are the other eight councillors. They can only oppose. Now, if they all opposed and blocked, you could tie up council indefinitely, but you cannot do that, because there is always a Judas or somebody trying hard to get on the Executive Policy Committee.

You cannot have a cabinet style of government for a municipal government, because a cabinet style of government is good for the province because they deal in provincial topics, provincial issues. The municipal government deals with municipal problems. That is my neighbour over the garbage can fence. We talk it over, we do not like the damn truck other there, the fire engine makes too much noise, the kids are rattling. This is not for a cabinet to decide.

Mr. Martindale: I would just like to point out I agree with much of your analysis including the expression "benevolent dictatorship," and that is one of the reasons why we voted against this bill in second reading. Thank you.

Mr. Chairperson: Any further questions? Thank you very much, Mr. Percheson, for your presentation.

I call next—the name on the list is actually Carol Ann Borody, but I understand Paul Labossiere is appearing in place of.

Mr. Paul Labossiere (Winnipeg Chamber of Commerce): I aided Carol Ann at one time, but I am not her.

Mr. Chairperson: We will have the Clerk distribute the presentation.

Mr. Labossiere: Thank you, Mr. Chairman, and committee. I would like to just—

Mr. Chairperson: Just a minute. Thank you very much. You may proceed.

Mr. Labossiere: I am going to probably offer a different perspective and a different approach to this discussion than what we have heard from the first few speakers. First, I would like to begin my presentation with a brief description of the chamber and its mission.

The Winnipeg Chamber of Commerce was incorporated on March 8, 1873, as the largest business association in the community. Throughout its existence, the chamber's mission has been to foster an environment in which Winnipeg business can prosper and hence the city prosper. Currently, our membership includes over 2,500 representatives from 1,200 member companies representing over 65,000 employees. While the chamber represents companies of all sizes and sectors, approximately two-thirds of our membership consists of companies with 10 or fewer employees.

The chamber, while actively involved with a variety of issues and activities, has focused its energies this year on three strategic activities: downtown revitalization, the aboriginal economic development, and fostering a positive relationship between the City of Winnipeg and the Province of Manitoba. In that, the issues that we are dealing with in Bill 36 have been very, very important to the business community.

I think it is important to say at the beginning that a city election is really unlike a lot of other elections that go on, either provincially or federally, in that there are no party structures, there are no party Whips, there is no set platform that a whole series of people are running on. Each one is represented and elected in their particular ward, usually based on their personality and based also on local issues, whether it is garbage collection or whether it is something smaller.

There is one person who is elected by the city as a whole with a vision, and that is the mayor. That is the only person that the whole city votes on, so the person who is elected is really given a mandate by the city to carry out the vision that was presented. Until Cuff—I am the changes that occurred at City Hall from Cuff—I am

going to try to put in perspective the kind of situation that that mayor elected by the people would find herself or himself in, because I have heard some different views, and I would like to present another one.

If this was the provincial government and the minister asked a deputy or a member of the department to carry out a function or to do something, the normal thing would be that person would do it. If he did not, the minister would get somebody who would, because they had been elected to carry through on a mandate. Under The City of Winnipeg Act, as it was, basically if the chief operating officer of the city said to the mayor, I really do not want to do that, the mayor basically had to go to City Council and have a bill or by-law passed ordering that person to do that. That is how restrictive it was, and I can go on and on and on.

So, basically, something had to be done to allow somebody to be in a position to carry through a mandate to govern at the city level, and if that person did not present something that the public wanted, the public knew who was accountable and could get rid of that person in the next election.

The Cuff report set out some of these changes of the civic government, and a lot of these changes the chamber had actively lobbied for over the last decade. Some of those things included, as I mentioned, this ability for somebody in some way, some group or individual to be able to carry through some form of action without a lot of philandering and pulling aside and that for reasons that really were not relevant to it; also, the ability to reorganize for cost-effectiveness and also to find an accountability and to allow speed in actions. The other system could bog down things forever. The existing system was parochial, and it really did not allow for a city-wide vision in any form, so, obviously, it had to be changed.

First, the chamber would like to congratulate the provincial government for introducing these changes to The City of Winnipeg Act and some of the ones called for in the Cuff report and asked for by City Council. I would also like to point out that it was City Council that asked, not just a few people in the City Council. It was a very large majority of City Council. I believe there were only maybe four votes against us at the time.

These are the representatives of all those different groups and all those different people.

* (2000)

Another point, too, before I go into it, that I would like to make a note on in terms of the council acting in a hurry, there are from time to time complaints, it seems, that while there was not all this public consultation and things, and I think if you look back, you will see there has been a lot of it over the years. You just have to list the number of reports and things that have gone on.

I think it was fairly understood what was needed. But, more importantly, under the City of Winnipeg Act, previously it called that the city, the council had to, in their first meeting following the election, create the organizational by-law. If they did not do that, they had to wait until the next November to do that.

So there was a short period of time from the time that the Cuff report came in, just a number of months, until that was necessary. Otherwise they would have waded through until virtually the next council. We would have had another long delay, another whole series of people to look at the question again and everything else. That was probably the major reason why they had to move, and it was time to move.

Some of the areas that the chamber had called for and changes that they had called for, for years and years, to allow some of these things to occur and are presented in this bill is a four-year term for the mayor and city councillors. I think there are a number of good reasons why that four-year term can come into play. I am going to give you just one of them.

If you look at the scenario now, when somebody is elected—the election is in October—they come into play in October where a budget has basically already been built by the previous group that was elected. They have basically—I mean a little bit into March, but they are basically trying to get this thing done by December so that they are not spending money already they have not voted on right through till March. So, basically, in the first year of the budget, the direction of the city is not the people's who are elected. Through the second year, they finally have a chance to start presenting their

vision forward and doing the things that they feel should be done and the citizens have asked them to do. Then what happens is, once we get into the third year when things are starting to move, it is an election year. Guess what? They do not get the chance to even pass the budget they have worked on that year because they are going out to election by July or August before that even occurs. Adding the extra year gives the ability to carry through properly without having two election years interfere in that three-year mandate. That is only one of the reasons why we have asked for this for a long period of time.

We also have asked for the elimination of community committees and RAGs and have for a long period of time. It is not because we do not believe in citizen participation; we think that is a very important process. However, I think it has been stated here and it has been stated before that the system, as it is now, does not always properly work. What is right for one ward is not necessarily right for another ward because of the different types of individual problems in those wards, the types of activities.

In some cases, there have been people active and in some others there has not been at all in the citizenship. First of all, in most of the cases where citizens have been active, we do not believe that they have truly represented the people as a whole. These, in a lot of cases, have been people who are sort of political junkies and follow the system and that, and their viewpoints have not really reflected properly. What this will do is allow the councillors to choose a system that may be individual for each area, for each ward, that will be best for their own area. They will be accountable to the people in that area if they do not provide that type of system.

So, in one case, maybe they will have resident advisory things and meetings, et cetera, and in another area it might be some version of the community committee, whatever they decide on. But this gives the ability for them to react to what is the best for them and for the people that they represent and also takes away from the slowing down of the process. The whole budget process, the whole situation under the old system was just a bog, a quagmire, to try to accomplish anything. It allowed councillors to vote four or five different ways on the same motion, depending where it

was at. If it was in their area, sure, they are never going to vote against something that is for their area. If it is in standing committee, they represent another different factor, and it kept on an on and on. This cleans up a lot of that system.

The EPC authority to recommend the appointment or dismissal of chief administrative officer, dismissal of people recommended by the administration, et cetera, I think is gimmes because it allows them, somebody, to make changes and allow things to take place. Until recently, to fire an individual in the City of Winnipeg required the board of commissioners to do that. This is a city with 10,000 employees or so. It would have to go through a whole series of appeals to as high as the board of commissioners. Any business or any type of organization that had to operate that way could not operate that way, and it was very evident that was also happening at the city.

The tie-breaking vote I think is extremely important. It was there before. It was only away for a short period of time, but it allowed many, many items that had been tied to be lost completely, so that no resolution was made for those items. I think that at least this way someone who has the tie-breaking vote has to take the responsibility for what they do and what they say. That is what leadership is about. Before, you had a person who was elected by everybody and did not have the ability to lead in any way. They were one of 16 people who were under constant flak from all over, from the press, from everybody else, with no ability to lead and not understood by many people.

I think if you examine the opposition that comes at this body, or otherwise, I think you will see in most cases that these are people or groups that have some self-interest in the activities that are going on. It does not say they do not really truly care for what happens, but in most cases these are people who are being displaced in some way by the existing changes, and I think that is very relevant. Also, and this is only a personal opinion, but I think that there may not be people pounding down the doors to be in here because most of them know that changes have to be made at City Hall and are in favour of what is taking place.

We believe that Bill 36 provides a model of civic governance with better decision making and greater

accountability by both City Council and the administration. We also believe it is not a coincidence that the city has stood still. It started to move backwards under the old system, but it was partially as a direct result of that old system and the inability to lead and to create some form of vision that was city-wide that that occurred, and we think this is very important.

Therefore we are recommending that the Standing Committee on Municipal Affairs endorse Bill 36 and abstain from proposing any further amendments to the legislation. Thank you.

Mr. Chairperson: Thank you very much, Mr. Labossiere. Ms. Barrett?

Ms. Barrett: Thank you. A question first—well a couple of questions, maybe. In your first paragraph, in the introduction, you talk about the Cuff report as representing the most significant changes in civic governance during the past 25 years, and yet it does not seem to concern you that the sweeping changes were effected both at the city level and now at the provincial level with virtually no public input which has been unlike any of the other task forces and reports that have in the past 25 years made changes to—first, the creation of Unicity and then making changes to that structure.

So I am wondering how you balance the two positions that you are taking, that these are sweeping changes, and yet you do not have any problem with the fact that there is virtually no public consultation.

Mr. Labossiere: I think, Ms. Barrett, what I had said at the beginning in that regard was that we believe there has been tremendous amounts of public participation and discussion in these items in various forms over the years. I do not know how many times over the last 15 years I personally have made representations at different levels of government and that in this regard the chamber alone has had a series of meetings where we have invited the public, too.

We had a very large forum just a year ago where everybody from Paul Moist to—everybody from every end of the spectrum was there and participated in it. There was very large unanimous agreement in which direction the changes had to take place. I think there

has been discussion every time Plan Winnipeg has come up. I mean, I can go on. There has been a tremendous amount, and I think it was time for action. You saw what was been happening to the city in the last period of time in terms of the reassessment issues, in terms of all these sorts of things. We were getting to the point where the money was not there anymore; nobody was in the position to lead. So I think there has been more than enough consultation.

* (2010)

Ms. Barrett: Did you consult with your members on the specifics of the Cuff report and then Bill 36, which are different in substantive ways from any of the other proposals that have had at least a modicum of public discussion? They are different from the Taraska report. They are very different from the Cherniack report.

They are even different in some major ways from the Eldon Ross 1991 report which was, by the way, the last broadly based report that dealt with the City of Winnipeg, and there were hearings for months on that one. There were no public hearings, no announcements on this.

Did you at least—the CFIB, this morning, did not. I am wondering if the Winnipeg Chamber of Commerce actually surveyed its members before making a presentation here or discussing what should be said here.

Mr. Labossiere: Yes, we did, Ms. Barrett. We did actually on a number of occasions. We did it through a number of different ways, as I said, with open forums, with discussion groups. We did it actually with some fax out to all the membership and polling, and then the Chamber council created a position on it. It is from that position that we have made this presentation, because it has not varied from our findings. We had a lot of consultation with our membership.

Ms. Barrett: Did you talk with Mr. Cuff—I do not mean personally, but your organization? Did he discuss this issue with you? Were you one of the 200 groups or individuals that were dealt with and if you were, did you ask to meet with him or did he ask to meet with you?

Mr. Labossiere: Yes, I was with the individuals that met with Mr. Cuff. Yes, he did ask that I meet with him. We never did request that, because we were not aware of what the procedure was going to be in terms of who was being interviewed and for what purpose.

Ms. Barrett: One final question or comment. I noted with interest, and it is not in your written report, so I may have the wording slightly incorrect, but you talked about the people or the groups that were in opposition to this being self-interest groups or were groups that were, quote, I think you said, being displaced. I am wondering if you could expand on that just a little bit.

Mr. Labossiere: I guess my comments in that regard were if you examine the lists of most of the delegations that have come forward, you will see that these are members that are from RAGs or community committee groups of various kinds that participated before. There are city unions and that sort of thing, all people, as I said, that in some way feel how their participation has been will change somewhat, and they are calling for a status quo and that is what was the basis of my comment.

Mr. Martindale: I would like to ask the presenter, Mr. Labossiere, about your recommendations. You said that you believed that Bill 36 allows for greater accountability by both City Council and administration. I would like to ask you: to whom you believe there is greater accountability?

Mr. Labossiere: I believe to the citizens of Winnipeg for the simple reason—I mean, I can expound on this for a long period of time, but I am going to try and make the simple answer. If someone now goes forward, such as a mayor, with a definite plan or an idea that they want to bring forward, they are going to be in a better position. They still have to get the rest of the councillors onside. There are no party Whips here, so we keep hearing talk about EPC voting as a block. I mean they have got to only vote as a block if they all believe in what is coming forward. I mean each of these councillors best interests or interests in most cases is the fact that they have a job as a councillor, and they want to preserve that.

I think what happens now is that someone has the ability or group has the ability to bring something forward quite visible without the types of interference

that occurred from administration in the past, from other types of areas where they could be bogged down. They could bring it forward, and now it is their idea. It is well known to the public that this is the person who brought it forward and this is the group that brought it forward and voted for it and was not somebody else's in the past. Just like budgets in the past were really administration budgets. They were voted on by the councillors and I guess they had to take responsibility for them, but they really, in effect, were not. Now this material will be a lot more somebody's responsibility right or wrong, and the citizens now will be able to judge whether they are happy with what is coming forward.

In the past, that was not the case, and that was brought out by Mr. Moist when he said, well, you know, they would bring a budget forward and then immediately jump back and say that is not my budget. I think anybody who watches those processes closely could understand how that could happen. This will not happen in the future. Somebody will have to stand up because it will, in fact, be their budget, and they will have to be responsible for it.

Mr. Kowalski: I have a question then a comment. The question is that at the foundation of this report and this legislation, the Cuff report I am referring to and this legislation, is the idea that business analogies should be used for civic government. That is the basis of it, that civic government should be run as a business, bottom line, with a CEO and that it would be a better system if civic government was run more like a business. I do not know if that is necessarily true.

You know, we could think of government in many ways. We could think of it as a family. We could think of it as a community. Right now, I know it may be the current parrot thinking that we should take the business analogy to every branch of our lives, and in many cases it can be better, but not necessarily.

Do you believe that civic government, and government in general, and this legislation takes us to a system of civic government that is more like a business and that therefore it would be more efficient?

Mr. Labossiere: First, Mr. Kowalski, we never did make that statement, at any time, that this was making

this run more like a business. This is your analogy, because we do not think that is really relevant in this discussion. I think there are two parts to that, and I think that the administration of the city should be run in the most efficient manner. If that is a business-like manner, I think that only protects the funds and the taxes paid by the citizens. We are talking about a corporation that has a billion-dollar budget, and if it is just run like out of some backroom situation out of a shoe box, then we are going to have a lot of problems.

We have a lot of things that have to be straightened out there, and one of them is accountability from the administration. So, yes, it probably should be run much more as a business in terms of full costing and things that have not occurred before, so citizens do understand what goes on.

But crossing over from that, we do understand that government has a whole wider view of what occurs, because they are responsible for the betterment of the citizens as a whole and the protection of the citizens as a whole. You know, the business community believes that also. There sometimes is a misnomer that everybody in the business community is like the giant conglomerates, and I think if you look, as we said, our organization is mostly small businesses who are citizens here in the city.

When we bring forward a position, it is not just to better us as business people to try to make an extra buck here, but we also live in the city. Our kids grew up in the city, and we want them to stay here. I have also watched my daughters become very involved and then leave the city, and it upsets me and I want to be able to bring them back here.

So I do not think that analogy makes any sense here. This is not business versus the other. We are just saying what we really feel is necessary, and maybe because some of us have run businesses and had to deal with problems and finances and things, maybe we are in a position that we can understand some of these things a little clearer than somebody who has not, and that is why we present that opinion.

Mr. Kowalski: My comment and—any presenter who comes before a committee of the Legislature is treated with a lot of respect, no matter how much criticism or

anything else. So my comments are no disrespect to you, but it is because of other presenters. You have questioned the motivation behind some previous presenters, and in their defence, I do not think Mr. Brian McLeod has any self-interest here. I do not think Carolyn Garlich or Mr. Ambrose Percheson, who came here tonight as private citizens—no one's motives should be questioned who comes here before their Legislative Assembly to make a presentation, and I take you to task for that, sir.

Mr. Labossiere: Well, I will apologize if in fact anybody feels slighted by that comment, but I felt that it was a relevant comment in that sometimes the weight of numbers in a thing can tend to make something look a little bit different. I think that a lot of presentations coming forward sometimes, and I am not going to judge which ones, are quite political. If you do not believe that the city union's presentation does not have self-interest in it, then, you know—I do not have a direct interest the same way as they do.

An Honourable Member: You do not have an axe to grind?

Mr. Labossiere: I have an axe to grind like everybody does as a citizen. I am sure that we all feel that things should be run differently.

Mr. Laurendeau: It is getting away on you, Mr. Chairman.

* (2020)

Mr. Chairperson: I have been very patient, and I say this to all members of the committee. Thank you.

Mr. Labossiere, you may proceed.

Mr. Labossiere: I am finished unless there are more questions.

Mr. Chairperson: Thank you very much for your presentation.

May I ask committee members—Mr. Reid, if you want dialogue with the members opposite or anybody on the opposite wants to dialogue with members of govern-

ment, please do so outside this room. We would appreciate that.

I call next Mr. George Harris.

Point of Order

Mr. Daryl Reid (Transcona): Can you advise me, Sir, who was I dialoguing with? I am sitting here in my chair watching members. Who am I dialoguing with?

Mr. Chairperson: Mr. Reid, I was hearing you clearly make comment to the opposite side of the table and, I suggest very clearly, you, as all the other members of this committee, if you want to dialogue with members opposite, do so outside of this Chamber. Thank you.

* * *

Mr. Chairperson: George Harris. I call Mr. George Harris for the second time. [interjection] Is he out there?

Mr. Dyck, I include you as well.

Mr. Harris not being here, I am going to recess the committee, if that is the will of the committee, to allow you to discuss the issue that you need to discuss, and then we will continue the deliberation. Thank you.

Mr. John Kubi, East Kildonan-Transcona Residents Advisory Group. Mr. Kubi, have you a presentation for distribution?

Mr. John Kubi (East Kildonan-Transcona Residents Advisory Group): Yes.

Mr. Chairperson: The Clerk will distribute. Mr. Kubi, you may proceed with your presentation.

Mr. Kubi: Thank you, Mr. Chairman, members of committee. As I was sitting back there all morning and part of the evening, I could not help but notice the common threads going through the various presentations. I hope you take note of that and do something accordingly.

We are here today primarily because various councils over the past 25 years have refused to buy into citizen

involvement in local government via a concept based on communities and formal community councils or committees and have refused to acknowledge the fact that communities have the right to decide what is good for their neighbourhoods and what is not. They have, in many cases, resisted the concept and treated the people in it with avoidance and disdain. Interference by residents via this concept has been viewed by some in power as being undesirable. Consequently, over the years, they have requested and have had approved amendments to The City of Winnipeg Act which have gradually diminished the powers of community committees to the point where council can now say the concept is not working and reference to same should be removed from The City of Winnipeg Act.

The Cuff report and council's current request to you are the last nails in the coffin of what could have been a model for citizen involvement in local government if former councils and governments had bought into the concept and supported it.

With reference to the Cuff report, I can only say this. The report was developed after the following selective interviews: 16 councillors, 134 Level I and Level II managers, 38 Level III managers and other staff, and 14 external interviews. The general public, the group that would be most affected by any changes had very little input. Firstly, in methodology and consequently substance, the Cuff report is certainly not a committee of review of The City of Winnipeg Act report of '76 or The City of Winnipeg Act review committee final report of '86, nor is it a report of the Winnipeg ward boundaries committee of '91. These reports were prepared after an extensive public hearing process.

Secondly, though I was interviewed by one of the consultant's representatives and had made a decision to provide him with written comments, I could not obtain the terms of reference that Executive Policy Committee had provided to the consultant because they were secret. I was advised that they were dealt with in camera, and, consequently, I could not see them, a typical example of openness at City Hall.

Cuff, who did not hold public hearings, came to the conclusion that perhaps our current structures precluded some residents from accessing the decision-making process. Community committees and resident

advisory groups do not stand in the way of greater flexibility in public participation. On the contrary, they are existing community-based access points to council and to the community. Removing either one or both and further concentrating decision making in the hands of a few at City Hall is not a move to a more democratic and representative city government. It totally ignores the fact that citizen participation in matters which affect the quality of life within their communities and neighbourhoods is necessary not only during elections but also through other formal, ongoing means.

The basic approach to change in civic government and administration during the period between '72 and '92 has been public consultation through the public hearing process scheduled at times and places convenient to the residents. Council and Cuff have, however, chosen a method containing only a token gesture to public consultation and at times and places convenient to them and not the public. To some extent, you have also chosen a place and time convenient to you and not the general public, and I say this as a friendly criticism, not to be taken in any derogatory manner, but if you want to hear what the community has to say, then you have to get down to the level of the community.

As a society, we have choices to make and complex issues to resolve. At stake are our communities as healthy living and working places. As members of a democratic society, we need to participate in making choices and resolving issues that have an impact on our community. From time to time, we are faced with real emergencies, both social and economic, as we become ever more concerned about decisions which involve reallocating limited resources and cutting back on existing programs and services, it becomes even more important for us to be involved in the decision process. When participation by citizens becomes weak or stops, democracy suffers.

Over the past 30-plus or minus years, our political representation at the local level has gone from one representative for approximately 5,200 people to one for approximately 45,000. Our communities are now better represented at the provincial level than at City Hall, for an MLA represents approximately 20,000 people. The government that is supposed to be the

closest to the people is now the least representative of the communities it is supposed to represent. As our local government gets closer to government by one, as has been the trend recently, the necessity for enhanced citizen participation is very clear.

I am not going to tell you we can legislate citizen participation in local government. That is up to the individual. I am also not going to tell you that there should not be flexibility in the ways in which participation takes place. Furthermore, I am not going to tell you that councillors do not consult with their communities. Some of them do. What I will say, however, is that legislation can provide at least a basic and universal level of opportunity for those interested in local issues to have a voice and be heard, and that a strategy for citizen participation is more likely to be developed by council if it has statutory obligations.

Council has requested this government to amend The City of Winnipeg Act to provide for a four-year term for councillors, to provide the mayor with a tie-breaking vote, enable council to determine the process for citizen participation, repeal reference to community committees and resident advisory groups, reduce the act's proscriptive nature and introduce increased flexibility and authority for council. If the province agrees with the city's request, what impact will this have on citizen participation in local government and will our council be more open, accountable and accessible?

If council is provided with authority to decide when and where it should seek community input, without statutory requirements, it will be selective. This is not the way to strengthen participatory democracy in local government and is certainly not a blueprint for the 21st Century. Statutory requirements should be enhanced to give communities more authority over local matters and opportunity for greater involvement in city-wide issues. Gone are the days of voting in a politician and allowing him or her to make all our decisions.

* (2030)

Greater powers to the mayor and his or her executive will only exacerbate an already unsatisfactory situation. This is not the time to be centralizing powers downtown and destroying bridges to community input.

Concentrating decision powers in a few hands at City Hall will in effect eliminate certain communities from involvement in some major decision processes. Approximately half of council is, for all intents and purposes, already out of effectively representing taxpayers at City Hall.

The mayor does not require additional powers to fulfil his or her primary responsibility of providing leadership. Political leadership is a function of personality and ability to build results through negotiation, consensus, and compromise and should not depend on dictatorial powers enshrined in law. Democracy is based on one person, one vote. If half of council cannot agree with a proposal or motion and, since this half of council represents about half the population of Winnipeg, then this proposal or motion should be redrafted, presented again to obtain council approval and not be left to be decided by two votes cast by one individual. It was for these reasons that the tie-breaking provision was removed from the act.

With respect to extending councillors terms from three to four years, one of the major arguments in this regard is to facilitate long-range planning. This may be true. However, if you look at the number of terms that councillors have been on council, there are only four that are in their first term. The rest have either been there before, are in at least their second term, or are making careers out of being councillors. I submit to you that this reason for extending the term to four years is not a valid one. The other major reason relates to cost savings. This is a valid reason as there will be one less election every 12 years.

We do not need career politicians at the local government level. We need some fresh faces and some new ideas. What is required is to limit the number of consecutive terms an individual can serve on council. This would encourage greater participation, interest and enthusiasm, not only on the part of candidates but also in the general public. Council already limits the number of consecutive terms individuals can serve on boards.

Under no circumstances should any portion of a council meeting not be open to the public. There is adequate opportunity at various committee levels to deal with all situations, and committees can go in

camera. Once a matter hits the council floor, the public has a right to know all the facts.

In summary, what can be expected in the future if you approve council's request? Much less, if any, public consultation and community input; centralized decision making and more exclusive as opposed to inclusive government; probably no more community committee meetings in the community; citizen participation will be at the will and pleasure of individual councillors or groups of councillors; a more dictatorial form of local government; some communities and/or groups will be well consulted, while others will not be consulted at all; community issues and concerns will receive even less attention than they do now; more decisions being made behind closed doors.

The public spoke during the reviews of '76, '86, '91, and in the consultation process relating to the development of Plan Winnipeg—more openness, more accessibility, more public consultation and involvement. In other words, the residents of the city expect sound, ethical government from a council that cares about community needs and aspirations. They expect the governing process to be transparent, fair and accessible. The reality seems to be that Executive Policy Committee and its supporters have lost sight of the residents' wishes and have been becoming more secretive, more dictatorial, and, as a result, public consultation has been breaking down.

It is time to reverse this trend and tell council that it cannot be trusted with more power in making decisions with respect to ongoing community involvement in local government. In this regard, the act must continue to be prescriptive, and council must continue to be guided by statute. Public consultation and citizen involvement in matters relating to their communities, neighbourhoods and indeed even city-wide issues, like the electoral process, are too important to be left to the will and pleasure of a handful of politicians. Furthermore, rules for public consultations should not exist in their minds but in statute.

As we approach the 21st Century, this is not the time to be minimizing community involvement in local government, nor is it time to be dismantling existing structures relating to same and concentrating power in

the hands of a few politicians. On the contrary, other governments are funding and utilizing community groups. Past and more recent studies are pointing out a need for same. In this regard, I enclose for your information a copy of page 113 of the recently released report prepared for your government and the City of Winnipeg entitled TransPlan 2010 Moving Towards Solutions. The contents are self-explanatory and reinforce the position that community groups have a role to play in local government. Consequently, provisions in this regard, both statutory and otherwise, that exist in our city should be enhanced and not deleted or repealed as proposed by our council and Bill 36.

The East Kildonan-Transcona Residents Advisory Group recommends the following: that the mayor not be given additional powers with respect to appointments; that the mayor not be given a tie-breaking vote; that councillors' terms of office be increased to four years; that the number of consecutive terms an individual can serve on council be limited; that the sections dealing with community committees and resident advisory groups not be repealed but enhanced with respect to authority over local matters; that council not be given authority to conduct in camera meetings.

It is true that other studies have questioned the effectiveness of the current concept of local government. However, questions relating to the concept's ability to provide a forum for citizen participation focused on lack of decision-making authority and lack of resources at the community committee and resident advisory group level and the reluctance of past provincial governments to increase the decision-making authority of community committees.

The Report of the Winnipeg Wards Review Committee of '91, which did recommend deletion of reference to community committees and resident advisory groups from the act, stated in no uncertain terms, and I quote: We are not prepared to recommend the abolition of community committees, particularly following our public hearings, without first of all ensuring that an effective and reasonable alternative for public input exists, end of quote.

Mr. Chairperson: Thank you very much, Mr. Kubi, for your presentation.

Ms. Barrett: An excellent summary of some of the concerns that we have heard not only today but from other people. Thank you very much. I was quite interested in your statement on page 1 that you could not obtain the terms of reference for the Cuff report. Was any reason given other than that they were secret, any reason given for why they were secret?

Mr. Kubi: No, no reason was given. The Clerk's office just said that the matter was dealt with in camera, and they could not release the information. They did eventually come out when the report came out.

Ms. Barrett: You also said that you met with one of Mr. Cuff's employees or his representative. Did you ask to meet with him or did Mr. Cuff approach you?

Mr. Kubi: I received a phone call. I was asked to participate, yes.

Ms. Barrett: Yes, on page 2, again, I think there are many important issues, but the whole role of the public citizen participation and the consultative process of going both ways, both from the community to the city councillors and back to the community, you have stated, I think, very effectively that what the legislation needs to do is to provide a basic floor of community participation. My assumption, reading the current act and your comments, too, is that—and if you could say if I am right or wrong—there is no prescription in the current City of Winnipeg Act to having council, as a whole, or individual councillors have a broad range of consultative processes in addition to the community committees and RAGs. Is that accurate?

Mr. Kubi: Other than Plan Winnipeg, yes, that is basically it. But Plan Winnipeg is a special sort of—you cannot rely too much on Plan Winnipeg. That is a special process already. It deals with Plan Winnipeg. It does not deal with political representation or other things like that.

Ms. Barrett: What I was trying to get at is that the current City of Winnipeg Act does not prohibit a councillor from using other consultative resources in addition to the community committees or RAGs, so that it would appear that the argument, which is used by the proponents of this element of Bill 36 that state that it provides more flexibility in consultative processes, is

not really accurate because there are still a wide-range of processes in addition to community committees that can be used. Is that an accurate assessment from your view?

* (2040)

Mr. Kubi: Yes, it is. They can consult with anybody they want, but the basic format is there for those who want to participate in it, and that is what should remain.

Mr. Chairperson: Thank you very much Mr. Kubi for your presentation. I call next Mrs. R. Ross. Is Mrs. Ross here? I call Mrs. R. Ross for the second time. Not seeing her, I call Richard Gagnon, Point Douglas Residents Association and the Norquay Community Centre. Mr. Gagnon, have you a presentation for distribution? The Clerk will distribute.

Mr. Richard Gagnon (Point Douglas Residents Association and Norquay Community Centre): Good evening, everyone. On behalf of both the—

Mr. Chairperson: Just wait till the distribution has taken place. It makes it easier. Thank you, Mr. Gagnon. You may proceed.

Mr. Gagnon: Thank you, Mr. Chairman. On behalf of both the Point Douglas Residents Association and the Norquay Community Centre, I would like to take this opportunity to thank this committee for hearing our concerns over possible changes to The City of Winnipeg Act.

Firstly, I would like to begin by telling you a little about us. Nestled in the heart of the inner city with Redwood Avenue as the northern boundary, the Museum and Planetarium complex as the southern boundary, with Main Street in the west and the Red River in the east, Point Douglas is one of the oldest residential areas in western Canada. We are a wonderful multicultural mosaic, typical of Winnipeg's famous north end. While I truly enjoy living where I do, this is not to say that it is without its challenges. Our community centre does its best to deal with some very high-need individuals, and our residents association has dealt with some of the most complex and difficult issues facing our society, including addictions, prostitution, crime and poverty.

Changes to The City of Winnipeg Act, particularly in this decade, have given us real cause for concern. Beginning with the reduction in the size of City Council to 15 members was the beginning. The powers that be told us that a smaller City Council would be more efficient and possibly less costly. Having seen our City Council deal with some of the issues of the day, I personally do not see any more efficiency, and with the hiring of support staff and higher salaries, it is certainly not less costly.

However, it is less democratic than ever. When wards were smaller, someone could run for city councillor on a smaller budget, and it was easy to reach your city councillor. Now with wards of approximately 40,000-plus people, running for City Council is out of the question for many citizens, unless you have ties to individuals or businesses or other groups with money. In addition, it is more difficult than ever to reach your councillor, despite their good intentions. Also, there is the issue of secrecy at City Hall now more than ever. Simply put, many of us feel that there are fewer people, councillors, who have information about the inner workings of City Hall.

Now at the same time, there is a great deal of confusion about resident advisory groups. Were they made an option at the same time that City Council was reduced in size, when people were perhaps preoccupied with the reduction in the size of City Council? Perhaps somebody on this committee could clarify this for me? For example, I can tell you that the City Centre Community Committee has voted consistently to retain their RAGs, whereas the Lord Selkirk Community Committee where I live has not. It is my understanding that resident advisory groups are to be done away with altogether with the proposed changes to The City of Winnipeg Act.

RAGs were an excellent form of participatory democracy where citizens could have input into their community committees and city government. I ask that the government not do away with RAGs and that all community committees be mandated to have them, if they do not already, which brings me to my next point.

Community committees are also to be done away with if recent proposed changes to The City of Winnipeg Act are adopted. These community

committees were also an excellent vehicle for participatory democracy. I have attended quite a few committee meetings and for me, they have been the source of humour and drama where many of the local issues of the day have been dealt with. There is also less of a formality to community committee meetings and presentations, and they are certainly less intimidating than City Council or Executive Policy Committee meetings.

Community committee meetings also deal with business in the evening, unlike City Council or EPC meetings which deal with business during the day. For those citizens who are required to work during the day, who nevertheless want to be involved in their communities, both the RAGs and community committees were ideal. Just recently we have seen the value of community committees when more than 100 citizens attended the City Centre Fort Rouge Community Committee hearing over possible changes to the function and use of the Shriners' house on Wellington Crescent.

There are other changes which are of concern. Although many people do not like it, many of us feel that the longer, four-year terms are, in essence, inevitable, a *fait accompli*. With the reduction in the size of City Council and councillors now representing larger wards, it would stand to reason that the learning curve involved in being a councillor would be much more dramatic. While it is less democratic in terms of accountability to the citizenry, a longer term becomes a necessity given the greater demands placed on individual councillors. This is sad and quite ironic, given the fact that while it costs more than ever to run as a candidate in a large ward, administratively it is easier and less costly than ever to run an election with both the technology and permanent voters' lists available to run an election, be it civic, provincial or federal.

But we have concerns, and I also want to go on record as saying we are pleased that at this time it does not look like the recommendation to change the dates of municipal elections from October to April, as advocated by the Cuff report, will be adopted. This would be indeed good news.

Now as you can infer from many of my previous comments, I feel that the current civic election system

is not as democratic as it could be, and that any advantages are heavily skewed in favour of incumbent city councillors. To change election dates to April would skew this advantage even further. The one benefit that candidates challenging incumbents currently have is the fact that they can campaign over the summer months. Changing election dates to April would require candidates to campaign over the winter months, which is not a pleasant prospect, although people would certainly appreciate a candidate coming to their door in mid-January. A candidate doing so would certainly be deemed worthy of my vote. However, in all sincerity, it does make the prospect of civic elections less fair, and therefore less democratic.

Finally, we are also concerned about the recent proposed changes granting the mayor more power, with an extra tie-breaking vote as well as further selection over committees and a larger EPC. We personally feel that the mayor and the EPC has enough power as it is. If anything, the whole theme of my presentation is the fact it is not the political establishment that needs more power. In addition, recent changes to the administration, particularly the abolition of the board of commissioners, has certainly curtailed any power that the administration had or was perceived to have. Many of us feel that this was just one more excuse that the political establishment had in trying to describe the past and current problems at Winnipeg City Hall.

The political establishment is slowly running out of excuses. Firstly, the size of city council has been reduced, which may not have necessarily been the answer. Now the administration has been overhauled. We will have to wait and see whether this was part of the answer. Now changes are being advocated which have an effect on those vehicles which the citizens of Winnipeg have used to participate in their civic government. In the end, it is not the mayor, or councillors, or the administration where power should be focussed in a democracy. It is with the citizenry. Therefore, it is the people who need more power, both community committees and RAGs serve the function of empowering the people of this city.

In closing, I therefore ask this legislative committee to recommend that changes to the City of Winnipeg Act, granting the mayor more power, including an extra vote, not be adopted and that community committees

and RAGs not only be retained, but both be mandated into the City of Winnipeg Act, if they have not done so already. Having vehicles in place which encourage citizens to participate is vital to a free and democratic society. Thank you.

Mr. Chairperson: Thank you, Mr. Gagnon.

Ms. Diane McGifford (Osborne): Thank you, Mr. Chair, and thank you, Mr. Gagnon. You must be one of the special interest groups that the Chamber of Commerce spokesperson referred to, but in this case especially interested in the people who live in your community which I think you are to be commended on. So, thank you for a very fine report, I think a very intelligent and detailed analysis.

What I wanted to ask you about specifically: you talk about your residents association and you talk about the challenges that your community faces, including addictions, prostitution, crime and poverty. It would seem to me that one of the very important qualities of your residents association, given the kinds of issues that your community faces and deals with, is the fact that it is a very empowering association for people in the community—a way of bringing people together, a way of in fact creating community, welding the community so that those issues can be dealt with. I wonder if you could tell us what you think the effect on your community will be if this residents association no longer continues.

* (2050)

Mr. Gagnon: The residents association will continue. The problem is what vehicle will we have to approach our city council. There will be no community committees, no RAG groups. In essence, it will be like hamstringing us. Unless there is another vehicle or mechanism in place, and in all honesty there is so much apathy in my community, they just do not feel as if the City Council will be benevolent to offer us another option, another vehicle.

Ms. McGifford: So what do you think the effect will be on addictions, prostitution, crime and poverty in your community?

Mr. Gagnon: You are asking me an incredibly complex question. I am sure this provincial govern-

ment has wrestled with those issues from time to time. An interesting point though I think was brought up by one of the government members. I do not know if it was Mr. Laurendeau regarding local control and local issues. I feel that as long as we have some control at the local level, some input at the local level, at the community level, then we can try to deal with these issues for us in our terms, not from a top down sort of hierarchical system but empowering our community to deal with some of these problems. But we need the support and the resources to do that, too.

Ms. McGifford: I certainly hope that you are able to maintain that local control so that those issues can be dealt with.

Mr. Kowalski: A couple of times, from the government's side, the question made known to the presenters that this legislation allows the City Council to decide how they will go about consulting with the community. From your experience—and I have worked with you, I was a community constable in your area, we worked together in that area—how would you see your local city councillor getting community input in your area? For example, would you have faith if the legislation left it up to the city councillor to decide that all viewpoints would be represented?

Mr. Gagnon: In all honesty I do not, because for the simple reason that this community committee, where we are a part of, has already done away with their RAG. So there is no RAG group, and this is what I asked in terms of clarification. When they reduced the size of City Council, was there an option given to community committees to vote out their RAG groups?—because this is exactly what the Lord Selkirk-West Kildonan Community Committee has done. Whereas, as I have said, I have used the example of Fort Rouge, City Centre has continued to work with their RAG group.

Ms. Barrett: Again, an excellent presentation. Do you have any specific examples that you can share with us where the community committees and/or the RAGs have had a positive impact on the huge problems that face your community?

Mr. Gagnon: Well, we have tried to deal with the rooming house issues. We have made presentations.

This is where though I find the situation, when we have had to make presentations before City Council, it is a much more intimidating sort of atmosphere in the sense that—well, I find this almost as intimidating in the sense that there are a large number of representatives on the part of government opposition. However, in community committee settings there is always that opportunity to have your community supporting you, outnumbering, if you will, the members that you are speaking with.

Ms. Barrett: You were mentioning rooming house issues. Were there other specific issues where—what I am trying to get at are some examples. Other presenters have given us some examples of where the community committees have actually had a positive impact, where they have been able to work through a problem and use the fact that it is local, it is more familiar, it is less intimidating, but actually also where the city councillors can hear what the real issues are and actually follow through and make some positive changes on the floor of City Council.

Mr. Gagnon: I have brought up the rooming house issue because at one particular meeting I remember that there was both a residents association, as well as the owner of a particular rooming house, and we were able to work with that individual in a constructive manner rather than a confrontational sort of atmosphere, so that was one of the benefits I found too.

Ms. Barrett: That does sound like an excellent example of where a local community committee process could work. Do you think that would have been possible had the community committees not been mandated to be involved in these processes?

Mr. Gagnon: Probably possible but much more difficult. Again, I honestly feel that it is important to have the vehicles in place, the RAG groups and the community committees there, as an option. It is important to have them in place.

Mr. Chairperson: Thank you very much, Mr. Gagnon, for your presentation. I call next Mr. Russ Wyatt, private citizen. Mr. Russ Wyatt. I call Mr. Russ Wyatt for the second time. Seeing him not, he will drop to the bottom of the list. I call Linda Eryou,

Woodhaven Homeowners' Association. Am I pronouncing your name correctly?

Ms. Linda Eryou (Woodhaven Homeowners' Association): That is close enough.

Mr. Chairperson: Thank you. The Clerk will distribute. You may proceed.

Ms. Eryou: Thank you. Good evening, Mr. Chairperson, Mr. Minister and members of the committee. I am vice-chair of the Woodhaven Homeowners' Association which is an unincorporated voluntary association having as its purpose the representation of the common interests of the residents of Woodhaven. The Woodhaven community includes approximately 350 households in St. James.

We have decided to focus our submission upon our concerns regarding the public hearing process. But for the record, we also have concerns about the assignment of what we view to be a disproportionate amount of power to the mayor and a minority of councillors. However, because this topic has been extremely well and capably canvassed by earlier presenters, I am just going to put our concerns on the record and give you something a bit different to listen to.

As mentioned by the gentleman from Point Douglas, recent proceedings of the City Centre Community Committee have attracted a lot of press regarding the Shriner's property on Wellington Crescent. It is evident from the large number of people attending the committee hearings on this particular issue, that the right to a public hearing is of importance to many Winnipeggers.

Now one of the changes being implemented by Bill 36, as it is currently written, is the elimination of community committees. However, we are aware of the announcement in Saturday's Free Press that the city now wants to amend Bill 36 so as to allow community committees to continue in their present form.

The Woodhaven Homeowners' Association has concerns both with the elimination of community committees, as well as with preservation of community committees in their present form. Our association would like to recommend a third scenario which we

believe would protect the integrity of the public hearing process. Now, first, we would like to address our concerns with the elimination of community committees.

Section 36 of The City of Winnipeg Act as it is currently written sets out the duties of community committees. Section 36 is written in unequivocal mandatory language. It says that each community committee shall develop and implement techniques to maintain the closest possible communication between the city and residents of the community, to ensure that residents are given the full opportunity to represent their views on policies, programs, budgets and delivery of services and to provide residents with information concerning existing and potential policies, programs and budgets so as to facilitate input by residents.

* (2100)

Now in contrast, Section 15 of Bill 36 uses permissive rather than mandatory language. It says a council may establish committees of council and may delegate powers, duties or functions to committees of council. It says that a committee of council may establish such processes as it deems necessary to facilitate public consultation in any manner. Bill 36 does not give us any reassurance that public hearings on various matters formerly conducted by community committee will be delegated to any other committee of council.

The citizens of Winnipeg want to have input on matters which are important to them, and the current version of Bill 36 gives council, and any committees of council which may be established, the option of not seeking any formal political public consultation. Theoretically, council would have the ability to limit public feedback to citizens expressing their pleasure or displeasure with civic governance through their votes and elections which occur every four years. In our association's view, this is not appropriate.

Our association is also concerned about the recent news report that the city wants to retain community committees in their present form. Our concerns focus upon the process of public hearings before community committees as they are currently conducted. When citizens take the time to make a representation before a

hearing committee, they should be able to expect a meaningful public hearing.

Now, there are a number of elements to the concept of a meaningful public hearing which are derived from the common law. There should be clear and sufficient notice of matters to be considered at the hearing; the hearing tribunal should be unbiased; there should not be any representations permitted from any party after the close of the public hearing; and views expressed by all parties participating in the public hearing should be documented and communicated in a timely manner and without any intervening steps to the ultimate decision-making body.

The procedure which we are advocating for the conduct of public hearings is the very procedure which is currently set out for a subdivision approval in The City of Winnipeg Act. It provides for a report directly from the hearing committee to the City Council; both of the hearing committee's recommendation and of a summary of the representations made to the hearing committee; and that this report should be forwarded to council within a limited time, that is to say 30 days, unless council extends the time; and further notice to be sent by mail to the applicant and others who had made representation at the public hearing of the content of the report and the date, time, and place of the meeting at which council is to consider the report.

Now technically speaking, there is an infringement of the rules of natural justice when the final decision on a matter which was a subject of a public hearing is made by City Council when council is not the body that conducted the public hearing. The City of Winnipeg Act creates a statutory exemption to the rules of natural justice when it calls for a final vote by council on a matter that came before a public hearing before a committee of council, but the statutory scheme described regarding subdivision approval, attempts to preserve the integrity and the meaning of the public hearing process by limiting the impact of this infringement of the rules of natural justice. The way it tries to limit this impact is by sending a detailed report of the hearing committee, which includes a summary of the representations made to the hearing committee in an expeditious manner, directly to City Council for the consideration of councillors who will be voting on the issue.

Now in our association's opinion, this legislative scheme provides a reasonable trade-off between the requirements of natural justice and the very practical need for civic government to relieve City Council of the burden of conducting every public hearing by permitting delegation of such hearings to committees of council. However, the legislative scheme just described, and which is required by The City of Winnipeg Act, has not been followed in practice by the city. Rather than the report of the hearing committee being sent expeditiously to City Council, the report is currently forwarded to two intervening committees, and this is because of a document called The Development Procedures By-Law of the City of Winnipeg which diverts the report of the hearing committee, first to the Standing Committee on Planning & Community Services, and then to Executive Policy Committee.

In practice, these intervening committees collect additional information on the subject matter being considered which opens the door to violations of the rules of natural justice and the duty to act fairly. More seriously, if the new information gathered is incorrect or if it is controversial, the applicant, as well as all other persons who participated in the public hearing process, are denied the opportunity to comment upon or contradict such information.

Now, Section 30(1)(h) of Bill 36 goes further than the procedural by-law, and it formalizes the requirement that the report of a committee of council be forwarded to Executive Policy Committee and that Executive Policy Committee forward this report, along with its own recommendations, to council.

Members of intervening committees have not had the benefit of hearing for themselves representations made by the applicant and by the public at the hearing stage. Permitting intervening committees to initiate their own fact-finding and to advance their own recommendations dilutes the impact of the public hearing process. In many respects, we consider this to be analogous to permitting an appeal court judge to change findings of fact made by a trial judge without having listened to the testimony of witnesses.

Now, in a certain matter in which our association was directly involved, the report of the community committee which was the hearing committee in that

instance was never presented to City Council at all prior to council's voting on an issue of importance to Woodhaven.

So, in summary, our association is advocating for the recognition of the value of a meaningful public hearing process. We are advocating for a process in which the public hearing is the stage before the matter goes to council for a vote, rather than being routed through intervening committees which consume time, receive and create new information and perhaps misinformation and which dilute the impact of the public representations. We ask that neither procedural devices such as by-laws nor statutory provisions such as Section 30 of Bill 36 be permitted to undermine the integrity of the public hearing process.

Just as a final note, I think it is generally accepted that one of the aims of Bill 36 was to streamline civic governance. Woodhaven's recommendation is an example of streamlining that could bolster public confidence in civic processes and restore the integrity of public hearings. Thank you.

Mr. Chairperson: Thank you very much, Ms. Eryou.

Ms. Barrett: This is a very interesting presentation and approaches the community committee process from a slightly different angle and one that I was not aware of. I think there is much in here to be mulled over and chewed on in a positive way.

You are not suggesting, though, that the current permissive wording in Bill 36 is better than the requirements of the current City of Winnipeg Act in regard to community committees. Am I correct in saying that you are concerned about the way the community committee process has been diluted, if you will, but you are not suggesting that we eliminate the community committees as a whole? Is that an accurate statement of your position?

Ms. Eryou: I would not word it quite that way. What we want is we want meaningful public hearings, whether they are conducted by community committees or by some other committees of council. I think Bill 36 is a good opportunity to review The City of Winnipeg Act and the way the City of Winnipeg conducts its

business, and I think, to a certain extent, it gives a bit of a blank canvas.

If the city wants to restructure to conduct its business in a more efficient manner, perhaps an outcome might be that development applications might be heard by a committee of council on development considering development for the City of Winnipeg, and that might be more appropriate than a hearing by a community committee. I do not think I am qualified to make that determination.

Ms. Barrett: Are you in favour of some form of statutory public consultative process, whether it is called a community committee or some other form, that is more direct as you are suggesting between the public and City Council without the intervening standing committee process? Are you in favour of the bottom line of something that says in the legislation that you shall have a consultative process?

* (2110)

Ms. Eryou: Absolutely.

Ms. Barrett: Okay. Thank you.

Mr. Chairperson: Any further questions? Thank you very much for your presentation Ms. Eryou. I call next Valerie Price, Manitoba Association for Rights and Liberties. Ms. Price, have you a presentation for distribution?

Ms. Valerie Price (Manitoba Association for Rights and Liberties): Yes.

Mr. Chairperson: The Clerk will distribute. Ms. Price, you may proceed with your presentation.

Ms. Price: Good evening, Mr. Chair, honourable minister and committee members. Let me begin by saying that I do not consider myself to be here out of self-interest. I represent a nonprofit nongovernment voluntary organization that has been active in this community for the past 20 years and take the opportunity to speak out regularly on matters of legislation before you.

Many of the changes undertaken in this bill arise from the recommendations of the Cuff report which

was approved by City Council last fall. We understand that the changes in administrative structure recommended by that report were offered with the intended purpose of making the government of the City of Winnipeg more efficient and to have its operations perhaps more closely parallel those of a business. While some of these measures may lead to more efficient operations, we are concerned that they will result in less democracy.

We see several problems with the proposed changes, and you have been hearing some recurring themes through the day. I will try and be brief. Certainly we have a concern with the potential for concentration of power. The first problem we see with that is the concentration of power in the hands of fewer people which we feel will result from several of the changes in this bill. The mayor will be more powerful due to the increase in the power to make appointments to committees, as well as, the mayor's tie-breaking second vote. Additionally, the repeal of Section 31 will have the effect of reducing Executive Policy Committee's accountability to City Council. Reports, orders and decisions of EPC will now be able to take effect prior to approval by council, and EPC will not be required to forward reports from city's administration onto council.

Now, added to those two factors is the removal of the requirement that each councillor be appointed to at least one standing committee. The combined effect of these amendments is to move towards something of a cabinet model of government without any provision for an effective opposition. In fact, it appears that there is the potential that some members of council might be effectively marginalized if not appointed to any of the committees of council.

The second area of concern is with the reduced opportunities for citizen participation. With the repeal of Sections 35 to 41, there will be no requirement for council to provide for a regular process of consultation with the public. Under the current terms of the act, one of the duties of community committees is to, quote, maintain the closest possible communication between the city and residents of the community. A laudable goal, we would suggest. Community committees are the places where citizens have been able to present their views on policies, programs, budgets and delivery of

services. They are also where citizens have been able to obtain information on the business of the city.

Given the direct impact the decisions at the civic level of government often have on the lives of its residents, we are concerned that these amendments will lead to the discretion of council, the establishment of a vital link between the city and its residents. We view this as an erosion of one of the first principles of democracy, that of citizen participation.

We are also concerned with the potential for lack of openness. The amendments to Sections 16, 17 and 18 would allow council to meet and vote in camera at the discretion of two-thirds of the members of council. Such a measure will serve to reduce the openness and transparency of the democratic process. While we recognize that there may be circumstances that would warrant private meetings, it would be more effective to have those circumstances specified as in Section 152 of The Municipal Act. Under the terms of that act council may close a meeting to deal with such matters as municipal assistance, employees, and a report from the Ombudsman, to name a few. The only vote that may be taken during a closed meeting is a vote to reopen the meeting. The amendment proposed to The City of Winnipeg Act would allow council too much discretion and could be open to abuse.

Mr. Marcel Laurendeau, Acting Chairperson, in the Chair

So to summarize those concerns with these amendments, the mayor will have the power to appoint those who sit on EPC, the chairs and members of committees of council, and therefore will be able to effectively control the decisions coming out of those committees; at council meetings, the total of the votes of the members of the Executive Policy Committee, the vote of the mayor, and the second tie-breaking vote of the mayor will make it possible for the mayor to control council as well; Executive Policy Committee at the same time will be less accountable to council as outlined earlier; and council can choose to meet away from the public eye. This concentration of power at the highest level will be accompanied by the elimination of the requirement to establish a regular process of consultation with residents.

These measures will diminish seriously the democratic process at the level of government that is closest to people's daily lives. We suggest to this committee that democracy is not by definition efficient. It is often messy and time consuming as today's process amply demonstrates. A government that concentrates power at the highest level while cutting off public input runs the risk of becoming irrelevant or worse, losing its legitimacy with the electorate.

We urge this committee to heed "The purposes of the city" in Section 105.1 as stated in the bill before you. In addition to the provision of services, the purposes of the city are, quote: to provide good government and to develop and maintain safe and viable communities.

Good government, I would argue, is open, accountable and accessible to citizens. One wonders how the city can provide safe and viable communities without consulting with the residents of those communities.

To summarize our recommendations, that the amendments to the powers of the mayor under Sections 28(3) and 28(3.1) be stricken from the bill, that the amendments to Section 18(2) providing for the mayor's tie-breaking vote be stricken from the bill, that the repeal of Sections 35 to 41 be stricken from the bill and that the amendments to Sections 16, 17 and 18 that would permit in camera meetings and votes of council be redrafted to reflect the standards set in The Municipal Act.

As a concluding comment, we offer the observation—this is an unrelated matter but another section of the act—that a perfect opportunity to include a commitment to employment equity under Section 44, which is the only section we see dealing very much with employment, that an opportunity has been missed. MARL is a member of the Social Planning Council's committee for the elimination of racism and discrimination has followed carefully the efforts the city has made over the past few years to develop a city workforce that more closely reflects the diversity of the population of the city. Although the current employment equity plan has been passed by council, it would be helpful to include in the act the requirement that the city develop and implement an employment equity policy and program.

The Acting Chairperson (Mr. Laurendeau): Thank you, Ms. Price, for your presentation. Do you mind if we have a few questions?

Ms. Price: No.

Ms. Barrett: Thank you for your well thought out presentation. The process may be messy but you can learn something, and I have learned a lot of things today, one of which is that the only vote under The Municipal Act, the only vote that can be taken during a closed meeting, is a vote to reopen the meeting. I think that is a wonderful principle to follow and one which is not followed in Bill 36. Section 17 deals with in camera and says that votes taken by in camera are noted in the minutes, but the minutes are not made public, so in effect you lose the accountability there of knowing how city councillors have voted in sometimes potentially very important situations. It is interesting that one part of the government has one thing in it, and the other part takes it away.

I was also interested in your last comments on employment equity. That is a very important issue and one that may be out of the scope of this legislation, but one that I assure you we will be looking at for future amendments to the City of Winnipeg Act, when we have an opportunity to do those amendments ourselves.

* (2120)

The Acting Chairperson (Mr. Laurendeau): I guess there was not a question there, was there, Becky?

Ms. Barrett: No.

The Acting Chairperson (Mr. Laurendeau): I did not think so. Are there any further questions of the presenter? If not, thank you very much for your presentation.

Paul Nielson. I told you it would not be that long, Paul. Do you have a written presentation, Mr. Nielson?

Mr. Paul Nielson (Private Citizen): No, I am afraid I do not.

The Acting Chairperson (Mr. Laurendeau): Then just carry on.

Mr. Chairperson in the Chair

Mr. Nielson: Okay. You will be glad to hear I do not think I am going to present any of the substantive critiques that have already been presented today as to what is wrong with this particular bill. I wish to commend all the various citizens groups who have given you some very solid evidence of a deeply flawed bill.

What I would like to do in my presentation, is first of all remind you that what we are dealing with here is in effect the constitution of the City of Winnipeg, and you do not change a constitution lightly. A constitution should only be changed, as far as I am concerned, after extensive public consultation and that is traditionally what has been done.

Another thing is that in general, I think the citizens of Canada are beginning to appreciate more and more decision making that is evidence-based. Is it based on good, clear-cut evidence to show that something needs to be done, and until that proof is provided, then nobody should change, particularly a constitution. What I am going to concentrate on is a detailed—or no, I will keep it fairly short—an analysis of the Cuff report itself, and the method of argumentation and the method of evidence that it presents. I have to tell you right now that when I read it—I had to stay up all night to read it—I was so deeply shocked at what a piece of shoddy work it is, I can assure you that if anybody actually read it, and I am going to table it with you tonight, if you will permit me, you will be deeply shocked at its shoddiness. I would just like to draw a number of matters to your attention.

First of all, the fact is a consultant report to rewrite a constitution—like that has never been done before. You can abuse the consultant process by hiring one that will reflect back to you the views you already have. What are the qualifications of Mr. Cuff? The minute he presented himself on the media scene, I did a cross-Canada search—I am a professional librarian, by the way—seeking for evidence that he had any kind of qualifications whatsoever to be advising the citizens of Winnipeg. Mayor of Spruce Grove does not cut it, a bedroom suburb of Edmonton. The equivalent position I would ask you if we were talking real evidence here would be of the Mayor of Selkirk, or St. Andrews,

Manitoba, whatever, was to advise on how to rejigger the City of Winnipeg. It is just not a qualification. He has only one other consultant report that I could find. In addition to that, he was head of the Alberta municipal association, and led a lot of exercises in cost-cutting there, and so forth. Nothing wrong with that, but it shows if your motivation is to make a power grab at City Hall, this is the kind of person who might reflect back to you what you want.

The process itself, of course was hasty. By the way, I would like to add, I would like to deny that I too am a special interest group. I consider myself a fiscal conservative, and I consider myself to find that the City of Winnipeg has a lot of financial problems. I sympathize with the mayor and people like that who are trying to deal with those problems, but I do not think you can deal with it by a coup d'etat.

Now, onto the Cuff report itself. I have read both the draft and final version, and I wish to table them with you tonight, because I think the shoddiness and the flaws in them will be more apparent if you were to do a line-by-line comparison between the two.

What method of argument did he use? First of all, he had an introductory section which gave the history of Winnipeg government and what, in effect, the method of argumentation was was to state that all of history was pointing to the fact that the citizens were frustrated and the politicians were frustrated and the bureaucrats were the source of all the problems and now finally somebody had found this in history and was pointing to it. Now, if any historian did an analysis of that, they would say: this is the most tendentious piece of work I have ever seen. No academic, if they were to mark this paper, could possibly—anybody who knows anything of the history of Winnipeg would be deeply shocked.

The second method of evidence gathering was to do 200 anonymous interviews. I can tell you again, I have expertise in the area of government information. I have seen thousands of consultant reports. I have seen thousands of royal commissions. This is one of the few ever not to present the list of the people who made submissions and the list to people who are consultants. That is an illegitimate method of argumentation, and what it enables him to do is selectively quote. It also

enables no one to go and cross-check. Of course, our media, I am afraid, is not interested in it. They are not here tonight. So nobody actually did a detailed analysis of this report.

I also point out to you that the mayor, in her submission today, pointed out that there was an on-going internal review at the same time. The people who are interviewed were the very managers that were about to be chopped, and I find it very hard to believe that they were saying, you know, take our heads on a platter and give them to the citizens of Winnipeg and focus all of their frustrations about taxation and all of the various problems of the city on the heads of these—by the way, again, I only started to love bureaucrats since the Cuff report, because I just cannot believe it.

So I say to you, when you have 200 interviewees, if you do not list them, you quote them selectively, and this is your method of evidence, it is illegitimate, totally illegitimate. Not a single individual was attributed throughout any of that evidence. Again, I would argue that in the environment of a parallel in-house review done by the mayor, and from what I know of what went on, the people were being intimidated and were being told what to tell this group. The only outsiders were these 14 people.

Again, I have to tell you that as a concerned citizen, I went to a couple of Chamber meetings, public meetings. I felt that those meetings were not representative of the population as a whole; they were mainly the business community. Again, I sympathize with the business community, and I admire the business community, and I think they have a lot of ideas, but I find that what happened is basically what they were calling for in these public meetings, again, without proper representation of the city as a whole, is paralleled in the Cuff report.

So I think the 14 people, whoever they are, outside of government that Cuff interviewed may turn out to have been Mr. Labossiere and the people in the Chamber and the people of the Canadian Federation. They have every right to engage in a marketplace of ideas and debate, but they do not have a right to control the process and get privileged interviews, and until I feel that the people who were actually listed there are available on the public record so that people can

understand what kind of evidence and process and which was selected and which was not, you have a fraudulent thing.

Now, interestingly enough, you might say, well, this is just your opinion, but there was a third method of argumentation which enabled me to show to myself, at any rate, that there was something deeply wrong. At the end there was an appendix in which the 24 departments were analyzed individually, and I have underlined the relevant sections showing the differences between the draft and final report. This thing was done in haste over three or four months by a person who did not know anything about Winnipeg, and he was gathering evidence, and when you get it down to the detailed departmental level, a lot of mistakes were made, and there are a lot of problems with that departmental analysis. He did this as an attempt to prove his theories, which everybody was telling him was how government should be run.

What happened is that between the draft report and the final report, if you look at it carefully you will find that six different departments, the comparison of what was said in the draft report and what was said in the final report is night and day. So how can you do that? How can you change something like that? Again, who was making the changes? Mr. Cuff, when he submitted the draft report, listed his fax number and took off for Spruce Grove and invited people to fax back their comments on his report. Again, what I see is the handling of media, spin doctors and people in the mayor's office adjusting it so that the politically correct version, unembarrassing to the government of the day, was available.

* (2130)

So that is the essence of my presentation. I feel that what you have here is an attempt to amend the constitution based on evidence that is shoddy, if not completely fraudulent, and I beg you not to allow this to happen. It may be that the media support it; it may be that the councillors voted 13 to three. I might add that when I made my presentation and when Carolyn made their presentation, half of City Council walked out. That was their idea—and I appreciate tonight that very few have done that—of what possible evidence we could bring, and it shows the extent to which their mind

was made up. I could give you an analysis of the forces of why they are doing it. I do not think that matters. What matters is, if a committee of a parliament makes its decision based on any kind of evidence whatsoever, you do not have the proper evidence here. I would like to table this document for your detailed consideration, if you need any further proof of what I have told you. Thank you.

Mr. Chairperson: Thank you very much, Mr. Nielson.

Ms. Barrett: Again, a very interesting perspective. I acknowledge the time it took to read both reports, analyze them and compare them. That is a dedication to research.

Mr. Nielson: I just wanted to say that when a constitution is at stake, I feel that kind of effort is necessary.

Ms. Barrett: We appreciate that because many of us have felt a certain unease about the process and about Mr. Cuff's credentials and why was he hired. I think your points were very well taken about his background. I particularly liked the fact that you—when you put the constitution of the city at stake—say that it should not be changed as a result of a consultant's report. I think that is a very telling comment and encapsulates many of our senses of unease with the whole process. I have a question. Why do you think this process went ahead as it did? Go ahead, just expound.

Mr. Nielson: Well, you see, one of the problems I have is that I have called for evidence-based decision making, and what I find in the media and as the common method of political discourse is to speculate on what kinds of machinations, what kinds of games are being played and what is the real reason. Believe it or not, I could do that and go on at length, but I would rather not. I just want to say one interesting thing. I voted for Mayor Thompson in 1992. I did not vote for her in 1995.

Mr. Martindale: Thank you to the presenter for a very interesting presentation. I have a question for the Chairperson, or maybe it is a point of order. Mr. Nielson said he was going to table two documents. Can they become tabled documents or does a member of the committee have to table them?

Mr. Chairperson: I understand it is only members who can table documents. Members of the public are not able to table; however, they can be circulated to the committee. So we would accept them as being circulated. I think that is the proper procedure.

Are there any further questions or comments? Thank you very much for your presentation, Mr. Nielson.

I call next Mr. David M. Sanders or Kerry Reimer. Are they here? David M. Sanders or Kerry Reimer. Not seeing them, I will call then Valinda Morris or Leonard Saunders—[interjection] Leonore, I am sorry. Leonore, we are going to have the report distributed, and then we will ask you to commence.

Ms. Leonore Saunders (Provincial Council of Women of Manitoba): We are very happy to be here. As you see, I am not Valinda Morris. She was here this morning, but she had another appointment this evening, so I am here in her stead.

I will not talk about the council because you all have a brochure on the back of your information, some information about the Council of Women.

How ironic it is that Nellie McClung was honoured by unveiling of her bust in Assiniboine Park this week. What she stood for was the right to vote, especially for women. How remiss the Council of Women, of whom she was a member, would be in not protesting Bill 36, amending The City of Winnipeg Act. With passage in the Legislature and the stroke of the Lieutenant Governor's pen, voters in Winnipeg, both men and women, could lose their democratic right to be heard and fairly represented. The vote would be exercised only once in four years instead of three or annually, as it was in Nellie's day, and probably a lot more costly than it would be now.

Formal public access to city councillors would be repealed from The City of Winnipeg Act. Community committees with their own elected representatives, the resident advisory groups, would be eliminated. No alternative system is mentioned as to where, when, or how elected city councillors would meet, exchange views, and interpret the wishes of their constituents. What sort of democracy would this be? At the municipal level of government, grassroots citizens

expect and deserve to be heard. Each vote should make a difference.

Public hearings on the Cuff report: In one word, none. The city offered no white paper or discussion and the province did not introduce Bill 36 until April 20. Unless citizens were in attendance at a City Council meeting or received media coverage they would not know about these changes. Worst of all, there has been no time or opportunity for public study, input, reaction or amendments. This demonstrates little respect for the public vote or residents' rights.

The mayor's powers. Bill 36 not only immediately eliminates community committees and RAGs, it could also eliminate the present standing committees of council and the right of each councillor to sit on one of them. Bill 36 enables the mayor to appoint the members, up to seven, of the Executive Policy Committee and the Speaker, and by casting an extra tie-breaking vote, a new feature, win a majority in the City Council. This process could marginalize the other eight elected councillors, leaving them to vote on a few major issues but not participating in the overall running of the city. Public accountability would be impossible under these conditions. Nellie McClung would not have approved, nor does today's Provincial Council of Women of Manitoba.

For over a hundred years, the Council of Women in Winnipeg has stood for the principles of democracy, fair representation, mutual respect and civic responsibility. We also believe in open, accessible, participatory government with information shared at the grassroots level in a timely, respectful manner. Our aim is the continuous improvement of conditions in the community based on these values. This should mean a City Council which reaches decisions by discussion and consensus, not one controlled by an overally empowered mayor who can pick favourites to serve on whatever committees are deemed desirable. As others have mentioned, the proposed concentration of power in the hands of the mayor is alarming. Do we need, or want, a mayor with more legislated powers than any other in Canada?

The open, permissive wording of Bill 36 would allow fewer standing committees, more appointed, not elected, members of committees and more in camera

meetings. It funnels all committee business through EPC. This may be efficient, but there must be safeguards against secrecy and inappropriate notice, and they must be adequately timed before key votes of council.

A top down, autocratic cabinet-style system is not in the public interest at the civic level of government. Legislation is supposed to protect society from a worst-case scenario. Well-meaning, altruistic motives at all times cannot be assumed on the part of a mayor or the Executive Policy Committee.

Our recommendation: due to the drastic ramifications of Bill 36, the Provincial Council of Women of Manitoba recommends that it be delayed until public hearings can be held and appropriate changes made. Failing that, we draw the standing committee's attention to the detailed recommendations and changes outlined in the Council of Women of Winnipeg's brief, which we fully endorse and have appended.

We would also seek the Standing Committee on Municipal Affairs to consider the negative effect of having a four-year term. If an inadequate mayor or council is elected, four years is too long. Also, we understand that some potential candidates would find this period too long, especially in rural areas.

Harmonization of The Municipal Act and the Public School Act is premature. For example, some school boards need to revise their boundaries for proportional representation, and there is not enough time before the October '98 election date.

* (2140)

The Provincial Council of Women has raised its concerns about co-operation between the two levels of government in its briefs to the provincial Cabinet in both '95 and '97. We have advocated for integrated planning in the Capital Region. We believe we must recognize that the well-being of the province and the city are closely linked. We challenge the notion that Bill 36 would improve this relationship. We have attached an article by Peter Diamant from the Winnipeg Sun which expresses these doubts, and we draw it to the standing committee's attention.

Our conclusion: the Provincial Council of Women has maintained an active role in keeping the public aware of urban and rural issues by holding public forums, writing newspaper articles and making presentations to both the municipal and provincial governments. The voluntary, nonpartisan organizations and dedicated individuals who support our vision and values truly hope that the Standing Committee on Municipal Affairs will see fit to delay this bill and leave The Winnipeg Act as it is until its full term implications are assessed, and either approved or rejected by the community.

Mr. Chairperson: Thank you, Ms. Saunders, for your presentation. Ms. Barrett?

Ms. Barrett: Thank you. Again, a very good presentation. The provincial council and the Council of Women of Winnipeg do just remarkable work as I have said before, and I do not know where we would be as legislators in the province of Manitoba without the work of both of your councils. You are to be commended.

I would like to ask you if you were asked to make a representation to Mr. Cuff's committee?

Ms. Saunders: I personally was not, and I do not know whether any of our council were. The person that would have been asked is out of town.

Ms. Barrett: Not so much a question, as another comment about—I think one of the things that you have raised that has not been raised by many other of the presenters is the impact of the harmonization of The Municipal Act, in particular, of going to four years. We have received some concerns from municipalities about the fact that they have difficulty getting people to run for three-year terms, and that this is just far too precipitous and should be looked at.

Ms. Saunders: Thank you for the kind words that you opened your remarks with. I will take them back to our council.

Because we are a provincial council, I guess we have picked this one on the four-year term on the municipal problems. We have heard the same things I guess you

have heard that, four years is a very long time to commit yourself.

Mr. Laurendeau: Ms. Saunders, thank you very much for your presentation.

After hearing a number of presenters today, there has been a theme that the speaker is being appointed by the mayor. I would like to clarify. The speaker is going to be elected by council, not appointed by mayor. I do not know where everyone has gotten this from, but I would like to correct that on the record. So if you could even let me know where everybody is getting that information from, I would like to know that information.

Ms. Saunders: I will take that under advisement and correct it where I can. Thank you.

Mr. Chairperson: Thank you. Thank you very much for your presentation, Ms. Saunders.

Ms. Saunders: Thank you.

Mr. Chairperson: I call for the second time Mr. Glen Hewitt. Mr. Glen Hewitt, not being here, will be dropped from the list. I call for the second time Mr. George Harris. Mr. George Harris, not being here, we will drop him from the list. Mrs. R. Ross for the second time. Not seeing her, she will be dropped from the list. Mr. David M. Sanders or Kerry Reimer. Not seeing them—

An Honourable Member: I think you forgot Mr. Russ Wyatt.

Mr. Chairperson: He will be called, not to worry.

An Honourable Member: I thought he was before Mr. Sanders or Ms. Reimer, that is all.

Mr. Chairperson: Thank you very much. Not seeing David M. Sanders or Kerry Reimer, they will be dropped from the list, and as you correctly noted, I deleted Mr. Russ Wyatt, and I will call him for the second time. Not seeing him, he will be dropped from the list. That concludes the presentations. Are there any other people in attendance who would want to

make a presentation? Not seeing any, is it the will of the committee to proceed clause by clause? [agreed]

Ms. Barrett: I wonder if it would be possible for us to take a five-minute break before we proceed with clause by clause.

Mr. Chairperson: If that is the will of the committee, we will break for five minutes then, and we will gather back here at precisely 10 minutes to the hour and proceed with clause by clause.

The committee recessed at 9:45 p.m.

After Recess

The committee resumed at 9:55 p.m.

Mr. Chairperson: Could the committee please come to order. Does the minister responsible for Bill 36 have an opening statement?

Mr. Reimer: No.

Mr. Chairperson: Does the critic for the opposition have an opening statement?

Ms. Barrett: Yes, Mr. Chair, I do. I think that the people whom we heard in the public hearings today, the vast majority of them had very similar concerns that they raised. These were people who, far from representing special interests, as one of the presenters claimed, represented a number of organizations and a number of various perspectives on the City of Winnipeg. They all had one thing in common, that they were very concerned about what was happening to city governance as it is played out in Bill 36.

The people who made presentations today have virtually all used the democratic processes that are allowed to them under The City of Winnipeg Act and that have been allowed to them more or less unchanged since 1971 when the City of Winnipeg came into being under Unicity. They are all very concerned about, I would say, five major areas. They did not all represent each of these areas, but I think when you take the

presentations as a whole, they share many of the same concerns.

One is the process—not only the process that was undertaken by the City of Winnipeg, a process that the province has no control over but could have ameliorated had they chosen to do so—the very hurried method of passing major changes to The City of Winnipeg Act. There was no public consultation by the City of Winnipeg. There was no real debate in City Hall. There was confusion and lack of clarity, which continues to this day in the city among the city employees and possibly City Council itself. That process was not made better by the province but actually built upon by their quick, in legislative terms, introduction of virtually everything that the city had asked for.

We have had less than two months to look at Bill 36 and the complexities that it contains and even less time for the citizens of the city of Winnipeg to deal with this issue. The provincial government, having been asked to hold public hearings throughout the city, has chosen not to do so.

Another area that people are very concerned about is the whole area of accountability. There is a huge concentration of power in the position of mayor and in the position of the Executive Policy Committee, i.e., the executive of the council, with virtually no checks or balances that you do have in the parliamentary system of government. The powers of the mayor are enormous under this legislation, arguably larger powers, more powers, broader powers than any mayor in the country of Canada and perhaps North America has. I think this has been clearly stated by virtually every presenter today, is of major concern for people that this is not democracy.

Another enormous area of concern that was raised by people was the lack of citizen participation and control in their local government. The elimination of the residents advisory group, the elimination of the requirement for community committees or some other form of public consultation, when you add that in with the increase in power to the mayor and the Executive Policy Committee, it all leads to another major area of concern which is the reduction in democracy and transparency.

* (2200)

When you have the concentration of power in the mayor's office and the Executive Policy Committee, the ability of council to go behind closed doors to discuss and vote on a wide range of issues with no public accountability, the mayor's ability to appoint the Executive Policy Committee, the mayor's ability which was not presented except very effectively I thought by the CUPE presentation, the mayor's ability to lay off or suspend the chief administrative officer for three days, all of these elements reduce the transparency and thereby reduce the democratic processes at City Hall.

Finally, I think, this is another area that was maybe touched on more tangentially. There does not appear to be anywhere in the elements of Bill 36, elements that are designed to provide better services to citizens or more affordability. This is one of the things that the minister in introducing Bill 36 stated, and yet I have seen absolutely no evidence of this. We have seen evidence of a lack of democracy, evidence of closing of transparency, but we have not seen anything. Nowhere have I seen in any of the presentations or in any of the comments by the minister, any statement as to how these changes will make service provision to citizens more effective, more cost-effective, and will improve the life of the citizens of the city of Winnipeg. As a matter of fact, much that is in Bill 36 will go a long way towards making the role of citizen in the city of Winnipeg that much more difficult.

So, Mr. Chair, I think with those opening comments, as we go through the bill, I think we will attempt to raise issues and hope that the government will take cognizance of the concerns that have been raised today and make some major changes to Bill 36.

Mr. Chairperson: Thank you, Ms. Barrett.

Mr. Laurendeau: You know, Mr. Chairman, I always look forward to coming to committee and hearing the perspectives and the different perspectives of how bills are not only drawn up but how the legislation is debated. I have listened very carefully to what a lot of the people have said. Yes, there have been some concerns, and some of those concerns surround the process. I have lived that process when I was on council, and this open process what we are hearing

from was not that open, and I did not find it that well put together.

I think this legislation will give our City Council an opportunity to bring forward a much more accountable system, a much more flexible system that will determine the appropriate vehicle for soliciting that input from the constituencies.

You know, I listened very carefully to the member for Wellington—Ms. Barrett, I am sorry. I am used to going the other way, Mr. Chairman. I am looking forward to this debate on each clause, and I am looking forward to clarifying. I do say clarifying, because I think there is some misunderstanding out there on what some of these clauses do.

We have heard some of the statements, and I think some of that misrepresentation was probably put across by the opposition. I think the opposition, during their debates in the House and during their discussions with the public, made some statements that were wrong. I am looking forward today to clarifying those statements and putting on the record what this legislation is really going to do. I am looking forward, Mr. Chairman, to exactly what they have to say, because I want to have it on the record, so that they can see in 15 or so years how much this improved the mechanism of City Council. Thank you.

Mr. Chairperson: Thank you, Mr. Laurendeau. We will now proceed to clause-by-clause consideration. As normal, we will set aside the title and the preamble till the end of the debate on the bill, and is it also our agreement that we consider all the clauses in respect to both French and English languages?

An Honourable Member: Right.

Mr. Chairperson: Thank you. And also the amendments? [interjection] We will proceed then.

Clauses 1 and 2. Shall the items pass?

Ms. Barrett: I have an amendment on Clause 2, if we are going clause by clause.

Mr. Chairperson: Clause 1—pass. Clause 2, an amendment?

Ms. Barrett: Yes, I move

THAT Clause 2(a) of the Bill be struck out and the following substituted:

a) by repealing the definitions “city administrator” and “designated city administrator”; and

[French version]

Il est proposé de remplacer l'alinéa 2a) du projet de loi par ce qui suit:

a) par suppression des définitions de “administrateur de la Ville” et de “administrateur désigné”;

Motion presented.

Ms. Barrett: This is the first in a series of amendments and in a series of sections that we will be voting against that deals with the elimination of the requirement that there be community committees. The amendment that we are putting forward tonight reinstates the definitions of community committees by only deleting city administrator and designated city administrator. So it adds back the concept of community committee.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Ms. Barrett: I would like to—[interjection]

Mr. Chairperson: I declare the item lost.

Formal Vote

Ms. Barrett: What is the process for putting it on the record—numbers, counted vote? I would like to ask, if I may, that there be a counted vote.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6.

Mr. Chairperson: I declare the amendment lost.

Clause 2—pass; Clause 3(1) to 3(4)—pass; Clause 3(5)—pass. Clause 4(1).

Ms. Barrett: We will be voting against Clause 4(1) which repeals again the reference to community committees, and I think this was one of the clearest comments that were made by the public presenters today, that community committees are perhaps not completely as efficient and effective as they might be. But the overwhelming feeling was that they must be retained, so that we can have community input. So we will be voting against all of the sections that deal with the elimination of community committees, which 4(1) does.

Mr. Chairperson: Clause 4(1), shall the item pass?

Voice Vote

Mr. Chairperson: All those in favour of Clause 4(1), would you indicate by saying yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, would you indicate by saying nay.

Some Honourable Members: Nay.

Mr. Chairperson: I declare Clause 4(1) passed.

Formal Vote

Ms. Barrett: Counted vote.

A COUNT-OUT VOTE was taken, the result being as follows: Yes 6, Nays 4.

* (2210)

Mr. Chairperson: I declare the item passed. Item 4(2). Shall the item pass? The item is accordingly—

Ms. Barrett: Again, this is dealing with community committees, and we will be voting against it.

Mr. Chairperson: Is it the will of the committee—do you want to go by division or do you want to—

An Honourable Member: On division.

Mr. Chairperson: Okay. All those in favour—same division? I declare the item passed on division.

Item 4(3)—pass; item 4(4)—pass; item 4(5)—pass; item 4(6)—pass; item 4(7)—pass. Item 5.

Some Honourable Members: No.

Mr. Chairperson: On division?

Ms. Barrett: Mr. Chair, I think it is important that the committee as a whole know why we are voting against. This section is the section that changes the election time from three years to four years, and we have spoken out against this, as well, antidemocratic concept.

Mr. Chairperson: Item 5. Shall the item pass? On division? The item is accordingly passed on division.

Item 6—pass; item 7—pass. Item 8.

Ms. Barrett: No. We are going to vote against Section 8, because again this now begins another one of the problems that we have which is the increase in the ability of council and subcommittees and committees of council to go in camera, thereby subverting the democratic open process that we believe is very important. So we will be voting against a number of these sections as well.

Mr. Chairperson: Item 8 is passed on division. Item 9(1).

Ms. Barrett: No, again. This is the in-camera concern that we have, and we will be voting against Section 9(1).

Mr. Chairperson: As noted, item 9(1) the item will be passed on division. 9(2).

Ms. Barrett: Same thing. In camera.

Mr. Chairperson: Item 9(2) will be passed on division. Item 10(1).

An Honourable Member: No.

Mr. Reimer: I would like to move to strike out Section 10(1). I move

THAT section 10 of the Bill be amended by striking out subsection (1).

[French version]

Il est proposé d'amender l'article 10 du projet de loi par suppression du paragraphe (1).

What this is is eliminating the tie-breaking vote that the mayor has. The idea behind that is we have been able to hear quite a few presentations in the last while. In conversations it was decided that the tie-breaking vote that the mayor has been eliminated in this bill. It will also apply to, I believe, two other sections in the bill, 13(4) also.

Mr. Chairperson: Amendment—pass; item as amended—pass. Item 10(2).

An Honourable Member: No.

Ms. Barrett: Again 10(2) is the ability for council to inappropriately, we feel, be able to go into in camera sessions, so we will be voting against 10(2).

Mr. Chairperson: Shall item 10(2) pass on division?

Some Honourable Members: Pass.

Mr. Chairperson: Passed on division. Item 11.

Ms. Barrett: No. Section 11 deals with the elimination of the requirement for community committees, and we will be voting against 11.

Mr. Chairperson: Shall item 11 pass on division?

Some Honourable Members: Pass.

Mr. Chairperson: On division. Item 12(1)—pass; 12(2)—pass; 12(3)—pass. Item 13(1).

Ms. Barrett: No. We will be voting against 13(1), again, for community committees elimination.

Mr. Chairperson: Item 13(1) shall pass on division. Item 13(2).

Ms. Barrett: I have an amendment. I move

THAT the proposed subsection 28(3), as set out in subsection 13(2) of the Bill, be amended by adding “and” at the end of clause (b), striking out “and” at the end of clause (c) and striking out clause (d).

Il est proposé d'amender le paragraphe 28(3), énoncé au paragraphe 13(2) du projet de loi, par suppression de l'alinéa d).

Motion presented.

Ms. Barrett: Mr. Chair, in effect, we are requesting that Clause (d) be eliminated in 29(1)(c).

Mr. Chairperson: You are dealing with Section 28(3).

Ms. Barrett: Yes, but the 28(3) is deleting Clause (d) which says that the mayor shall appoint members of the EPC under clause 29(1)(c), which is the—

Mr. Chairperson: Let me read the resolution for you.

Motion presented.

Mr. Chairperson: That is your amendment, Ms. Barrett. Do you wish to speak to the amendment?

Ms. Barrett: Yes, just that it provides the mayor with a new power in Clause (d), and we are against providing the mayor with any additional powers, because when you put it together with all of the other powers that the mayor has, we feel that we do not need this and would prefer to not see it in the bill.

Mr. Chairperson: What is the wish of the committee? Shall the amendment pass?

Some Honourable Members: No.

Mr. Chairperson: No? On division?

Some Honourable Members: On division.

Mr. Chairperson: The item will not pass on division. I declare the item defeated.

Item 13(2). Shall the item pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Mr. Chairperson: The item is passed on division. Item 13(3).

Ms. Barrett: No. Again this is an addition to the mayor's powers, and we have spoken out and many people have as well. This is something that is not needed, and we would prefer not to see it in the legislation.

Mr. Chairperson: Item 13(3)—pass. Item 13(4).

An Honourable Member: No.

Mr. Reimer: I move

THAT the proposed clause 28(4), as set out in subsection 13(4) of the Bill, be amended by striking out everything after “subsection (2)”.

[French version]

Il est proposé d'amender le paragraphe 28(4), énoncé au paragraphe 13(4) du projet de loi, par suppression de tout le passage qui suite “le paragraphe (2)”.

This is an explanation. This is a further indication in regard to the tie-breaking vote that was in the bill. It could have been used by the deputy mayor. With the elimination of the tie-breaking vote, there is no need for the deputy mayor to have a tie-breaking vote. So it applies to not only 13(4), 28(4), but also I believe—I guess I have to bring an amendment for 28(5), too. Do I? It covers the same one?

Mr. Chairperson: Amendment—pass. Clause 13(4) as amended—pass. Shall 14—Mr. Minister.

An Honourable Member: 14?

An Honourable Member: Yes, it is still in—no, we are still in 13(4), pardon me.

Mr. Chairperson: Okay, we will revert back then to 13(4). We have passed the amendment. We have not passed the clause as amended. Mr. Minister.

Mr. Reimer: Yes, because it is in two different places, we have to bring in the same amendment, so I will read it into the record.

THAT the proposed clause 28(5), as set out in subsection 13(4) of the Bill, be amended by striking out everything after “subsection (2)”.

[French version]

Il est proposé d'amender le paragraphe 28(5), énoncé au paragraphe 13(4) du projet de loi, par suppression de tout le passage qui suit « le paragraphe (2) ».

Mr. Chairperson: Amendment—pass; Clause 13(4) as amended—pass. Clause 14.

Ms. Barrett: No, Section 14, I have an amendment.

An Honourable Member: Is this one we can support at least?

Ms. Barrett: Oh, I doubt it.

An Honourable Member: Well, why do you not draw one up that I can support?

* (2220)

Ms. Barrett: I move—

THAT section 14 of the Bill be amended

(a) by adding “and” at the end of the proposed clause 29(1)(a), striking out “and” at the end of the proposed clause 29(1)(b) and striking out the proposed clause 29(1)(c); and

(b) by striking out the proposed subsection 29(1.1).

[French version]

Il est proposé d'amender l'article 14 du projet de loi :

a) par suppression de l'alinéa 29(1)c);

b) par suppression du paragraphe 29(1.1).

Mr. Chairperson: Ms. Barrett, do you want to explain the proposed amendment?

Ms. Barrett: Basically, the element in Bill 36 that this deals with is again strengthening the role of the mayor by giving him or her the authority to determine the size of the Executive Policy Committee to a maximum of seven members. We feel that the current legislation that identifies exactly who shall be on the Executive Policy Committee is the way to go. This gives far too much authority to the mayor.

Mr. Chairperson: Shall the item pass?

An Honourable Member: You did not read it into the record yet.

Motion presented.

Mr. Chairperson: Shall the item pass?

Some Honourable Members: No.

Mr. Chairperson: No? I declare the item lost.

Section 14—pass. Section 15(1).

Ms. Barrett: I move that subsection 15(1) of the bill be amended—

An Honourable Member: Wait until they pass it out, Becky.

Ms. Barrett: Oh, I am sorry.

I move—

THAT subsection 15(1) of the Bill be amended by adding “and” at the end of clause (b), striking out “and” at the end of clause (c) and striking out clause (d).

[French version]

Il est proposé d'amender le paragraphe 15(1) du projet de loi par suppression de l'alinéa d).

Motion presented.

Mr. Chairperson: Ms. Barrett, do you have an explanation for the motion?

Ms. Barrett: Yes, again, that this provides far too much authority to the Executive Policy Committee and

to the mayor, and we choose to vote against it. So, subsequently, we put the amendment forward.

Mr. Chairperson: To the committee, shall the amendment pass?

Some Honourable Members: No.

Mr. Chairperson: No. I declare the amendment defeated. Item 15(1)—pass; 15(2)—pass. 15(3).

Ms. Barrett: Again, this Section 15(3) gives more power to the Executive Policy Committee than we believe is necessary, and we are voting against all of these changes to the Executive Policy Committee that give way too much power to them, we feel.

Mr. Chairperson: Shall the item pass then on division? On division, the item is passed. 15(4).

Ms. Barrett: No, we are voting against this because it allows the Executive Policy Committee to delegate powers, duties or functions by a by-law or by a resolution. We feel that adding the ability of Executive Policy Committee to delegate powers by a resolution provides too much power to the EPC and does not provide for the requirement, we understand, to go to council as a whole and debate the by-law. So we do not feel that that is a power that the EPC should have.

Mr. Chairperson: Item 15(4)—pass, on division. Item 16, shall the item pass?

Ms. Barrett: I move

THAT section 16 of the Bill be amended by striking out “Section 31 is” and substituting “Subsections 31(1) and (2) are”.

[French version]

Il est proposé d'amender l'article 16 du projet de loi par substitution, à “L'article 31 est abrogé”, de “Les paragraphes 31(1) et (2) sont abrogés”.

Motion presented.

Ms. Barrett: Basically, Bill 36 repeals the whole, again, concept of community committees, and we are

asking for, in effect, the retention of subsection 31(3), which, again, talks about community committees being consulted by Executive Policy Committee. So, again, it is a reflection of our concern that community committees not be deleted.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: No.

Mr. Chairperson: No, the amendment is accordingly defeated. Section 16—pass, on division; Section 17—pass; Section 18—pass. Section 19.

Ms. Barrett: Again, this is addition of powers to the Executive Policy Committee, so we are voting against Section 19.

Mr. Chairperson: Section 19—pass, on division. Shall Section 20 pass?

Ms. Barrett: Section 20, we are voting against this section because it again refers to the deletion of the requirements for community committees.

Mr. Chairperson: Section 20—pass, on division. Shall Section 21 pass on division?

Ms. Barrett: We are voting against Section 21 because it eliminates all requirements and all reference to residents advisory groups. We have heard today that while there are some problems with residents advisory groups as they are currently constituted, the idea of them is essential, and that what they need are more resources, not to be eliminated, so we are voting against Section 21.

Mr. Chairperson: Section 21—pass, on division. Section 22, shall the item pass?

Ms. Barrett: No, community committees, we are against the elimination of the requirement for community committees.

Mr. Chairperson: Section 22—pass, on division; Section 23—pass; Section 24—pass; Section 25—pass. Section 26.

Ms. Barrett: I have an amendment somewhere. I move

THAT the proposed section 47, as set out in section 26 of the Bill, be struck out.

[French version]

Il est proposé de supprimer l'article 47, énoncé à l'article 26 du projet de loi.

Motion presented.

Ms. Barrett: Section 47 gives the mayor the power to suspend the chief administrative officer for a period of no more than three working days, and also then Section 47(2) gives the Executive Policy Committee the power to deal more thoroughly with whatever the mayor's suspension after that. We believe that this, again, is an abrogation of the powers that should rest with the City Council as a whole, rather than the mayor and the Executive Policy Committee.

Mr. Chairperson: It has been moved by Ms. Barrett that proposed Section 47, as set out in Section 26 of the bill, be struck out. Shall the item pass?

Some Honourable Members: No.

* (2230)

Mr. Chairperson: No, the item is defeated. Section 26—pass, on division; Section 27—pass; Section 28—pass. Shall Section 29 pass?

Ms. Barrett: No, again, this is striking out references to community committees, so we are unalterably opposed to this section.

Mr. Chairperson: Section 29—pass, on division; Section 30—pass; Section 31—pass; Section 32—pass; Section 33(1). Shall the item pass?

Ms. Barrett: No, this is again a section that provides for far too many in camera meetings of City Council and committees, and we are opposed to any of these additional in camera sections.

Mr. Chairperson: Item 33(1)—pass, on division; item 33(2)—pass; Section 34—pass; Section 35(1)—pass; Section 35(2)—pass; Section 36—pass; Section 37—pass. Shall Section 38 pass?

Some Honourable Members: No.

Ms. Barrett: Again, this is a diminution of the role of community committees, and we are voting against it.

Mr. Chairperson: The item is accordingly passed on division. Section 39(1)—pass. Section 39(2).

Ms. Barrett: No, again, this subsection repeals the requirements for community committees, and we are voting against that repeal.

Mr. Chairperson: Shall the item pass on division? Item is accordingly passed on division.

Section 39(1)—pass. Section 39(2).

Ms. Barrett: No. Again, this subsection repeals the requirements for community committees, and we are voting against that repeal.

Mr. Chairperson: The item is accordingly passed on division. Section 40.

Ms. Barrett: No. Community committees, we need them.

An Honourable Member: Do you have to leave her mike live?

Mr. Chairperson: The item is accordingly passed on division. Section 41.

Ms. Barrett: No. Again, this is not dealing with community committees, but it is dealing with the change of elections from three years to four years. We are opposed to that.

Mr. Chairperson: Section 41—passed on division; Section 42—pass; Section 43—pass; Section 44—pass; Section 45—pass. Section 41(6).

An Honourable Member: 46(1).

Mr. Chairperson: Section 46(1)—pass; Section 46(2)—pass; Section 46(3)—pass; Section 46(4)—pass; Section 46(5)—pass; Section 46(6)—pass; Section 46(7)—pass; Sections 46(8) to 48—pass. Section 49.

Ms. Barrett: No. Yes, again, this Section 49 refers to community committees. We are hoping that the government will see the error of its ways sooner or later before the end of this evening. Reverse its—

An Honourable Member: Not a chance.

Mr. Chairperson: Section 49—passed on division. Section 50(1).

Ms. Barrett: No, no. Community committees again. It is all we are voting against.

Mr. Chairperson: Passed on division; Section 50(2)—passed on division; Section 50(3)—passed on division; Section 50(4)—passed on division.

Ms. Barrett: I let several of these go by, but they all relate to the elimination of the requirement for community committees, and I just wanted it on the record that that is why we are voting against these sections.

Mr. Chairperson: Section 50(4)—passed on division; Sections 51 to 70—pass. Section 71.

Ms. Barrett: No.

An Honourable Member: Must you ask, Peter George?

Ms. Barrett: Why? The member of the committee asks. Because it is dealing with the refusal of the government to acknowledge the importance of the community committees to the city of Winnipeg.

Mr. Chairperson: Section 71—passed on division; Section 72—pass; Sections 73(1) to 83—pass. Section 84.

Ms. Barrett: Again, Section 84 deals with the elimination of the requirement for community committees.

Mr. Chairperson: Section 84—passed on division. Section 85.

Ms. Barrett: No.

Mr. Chairperson: No. Section 85—pass; Section 86—pass. Section 87.

Ms. Barrett: Again, the government is being intransigent in refusing to acknowledge the need for community committees in the city of Winnipeg, so we are voting against Section 87.

Mr. Chairperson: Section 87—passed on division; Section 88(1)—pass; Section 88(2)—pass; Section 88(3)—pass; 88(4)—pass; 89(1)—pass; 89(2)—pass; 90(1)—pass. Item 90(2).

Some Honourable Members: No.

Ms. Barrett: Another time. Community committees, we need them.

Mr. Chairperson: Item 90(2)—pass on division. Item 90(3).

Some Honourable Members: No.

Ms. Barrett: No, again, one more time. The City should have community committees in place and not

make them permissive. This is the last chance that the government has to see the light.

Mr. Chairperson: Item 90(3)—pass on division; 91(1) to 91(2)—pass; 91(3) to 91(4)—pass; title—pass; preamble—pass. Shall the bill be reported as amended?

Some Honourable Members: No.

Formal Vote

Ms. Barrett: I would like a recorded vote on this one, please.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 6, Nays 4.

Mr. Chairperson: I declare the bill passed and will be reported.

Thank you. Committee rise.

COMMITTEE ROSE AT: 10:39 p.m.

NOTE: The cover of this volume was originally printed incorrectly. It was identified as the Proceedings of the Standing Committee on Economic Development.