



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	Rupert's Island	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 – 9:30 a.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Jack Penner (Emerson)

VICE-CHAIRPERSON – Mr. Edward Helwer (Gimli)

ATTENDANCE - 10 – QUORUM - 6

Members of the Committee present:

Hon. Messrs. Radcliffe, Reimer

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

APPEARING:

Mr. Gary Kowalski, MLA for The Maples
Mr. Kevin Lamoureux, MLA for Inkster

WITNESSES:

Mr. Nick Ternette, Private Citizen
Mr. Dan Kelly, Canadian Federation of Independent Business
Mr. Jeffrey Lowe, Choices
Ms. Susan Thompson, Mayor, City of Winnipeg
Mr. Jae Eadie, Deputy Mayor, City of Winnipeg
Mr. Glen Murray, Councillor, Fort Rouge Ward, City of Winnipeg
Ms. Jenny Gerbasi, Private Citizen
Ms. Lillian Thomas, Councillor, Elmwood Ward, City of Winnipeg
Mr. Brian McLeod, Private Citizen

MATTERS UNDER DISCUSSION:

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

Clerk Assistant (Ms. Patricia Chaychuk): Order, please. Will the Standing Committee on Municipal Affairs please come to order. I have before me the resignation of Marcel Laurendeau as Chairperson of the committee. Mr. Laurendeau is staying on the committee as a committee member, but he has resigned as Chairperson. Therefore, before the committee can proceed with the matters before it, it must elect a Chairperson. Are there any nominations?

Mr. Edward Helwer (Gimli): I would like to nominate Mr. Penner, the member for Emerson.

Clerk Assistant: Mr. Penner has been nominated. Are there any other nominations? Seeing none, Mr. Penner, you are elected Chairperson.

Mr. Chairperson: Order, please. Will the Standing Committee on Municipal Affairs please come to order this morning.

This morning, the committee will be considering Bill 36, The City of Winnipeg Amendment and Consequential Amendments Act. A meeting has also been scheduled for 7 p.m. this evening and for 7 p.m. tomorrow evening, if necessary.

To date, we have had the following persons register to speak to Bill 36, and I will read the list of names. If there are any other persons in attendance who wish to make presentation to Bill 36 whose names do not appear on the list that I will read, you can contact the Chamber Branch at the back of the room and your names will be added to the list.

The first person on the list is Nick Ternette, private citizen; Dan Kelly, Canadian Federation of Independent Business; Jeffrey Lowe of Choices; Mayor Susan Thompson and Deputy Mayor Jae Edie of the City of Winnipeg; Glen Hewitt, Riel Resident Advisory Group; Councillor Glen Murray, councillor for Fort

Rouge Ward; Jenny Gerbasi, private citizen; Councillor Lillian Thomas, councillor for Elmwood Ward; Brian McLeod, private citizen; Paul Moist, CUPE - Local 500; Carolyn Garlich, Council of Women of Winnipeg; Ambrose Percheson, private citizen; Carol Anne Borody, 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 of Woodhaven Home Owners Association; Valerie Price, Manitoba Association for Rights and Liberties; Paul Nielson, private citizen; Dave M. Sanders or Kerry Reimer, Colliers Pratt McGarry; Valinda Morris, Provincial Council of Women of Manitoba.

There are no out-of-town presenters. In addition, I would like to advise those persons who require photocopies of their submission to be made to also contact the Chamber Branch staff at the back of the room and the photocopies will be made for you, if you have photocopies to be made.

By the way, did the committee wish to impose time limits on the presentations? What is the will of the committee?

An Honourable Member: No.

Mr. Chairperson: No. Okay. We will then proceed.

Hon. Jack Reimer (Minister of Urban Affairs): I was just going to wonder whether there had been guidelines set up with some of the other committee meetings as to time requirements and time limits.

Mr. Chairperson: Well, Mr. Minister, the last committee that I chaired, we had no time limits. It does pose a difficulty at times if there are none; however, it is the will of the committee.

Mrs. Shirley Render (St. Vital): Well, I am wondering, Mr. Chairman, whether we can tentatively propose 15 minutes, 10 and five, just to make sure that everybody does get an opportunity. Certainly, in the past when we have put a time limit on, if there is a wish from the opposition or from this side to extend that

time, I think we have always done that. It does not need to be a rigid time, but I do know that there are some presenters who like to have a sense as to when they are going to be called up. At least, if we know that each presenter has approximately 15 minutes, it gives them an opportunity to be able to gauge the time that they are going to be making a presentation. So I would suggest a time limit, and if there is a request to extend that time limit, then I am sure we can accommodate that request.

Ms. Becky Barrett (Wellington): I will not belabour the point because I know there are a number of people here who wish to make presentations. I think that, particularly for this piece of legislation which has had virtually no public hearing either at the city level or here at the province before the public hearings now, it is incumbent upon us to have as much information as possible from as many people as possible. I am prepared to say 15 minutes for presentation and then open for questions, because there are times when the questioning actually elicits more information than the presentation itself. It may turn out that it will go fairly quickly, but I think it is incumbent upon us, in particular with this piece of legislation, to be as flexible as possible. So I would suggest 15-minute time limit on the presentation and unlimited on the question-and-answer period.

Mr. Marcel Laurendeau (St. Norbert): Well, Mr. Chairman, it is not too often I agree with the critic, but at this time I think it would be a good move. Let us go along with her suggestion, 15 minutes and then have questions after.

Mr. Chairperson: We have had three suggestions now. I am not sure what the will of the committee is. If Mr. Laurendeau's and Ms. Barrett's suggestion is acceptable, if you want to give me some discretion as Chairperson, I might be able to direct or ask for the cooperation of the presenters.

Is that the will of the committee? [agreed] Thank you. How did the committee wish to deal with the names of the persons on the list? Should we call them in order as read?

What is the will of the committee?

And shall those who are not present be dropped to the bottom of the list and called a second time after the names have all been called?

Ms. Barrett: Because this is a morning meeting, I would hope that calling them a second time would not preclude them from appearing tonight, dropping them from the list at all.

Mr. Chairperson: No, I think we need to clearly understand dropping them to the bottom of the list, they will be called at the end of the proceedings when we have gone through the whole list. They will then be recalled, and if they are then here, they will be heard. If not, they will not be heard. Agreed? [agreed]

Did the committee wish to indicate at this point how late it is the will of the committee to sit this morning?

An Honourable Member: Twelve o'clock, twelve-thirty.

Some Honourable Members: Twelve-thirty.

Mr. Chairperson: Twelve-thirty, is that agreed? [agreed]

We shall then proceed to hear the public presentations. Mr. Nick Ternette, private citizen. Nick, have you a presentation for distribution?

Mr. Nick Ternette (Private Citizen): Yes.

Mr. Chairperson: The Clerk will distribute.

* (0940)

Mr. Ternette: Mr. Chairperson, members of the committee, if I could just quickly review a little bit of history of The Municipal Act and this particular bill and how it reflects to the recommendations that Bill 36 is all about.

The history of political changes go back to the Taraska report in 1976 and the Cherniack report in 1986. But, unfortunately, I see Bill 36 being implemented with a great deal of haste, without the public input that the Taraska or Cherniack reports had.

When Unicity was conceived, the idea originally was to create a parliamentary-style City Council with the mayor elected by council as a whole. The mayor would become the leader of a majority group in council, and an official opposition would be recognized. But the will of then Mayor Stephen Juba caused the province to accept a presidential style mayor and a parliamentary-style council. Juba convinced Ed Schreyer's NDP government to have a mayor elected at large by the citizenry of Unicity. Unicity took over governing Winnipeg and 12 adjacent municipalities in 1972. This alteration effectively undermined the parliamentary concept that made a large council conceivable, giving the mayor an independent base. Unfortunately, the deficiency of this legacy became evident in the contradiction of a president presiding over a parliament.

No question, George Cuff in his original report does not mince words, nor does he hesitate to provide provocative and thoughtful insights into the fundamental challenges facing the City of Winnipeg. They include and still include the cost of providing government services, deemed to be too high to be sustainable, that the present level of debts and debt charges is reducing the city's ability to take on needed infrastructure repairs; that the residents expect sound and ethical government from a council who cares about community needs and aspirations; that the residents expect the government process to be fair and assessable; that the council needs to find ways to improve its image as a director or governor of the series and find ways to increase its effectiveness; that the system needs to focus more on service, efficiency and effectiveness and less on self-preservation.

Finally, the system needs to change to become more open to new ideas to respond to what is happening in society.

Cuff strongly believed in change. But the question to be asked is whether or not this change served the interests of the taxpayers. Let us be clear. Cuff's approach to civic government lies within an ideological framework which starts and ends with the notion that the city must be run like a business, lean and efficient. In his view, democracy leads to confusion and a go slow approach that does not serve the taxpayers as

clients. His ideology is based on the concept of competition and diverse interest groups that depend on consensus and compromise.

Unfortunately, the present council lacks a consensus and there are bitter divisions there. These divisions are among labour, the finest working class and business class, as well as suburban versus inner city interests.

An effective opposition is part and parcel of a functioning parliamentary-style government. Opposition voices are heard, not silenced. In the absence of an effective opposition, a one-party rule becomes the norm. But, instead of a return to the original unicity parliamentary-type of government, Cuff leans towards a more hierarchical, centralized control of political and administrative functions dominated by the mayor and EPC. The notion of citizen participation, accountability to the taxpayer and ideological differences as a council disappear.

Do taxpayers really favour these kinds of changes? Do they really favour a more centralized City Council dominated by a mayor who would be given far more extensive powers than she presently has; the ability to break tie votes, two votes; appoint people to various boards and commissions? In a recent public opinion poll carried out in the Winnipeg Sun, 96 percent of the people said no.

Furthermore, do taxpayers want to allow EPC to dominate policy discussions, keeping in mind that EPC is going to be appointed by the mayor, have EPC functions more like a cabinet, recognizing that Cabinet is a feature of parliamentary-style democracy and a party system that is not present under today's City Council structure? Do we want the elimination of community committees and resident advisory groups, so that citizens' input is limited to calling to your individual council or voting every four years all in the name of efficiency?

Let me deal specifically with the recommendations on Bill 36. I am greatly concerned with the proposed amendments of the City of Winnipeg that deal with the political restructuring—which is Bill 36—of City Council. For I have said before, that centralization of political power with an EPC and a mayor, without the

historical meaning of parliamentary-style government and democracy, leads to a one-party rule, autocracy, and undemocratic practices.

Let us be clear that under the recommended changes of centralizing political power within EPC, the mayor and the ability of the mayor to appoint seven EPC members, ensures a nine to eight vote on any and all decisions made by EPC. The mayor will have one vote. EPC will have seven votes. The mayor will have the one tie-breaking vote, equalling nine votes to eight votes, regardless of what council wishes, simply eliminating the whole need to have a City Council exist. You can simply have EPC and the mayor survive and do everything under these proposed changes in Bill 36.

One can only strongly urge the Law Amendments or this committee to consider an amendment that will bring back democracy to City Council. The one that I suggest—and it is a small one, but I know it probably is not something that people have thought about. If the mayor is appointed by the majority of council rather than citywide, this amendment would encourage the development of party politics, of some form of party politics I can guarantee you at City Hall and ensure accountability, if you so desire, for a parliamentary type of civic government.

I have no problems and opposition in terms of an EPC functioning like a cabinet, if you have legitimate opposition and open accountability at the grassroots level. The only way you can ensure that is by having at least an amendment saying that the majority of council will determine who the mayor is. Then you will have the kind of democracy coming back, and then you can have a parliamentary-style government, because then you will have a form of party politics developing at City Hall.

It is unfortunate that George Cuff has expressed some of what I call elitist attitudes towards taxpayers' participation in the political process. He suggested that taxpayers consider themselves purely of the delivery and cost of services and are not worried about how council is structured and how decisions are made. Well, I would tell you that I beg to differ with that whole attitude, because there are a lot of people

concerned about how council is structured and how Bill 36 reflects those structures and how decisions are made at City Council.

In that regard I strongly oppose providing a four-year term of office for election of council. It is undemocratic because it provides the taxpayers with no opportunity to participate in removing politicians who do not support the taxpayers' perspective for four years instead of three years. Because we do not have any binding referendums or recall legislation at the civic level, it simply creates even further undemocratic practices because there is no accountability of politicians, again reflecting the fact that we have no party politics at the City Hall level. So therefore people get elected on personalities and therefore the longer they stay in power the less control citizens have on it.

I strongly oppose giving the mayor a tie-breaking vote unless you will remove the original vote from him or her, allowing the mayor only to vote in actual tie-breaking situations.

I strongly oppose allowing the mayor to appoint members of subcommittees or ad hoc committees, for the council is supreme and ought to practise democracy, not autocracy in appointing members to subcommittees and ad hoc committees. While I have no disagreement with EPC functioning like a cabinet, as I said, I strongly object to the expansion of powers of EPC unless a parliamentary style of government is created at the civic level.

* (0950)

While I can appreciate subcommittees of EPC, namely advisory groups to advise EPC, composed of nonelected members, they ought to be subject to the approval of City Council as a whole rather than appointments by EPC. I strongly support the notion of deleting reference to specific numbers of standing committees and making provisions for the establishment of standing committees being permissive rather than mandatory.

I strongly support the notion of enabling City Council to determine the process of citizen

participation, including the option of community committees and resident advisory groups, as long as City Council holds public meetings to ascertain from the taxpayer the best options that citizens have concerning their participation in the political process. That has to be mandated by provincial legislation, which this bill does not do. If the provincial government simply calls for, as it does presently in Bill 36, the elimination of community committees and resident advisory groups and does not propose a new mechanism for public input into the business of city politics, then I would strongly urge this particular committee to allow community committees and resident advisory committees to continue in their present form.

I understand that the city itself is going to be coming forth, if I read the newspaper correctly, with a position on that because, quite bluntly, if you eliminate resident advisory groups and community committees and provide no other structure, then all local decisions will have to be made by council as a whole. You know that council is swamped already and, if everything has to go through a centralized body, without the community committees and the decentralized making decisions on local zoning and other matters, you are going to simply have a completely ineffective City Council because they are going to be dealing with hundreds of local matters because all local matters will come to central council from there on. You just cannot leave the legislation as it is presently.

While I have no specific objection to having civic elections on the third Monday of April, 2002, I see no strong reason for it, and one must recognize that the public is used to October civic elections, which I think could undermine the democratic turnout of voters for that time, because change is very difficult and Winnipeggers are known to be consistent in their habits.

Winnipeggers have known to vote in October for years and years on end in terms of civic elections and changing them to April is going to create a process where people are going to start wondering why April. It is going to take a while for people. We may have even lower voting records in April than we have in October.

As you know very well, civic elections have one of the lowest records of voting turnout, 55 percent at the best of levels. Many, many areas in the inner city wards you have only 25 to 29 percent of the people voting, which is an absolute minority of people voting and getting elected somebody who represents them, when the majority do not even participate. If that voting record is going to be even lower as a result of changing the date, I think one ought to reconsider that.

I strongly object to City Council delegating any ultimate authority to either EPC or standing committees for the final arbitrator in all positions, for the final arbitrator in all decisions ought to be City Council, elected by the people and accountable to the people as a whole, not in part.

Finally, I strongly support requesting the province for a thorough City of Winnipeg Act review, review of the act since we have not had one since the 1986 Cherniack report to provide flexibility and authority for City Council in many areas now mandated by provincial legislation.

I will hope that my presentation has made some sense here, especially, in terms of citizen participation, in terms of the kind of structures that we need and the recognition that while I do not object to what George Cuff is trying to do in the broadest sense of the word of creating a parliamentary modern-style government, if you want to call it that, but if you do not have accountability at the local level, it cannot work. We do not have party politics. We do not have accountability in people and do not elect people on platforms at the municipal level, and as such creating a cabinet-style government with no accountability at the local level destroys the whole process of modernizing the system.

Until you change the bottom and move from the bottom up, you are simply creating an autocracy and a one-party rule. You might as well eliminate City Council completely and simply have elections for EPC and the mayor, because they will be the ones who will run City Hall if this legislation is passed in its present form. I thank you very, very much.

Mr. Chairperson: Thank you very much, Mr. Ternette, for a good presentation.

Ms. Barrett: Yes, it was very well laid out and very succinct history and concerns. I have a question in your first paragraph where you talk about Bill 36 and the Cuff report before it, coming forward with very little, if any, public input as compared to virtually every—not only Taraska and Cherniack, but the wards boundary review in '91 and, of course, the bill that put together Unicity in the first place.

Do you have any thoughts as to why you think this process was hurried through in less than three weeks in the City Council and has been put forward as quickly as it has in the provincial legislation?

Mr. Ternette: Well, that is a good question. It is very difficult. I think if the mayor was here, she would be able to answer this better than I can. I was aware of the George Cuff report and participated, because actually I was even consulted by George Cuff during the summer of last year when this was in the process. There was some internal what we call focus groups, discussions within the Cuff report, but unfortunately my suggestion had been to him at that time that you should have town hall meetings, you should have open meetings to discuss these things, and it never happened. I think the mayor was concerned that she wanted fundamental changes to occur as quickly as possible. She felt that she could not function anymore under the present structure of the board of commissioners and the mechanisms that had basically kept her from pushing her view of what the city ought to be. She felt that the changes had to come, that discussion had happened many years over, that anybody who has had an interest in history of civic politics had participated in this process, and so therefore Cuff was simply summarizing all those ideas.

I do not believe that because, quite bluntly, if you talk to people in the streets, most of them have not heard about George Cuff. They have not heard about the changes. They really do not understand the difference between eliminating board of commissioners and appointing an ECO, the kind of running the city more like a business thing. They do not understand how budgets are now being developed, which are quite different from the old days. None of that has been publicly discussed, but unfortunately also the public has not really shown any will to come out in droves and

say we want to participate in this process. I mean this is a whole other side of the coin.

How do we develop citizen participation in a process when there is few of us who are constantly involved as watch dogs basically of the civic process, and keeping our eyes on it? So, if the pressure was not there, then the politicians felt they could go ahead and just pass it because they did not feel there was any opposition to it.

Ms. Barrett: One of the suggestions that has been made, and it addresses your statement about the haste with which the current—not just the mayor, but 12 of the 16 members of council passed this Cuff report through and made recommendations, and request of the provincial is that seeing as how now it is less than six months before a municipal election that perhaps it would have been better to delay the implementation or the request to the province until a new City Council has been put in place.

I think an argument could be made that, because the composition of City Council will change dramatically from the mayor on down, it would be more democratic to have the new elected City Council have some input into this before it takes place. I am wondering if you would agree with that.

Mr. Ternette: Yes, absolutely, because I, quite bluntly—as you have indicated, there will be changes at City Hall. There will be new people elected on City Hall, and they will not have had a chance or any kind of input or discussion on the kind of significant changes. You have to recognize the George Cuff report has fundamentally transformed civic politics. The majority of people do not understand that. They think it is simply minor administrative changes. This is far more significant than the Cherniack report, which nearly none of those recommendations were ever implemented, by the way.

So Bill 36 tied into what the city has already changed, fundamentally, in the administrative structures. It is going to fundamentally change the whole operation of City Hall which, as I said, the majority of the public do not know about, and so therefore a new council is going to be stuck with the whole new rules of operation, literally. As I say,

council will be irrelevant after the election if this Bill 36 goes through without any amendments.

As I said before, EPC and the mayor will have enough votes to literally run every policy decision through without any consideration of what other councils are going to say. So bluntly, it is going to be a cabinet-style, autocratic, one-party system operating at civic hall from October 29, 1998, and that is dangerous as far as I am concerned.

Mr. Gary Kowalski (The Maples): One quick question, on the second page, in paragraph 3, you refer to 96 percent in a public poll: which poll are you referring to?

Mr. Ternette: Yes, I think it was the Winnipeg Sun, but I can double-check. There was a poll done during the time when the George Cuff report was—

Mr. Chairperson: Mr. Ternette, please, let Mr. Kowalski finish his question, and then I will ask you to speak.

* (1000)

Mr. Kowalski: Well, he has given the answer I wanted anyway. I wanted to know who commissioned the poll, and what was the question and in what reference, you know, the validity.

Mr. Ternette: I will double-check. I want it for the record. I am not absolutely—I am aware because I checked things. I am pretty sure it is the Winnipeg Sun, but I will make sure I will get you the actual time and period. They have opinion polls that they ask people to phone in about do you believe in terms of giving the mayor a tie-breaking vote and whatever else, and in all those opinion polls that the Sun carried out, the people who phoned in, at least those who took interest in it, 96 percent voted against providing more power to the mayor, which, I think, is what the question actually was all about.

Mr. Laurendeau: Nick, in your last page you stated that you strongly supported the motion of enabling City Council to determine the process of citizens' participation informing the committee structure. But,

on the other hand, you said there should be a different mechanism looked at for supplying the input from the public. Could you maybe clarify where you are standing on this? You are, on one hand, agreeing that City Council should be strong and have their own ability, but then on the other hand you are saying we should be putting lines in the way. Could you clarify that?

Mr. Ternette: Very good question. You have to understand that the original Cuff report suggestion was that resident advisory groups in the community committees are not functioning as effectively as they could be, and to some extent I concur with that direction, especially the resident advisory groups.

I was chairman of the resident advisory group in 1972-73, and we know how many people participated in the process when Unicity was first created. We had 150 people turn out to resident advisory group meetings wanting to participate fully in all aspects of civic politics. Today, in some of the community committees, you can get maybe 10 or 15 people out to participate. The level of participation, the level of commitment, because there is no authority given, or never was given by the resident advisory groups, so therefore I favoured new mechanisms, looking at forms of mechanisms of local participation, like mandated townhall meetings where the mayor or EPC would be required to report to the citizens every month on a regular basis, but mandate it, not simply giving an option.

What has happened here is that you remove the local control of even the lowest levels, which is local zoning matters, local housing matters and whatever else, and you are forcing everything into a centralized structure, into the centre. All these issues now will have to be dealt with by City Council. That is incompatible with local democracy. You want to decentralize. You do not want to centralize the process, but if you have nothing else in place—and I would prefer something different, more open, more up to date in terms of the 21st Century of how public can participate, using the Internet, for example, in terms of participating in terms of local decisions.

These things have to be looked at because those are how people are going to be participating. Maybe even

local referendums within the community committee levels in terms of major issues that they are concerned with; or a newspaper that goes out on a regular basis, which some councillors do and some councillors do not do. None of that is, however, mandated or whatever else, so all you have got is you are going to eliminate the basic structure, which, I think, is ineffective, and replace it with nothing. That is simply unacceptable. That is really why I am pointing it out. But I would prefer something more open, more interesting, more creative, if you want to call it, in terms of 21st Century communication because basically the local area is where people communicate with the councillor and the councillor communicates with the local issues, and local issues differ from the inner city as compared to suburbia. Therefore, there has to be all kinds of mechanisms developed, but they need to be mandated. Otherwise, council will not do it. That is my big problem.

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

I call next Dan Kelly, Canadian Federation of Independent Business. Mr. Kelly, do you have a presentation for distribution? The Clerk will distribute.

I just want to remind the presenters and the questioners at the committee that we have a gentlemen's or a gentleperson's agreement, sorry about that, that we limit ourselves somewhat, so I ask that we try and keep the presentation within that 15-minute limitation, if possible.

Mr. Kelly, you may proceed.

Mr. Dan Kelly (Canadian Federation of Independent Business): Thank you very much for the opportunity to present to you this morning.

As you may be aware, the Canadian Federation of Independent Business has been actively involved in a number of municipal issues across Manitoba. We have been a frequent presenter to the City of Winnipeg on a variety of important issues before council, particularly those related to the budget, business and property taxation, and overall civic relations with the small business community.

In addition to lobbying at council, for many years, CFIB has called for changes to the provincial legislation governing the city. I am before you this morning with the primary purpose of offering our support and congratulations for many of the provisions of Bill 36, The City of Winnipeg Amendment and Consequential Amendments Act.

Before I begin outlining our views on this act, I want to provide you with an overview of my members' opinions of the climate for small business in the city of Winnipeg. Attached to this presentation are a number of tables containing the results of some of our municipal surveys.

By way of background, I want to remind you that CFIB has over 4,000 small- and medium-sized firms as members here in Manitoba, with 2,000 of those firms residing in Winnipeg.

As you may recall, last summer CFIB released the results of a municipal survey that demonstrated that Manitoba had both the best and one of the worst rated municipal governments in western Canada. Brandon scored at the top of the charts according to its small business community, while Winnipeg was ranked second from the bottom out of 40 communities.

This is consistent with other surveys which show that concern over the cost of local government is expressed by 78.8 percent of our members in Winnipeg, while only 12.5 percent share this concern in Brandon, and only 25.9 percent in the rest of the province.

It is also interesting to note the over three-quarters of our Winnipeg members tell us that commercial property and business taxes are the most harmful forms of taxation to their firms. The province will be pleased to note that concern over local property and business tax exceeds the concern with all forms of provincial taxation, including the provincial income tax, workers compensation premiums, the provincial sales tax and even the much hated Manitoba payroll tax.

It should also be noted that while nearly three-quarters of our members are satisfied with spending restraint at the provincial level, less than 17 percent are satisfied with the City of Winnipeg's efforts to control

spending. Also relevant is the finding that well over a third of our members report that the climate for small business in the city is either somewhat or very hostile.

I mention this survey research only to impress upon you the importance of the changes that you are considering this morning. One of the factors in our municipal survey asks our members for their opinions of their municipal government's overall awareness of small business issues. In Winnipeg, 70 percent gave council a poor rating on this measure. Part of this perception is no doubt the result of a sense that there is a lack of accountability and citywide thinking within their municipal government. It is in this context that I believe the recommendations of the Cuff report that are embodied in this legislation will help. For our part, I met with Mr. Cuff and provided him with a series of briefs and presentations CFIB has made to council and to the province over the years. I also provided him with a list of CFIB's key recommendations for reform to the political and administrative structures at City Hall.

CFIB recommended that the city and/or the province replace the board of commissioners with the city manager, extend terms from three to four years, move the election timing to spring rather than to fall to allow new councils to impact on the budget, to increase citywide thinking by allowing the mayor to break tie votes, to make EPC a true city cabinet by changing the administrative reporting structure, to depoliticize the nature of union negotiations by hiring an outside negotiator and to continue to consolidate departments and branches.

Before going further, I want you to know that it is my view that the power to make changes at City Hall primarily rests with our municipal politicians. This is why I am so pleased with council's swift adoption of many of the recommendations of the Cuff report. The city-led changes to the administrative and political structures, most evident by the elimination of the board of commissioners and the appointment of a chief administrative officer, in my mind are the most important elements of this reform.

I am also pleased that the province has moved to make the necessary legislative changes to continue this

reform process. As I mentioned, CFIB's main interest in any amendments to The City of Winnipeg Act is to increase accountability and to encourage more citywide decision making. I believe that this act, combined with the recent changes at City Hall, will allow this to happen.

I would like to comment on six key areas of The City of Winnipeg Act. In my mind, one of the chief problems with the existing City of Winnipeg Act is that it has, for a variety of reasons, encouraged ward-based thinking instead of citywide decision making. With an absence of political parties at City Hall, I believe that the system has occasionally motivated councillors to think of the needs of their wards first without always paying attention to the interests of the city as a whole. Allowing some limited, additional powers to the mayor and Executive Policy Committee can encourage the citywide thinking necessary to move a very massive and top-heavy ship.

* (1010)

The mayor is the only politician elected by all city residents, and allowing him or her some additional authority seems reasonable and appropriate. Allowing the mayor a second vote in the case of a tie will likely be a seldom-used provision of this act; however, it does send the message of the importance of citywide thinking.

The mayor's powers in appointing the members of an expanded EPC and chairs of standing and other committees will also provide councillors with an additional incentive to consider the interests of the city as a whole. We are also supportive of allowing the mayor the authority to suspend for a short term the chief administrative officer.

Delineating clear lines of authority and responsibility within the ranks of the civil service will also serve the business community well by allowing us to better understand who does what, and where any potential problems exist, who to contact. I believe that, if properly implemented, we will create a system where politicians can be politicians and administrators can be administrators. I will put to you that the old system meant that council was forced to do far too much

detailed administrative work, and the board of commissioners were among the most active politicians. The previous structure contributed to a profound sense of confusion for councillors, civil servants, the business community, and general public alike. The creation of a chief administrative officer is a statutory provision and, combined with the description of the powers, duties and functions of the CAO in Section 46(1), will help end this sense of confusion.

I should also mention that within the last few weeks I met with the new CAO, Gail Stephens, and was extremely impressed with her plans for changes to the administrative structures at City Hall.

Again, while the changes in this act are important and necessary, nothing is more important than the execution of these newfound responsibilities by our civic politicians and civil servants. In preparing for this preparation, I reviewed some of CFIB's previous documentation on The City of Winnipeg Act. In a presentation to the members of cabinet in the spring of 1994, CFIB recommended that council's terms be extended from three to four years. The current short three-year term of City Council may not allow a sufficient window for changes to take hold and demonstrate results. It may also discourage council from making tough decisions, like taking on our civic unions, as an election is always just around the corner. After an election, councillors are just learning the ropes in preparing their first budget and are thinking of the next election for the third. This may allow only the second budget to make educated and substantive changes. A four-year term may help to address this problem.

I also wanted to touch on the issue of special service units that are delineated in this legislation. While CFIB has always been supportive of the concept of special service units or special operating agencies, as Section 81.1 of this legislation provides the ability to create, I thought it would be important to mention to you a few words of caution. Special service units are excellent ways of allowing civil servants to use creativity and entrepreneurship in providing public services. However, if left unchecked, such an approach can create new forms of competition with the private sector. Provincial SOAs, like the Pineland Forest

Nursery and Organization and Staff Development, are currently in head-to-head competition with the private sector. We have already had to lobby to end a similar situation at City Hall where the city's Forestry department advertised that would allow city tree-pruning crews to provide private pruning on a fee-for-service basis.

While I am pleased that Section 81.16 mandates a five-year review of any special service units, I urge both council and the province to monitor the situation to ensure that new examples of unfair competition with the private sector are not created.

One of my few criticisms of the legislation involves allowing the City of Winnipeg additional powers to provide subsidies to business. In days when governments are struggling to afford to provide for essential services demanded by the public, CFIB believes no level of government should be subsidizing individual private-sector firms.

While I understand that the changes in Section 138 are designed to harmonize the situation between The City of Winnipeg Act and The Municipal Act, CFIB recommends that both pieces of legislation prevent the use of economic development incentives rather than facilitate their use. Again, this is an important issue as council has already demonstrated its willingness to subsidize companies at the expense of the larger tax-paying community.

Council's decision to provide a multimillion-dollar subsidy to Schneider in addition to cutting its sewer rates by 30 percent was one of the most foolish decisions made in the last number of years. Attached to the submission is a section of the new draft Ontario municipal act, which clearly forbids the use of grants, bonuses, or other forms of subsidy to private sector firms. I believe that The City of Winnipeg Act should adopt this approach, rather than allowing more of our tax dollars to be passed out by way of business subsidies.

Finally, I wanted to note one portion of The City of Winnipeg Act that needs to be reviewed in greater detail. Sections 196-203 allow for the creation of business improvement zones. CFIB has had a number

of calls from our members expressing concern with the requirement that is placed upon them to pay an additional levy on their business tax to such groups.

Currently, for a zone to be established, only 10 percent of the firms representing 10 percent of the total assessment need to sign a petition. To block a group, one-third of the firms representing one-third of the total assessment are needed. In addition, the procedures to dissolve are not clearly outlined. CFIB is currently examining this part of the legislation and consulting with our members.

While there are no changes in the bill that address Business Improvement Zones, I encourage the government to review these provisions before the next session of the Legislature. I would be pleased to work with the Department of Urban Affairs in any such review.

In summary, CFIB believes that Bill 36 is an important and necessary step forward in the evolution of our municipal government in Winnipeg. It must be remembered, however, that this bill is simply one step. Reforming the legislation will be made far more effective if we elect a mayor and council committed to exercising their newfound powers to the benefit of the business and residential taxpayers of Winnipeg.

The problems facing the city are immense. We have among the highest property taxes in Canada. The total take of the city's business tax went up by nearly 43 percent between 1990 and 1994. The salaries we pay to civic workers remain far higher than similar occupations in the private sector. However, the implementation of many of the recommendations of the Cuff report at City Hall, combined with the progressive amendments put forward in this legislation, should provide a new council with all of the tools necessary to change the direction of the city.

CFIB extends our congratulations to the province for making these changes possible. Thank you for your attention.

Ms. Barrett: A couple of questions. One, did you request a meeting with Mr. Cuff or did he call on you to meet with him?

Mr. Kelly: I requested a meeting with Mr. Cuff.

Ms. Barrett: Now, your additional information that you have appended to the back of your presentation, there is a high-priority issues chart, January 1998, and nowhere in this opinion survey, which was held after the Cuff report and after the announcement at least that the legislation was going to change, do I see anything in here about the CFIB members commenting or being asked to comment on the changes to The City of Winnipeg Act. I am wondering if that is an accurate reflection of the January 1998 survey.

Mr. Kelly: Yes, this particular survey, this is a survey that we do on an annual basis. In fact, every six months it is done in a face-to-face meeting with every one of our 4,000 members across the province over an annual basis. So the sample size of this survey is huge. In fact, this particular survey, I believe the sample size was over a thousand of our members.

You are quite right, it did not ask about any of the specific provisions of the Cuff report. It did not ask about amendments to The City of Winnipeg Act. It simply was noting their opinions of some of the top issues related to municipal government and the provincial government in Manitoba.

* (1020)

Ms. Barrett: Then what surveying or what discussions did CFIB undertake in order to present this report?

Mr. Kelly: We have done a variety of presentations over the course of a number of years. In fact, as I mentioned in my report, one of the documents that I referred to was something that we put out in 1994 which was distributed widely to our members that outlined some of the changes that had been suggested both by individual members and in consultation with CFIB staff such as myself.

That document was in 1994 and recommended a four-year rather than a three-year election, suggested breaking a tie vote, allowing the mayor to break a tie vote, and a number of the other provisions that in fact have been adopted by this legislation. That has been widely circulated among our members.

I will say that the recommendations that are specific to the amendments to The City of Winnipeg Act are not necessarily issues that we have done a broad survey of our members. We have not asked our members, for example: should the mayor be granted a tie-breaking vote? That has not been a question that we floated in front of our entire membership. However, I should say that these things have been widely consulted among our membership through distribution of a number of our reports, and they have existed over the past, as they have over the past four years now.

Ms. Barrett: One final comment, then, I guess, is that so this issue which you in your presentation have said—and I would agree with you on this—that it is a very important bill and makes very sweeping changes to The City of Winnipeg Act and to the whole entire City of Winnipeg government. You have not done a survey, as you have done on many, many issues in the past with your members, maybe just the city of Winnipeg members even, so on this enormously important piece of legislation, you did not do a survey of your membership in the city of Winnipeg to get their feelings? On this piece of legislation you are relying on a compilation of information from three or four years ago—is that accurate?

Mr. Kelly: What I will say is that we do not typically survey our members on many of the line-by-line detailed items that this committee would be discussing. We have, though, as you note in some of the surveys that we have done, we see, among our members in Winnipeg, a huge degree of concern with the future of the city of Winnipeg. Our members are extremely concerned with the process by which decisions have been made at City Hall. We have not surveyed them on the detailed implementation of how, in fact, that should change.

What we do see, though, is through previous surveys that our members have favoured an increase of citywide decision making. They have also favoured increasing the amount of accountability between the legislative branch of the city government and the staff. That, in fact, is what has led us to many of these provisions. I should say that what I did note about the three or four years ago is that these things have been continual requests of the CFIB through a variety of

pieces of correspondence throughout that three to four years, and that is the broad sense of consultation that I was referring to.

Mr. Kowalski: In your presentation, you write that you have 2,000 firms in Winnipeg that are members. Further down, you quote a percentage of 77.8 percent of Winnipeg members. How do you define Winnipeg members? By where their business is or where they live? For example, if the business owner lives in Oakbank or St. Andrews, do you define them by where their business is located?

Mr. Kelly: Yes, the definition that we use is where the business is located. So it is not where the business owner happens to reside, it is where his or her business happens to be located.

Mr. Kowalski: A question that you may or may not have the answer for: what percentage of the city revenues comes from business taxes?

Mr. Kelly: I do not have that number off the top of my head. It is a massive portion of city revenues that do come from the business community. The business tax alone collects \$50 million out of, I guess, a \$600-million tax-supported budget. Then a very large portion of the property tax take also comes from business. I am sorry, I do not have an exact percentage.

Mr. Kowalski: One other effect that eliminating the board of commissioners has had is that it puts the police department, specifically the police chief, more directly under the control of the politicians, the mayor, and the City Council. Before you had a firewall from political interference in the police force in that you had a board of commissioners. Prior to that, you had a police commission.

I am concerned that after Cuff, we have a mayor or City Council that gets too involved can interfere with the running of the police department, setting its priorities for political purposes. For example, if research showed that community policing did not lower crime, but because everyone loves the word "community" in it, and everyone wants to give a big hug to a policeman during civic elections, there would

be a concern that City Council and the mayor would direct the policy chief in certain directions. Does your membership have any concern about that?

Mr. Kelly: The administrative reporting structure between the police department and City Council has not been something that I guess has been top of our agenda. We have, of course, been dealing more with the other departments of government that perhaps relate more directly to our membership, certainly not suggesting that the police do not. However, I will say that while I can understand the concern that you are expressing, the other side of the equation was that we had a board of commissioners and administrative people that were very involved in the political process at City Hall, I think much more so than perhaps should have been the case.

What I see coming out of this legislation is an end to that. So we had better define the roles of politicians at City Hall, and we had better define the roles of our administrative people. The relationship between the police department and the CAO or City Council as a whole and the mayor, I am sorry, I am not able to provide you with any educated commentary on that.

Mr. Chairperson: Mr. Kowalski, with one final question.

Mr. Kowalski: So the question that really derives out of that is: would your organization support the reinstatement of the Winnipeg Police Commission, an independent commission that would be a firewall between the political interference of any mayor or City Council in the running of the police department?

Mr. Chairperson: Mr. Kelly, with a short answer.

Mr. Kelly: I am afraid I cannot answer that.

Mr. Chairperson: Thank you. Any other questions? Thank you, Mr. Kelly, for your presentation. I call next Jeffrey Lowe of Choices. Mr. Lowe, have you a presentation for distribution? Mr. Lowe, you may proceed.

Mr. Jeffrey Lowe (Choices): Good morning, Mr. Chairperson, Mr. Minister, members of the committee.

One of the hallmarks of democracy is that it is necessarily a contentious and time consuming affair. Differing points of view have to be given adequate airing. Consensus has to be achieved. Oftentimes this will clash with a government's desire to see its legislative program enacted in swift fashion.

The changes to Winnipeg's style of governance embodied in Bill 36 bring to mind the old adage about democracy being an imperfect system, but nobody has yet come up with a better one. Minister Reimer apparently believes he has. Unfortunately, in his attempts to streamline the legislative process at City Hall, he has confused autocracy with efficiency. If ratified, the changes to the act would extinguish the system of open governance that has been in force since Unicity was created in 1970. The intent seems to be to replace a model of citizen accountability with a council that functions more in the manner of a corporate board of directors. What makes for sound business practice, however, can be counterproductive through the aims of representative government.

The scrapping of community committees as the major instrument for the receipt of public representations can only serve to further isolate city councillors from their constituents. The closed-door meetings and secret votes that Bill 36 authorizes will leave city councillors ultimately answerable to no one but themselves.

Bill 36 also further concentrates so much power in the hands of the mayor and Executive Policy Committee as to trivialize the role of other councillors. Coupled with this, the elimination of community committees signifies that councillors not selected to serve on EPC will experience difficulty even insofar as having any say over what takes place in their own wards.

* (1030)

Minister Reimer has stated that it was decided that statutory references in the act to community and standing committees should be deleted in order that City Council have the freedom to establish its own committee structure and processes for public consultation. Why, then, was it considered necessary to

stipulate a structure for the creation of special service units? Why was this not, too, left to council's discretion?

Adopting the concept of turning departments supplying essential civic services into quasi-private entities lends itself as well to a further weakening of democratic ideals. Commercializing them will mean that the standard of affordable provision on the basis of need is likely to be displaced by the basis of sheer ability to pay. The directive to exercise greater managerial autonomy invariably will result in the setting of departmental policy being driven by internal considerations instead of the greater public good.

Though they have been greatly watered down since their original invocation 28 years ago, the provisions for citizen participation and input in The City of Winnipeg Act are acclaimed as unique for North America. Political scientists the world over have made pilgrimages to examine its virtues.

Let us not henceforth have them coming here to study the charter for a civic government that is known far and wide for being cynical, elitist, secretive and corrupt.

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

Ms. Barrett: Mr. Lowe, what do you think is the reason for, or do you have any ideas about why the city government pushed the Cuff report and the son of Cuff report, if you will, with the EPC secret meetings, and then having a second go at it, and having it through City Council in less than a month and then The City of Winnipeg Act review happening just a few short months after that?

Mr. Lowe: Well, fundamentally, in our judgment, it demonstrates a contempt on the part of this government and the current leadership of Winnipeg City Council for the citizens who elect them. They seem to have the notion that the only time that they need be accountable—I was going to say is, but I suppose that, if this legislation comes to see the light of day, were accountable to citizens but once every three and now, perhaps, four years, but never in between.

Ms. Barrett: Would you be in favour, then, of a slowing down the process and waiting until after the next municipal election when there will be major changes at City Hall, before this legislation comes—sending it back to the city and having it looked at again?

Mr. Lowe: We would not be in favour of a slowdown. We would be hopeful that the bill would be scrapped in its entirety because we see the present system as a paragon that city councils elsewhere in North America would be well advised to adopt and follow as their own.

Ms. Barrett: There has been some discussion that the mayor needs a second vote to reflect the citywide issues, and that the mayor is elected by the citizens as a whole so that the mayor should have a second vote. What is your view on that?

Mr. Lowe: Well, I guess the way that I would describe that would be the mayor being more equal than others, and I just do not see where that is appropriate. It is offensive just on the face of it.

Ms. Barrett: Another major concern for many people is the elimination of the requirement for community committees, and the elimination in its entirety of the RAGs. What is your or Choices' view on the role of community committees? Do they need to be strengthened? I assume you are not in favour of the elimination of their requirement in The City of Winnipeg Act.

Mr. Lowe: Yes, they would need to be strengthened, because where the model of citizen accountability and participation, as it was posited in the original legislation and when Unicity first came into force where it has been weakened, has been in the functioning of community committees and the resident advisory groups.

The resident advisory groups were very popular at the outset, but the problem was that they were never provided with the resources that they needed to become the true seat of power and to make the ward councillors answerable to citizens in their wards in a direct rather than roundabout fashion.

The same goes for the community committees because their role has been watered down and a number of them were merged or otherwise scrapped and the number of councillors that served on them, of course, has successively been reduced now to the point where literally all that will remain is something in the nature of a board of directors.

Mr. Chairperson: Thank you very much, Mr. Lowe, for your presentation. Are there any further questions? If not, thank you again for your presentation.

I call next Mayor Susan Thompson and Deputy Mayor Jae Eadie, City of Winnipeg. Have you a presentation for distribution? The Clerk will distribute. Thank you.

Mayor Thompson, you may proceed.

Ms. Susan Thompson (Mayor, City of Winnipeg): Thank you very much, Mr. Chairman, committee members, and ladies and gentleman. This will be a two-part presentation in what we saw as a 10- to 15-minute presentation. I would like to thank you for the opportunity to appear before you.

Presently municipal governments across Canada are undergoing the most significant pace of change that we have ever experienced. The need to respond with direct-line services to our clients, the taxpayer, in the most affordable manner, has necessitated a revisiting of the old structure and processes.

The City of Winnipeg has gone through a significant restructuring process during this past year. On October 29, 1997, City Council approved the largest significant change in the structure of the City of Winnipeg over the past 20 years. Inherent in this change were recommendations that required approval through a change in legislation by the Province of Manitoba. Today we are here to speak to those changes.

The amendments to The City of Winnipeg Act, as outlined in Bill 36, basically falls into three broad categories: political and administrative, local autonomy, streamlining of decision making. Several highlights of the political and administrative changes address such issues as an extended term of office for

the mayor and council. People talk about an additional tie-breaking vote, but I refer to it as the restoration, as it did once exist and was part of the former mayor's mandate to have a tie vote. So I will refer to it as the restoration of a tie-breaking vote for the mayor.

The number of members of Executive Policy Committee, the power to address personnel on related issues on an in camera basis, and the right to choose the establishment of standing committees of council—these changes will allow the mayor and council sufficient time and appropriate authority to carry out their elected mandate. It will provide a vehicle to address tie votes at council, in which we had 27 major issues in the past which were a tie.

It will provide the city with the opportunity to create a fully functional municipal treasury board. These powers are essential in order to ensure an effective and affordable government for the citizens of Winnipeg.

In the area of local autonomy, with respect to local autonomy, Bill 36 also provides City Council with a wider latitude in its procedures and operations. Wherever possible, the amendments have provided an opportunity for the city of Winnipeg to be governed in a much less proscriptive manner than it had been done in the past.

Just to give you a very small example of what that means is, as Minister Reimer knows, when I wanted to change the time of the organizational meeting of Council to reflect the availability of families, I could not do so. It says in The City of Winnipeg Act, to the hour, that I had to call the organizational meeting for 8 p.m., and if I did it at 7 p.m., all the committees would be illegal.

* (1040)

These amendments will provide the opportunity for the City of Winnipeg to design its own standing and subcommittee structures, and the flexibility to determine the appropriate vehicle for soliciting input from citizens. Through a motion to be addressed this week from Executive Policy Committee, this issue will be referred to the upcoming Plan Winnipeg review to

determine the best vehicle available, again on the citizens' terms.

Finally, Bill 36 provides for the establishment of the CAO model in the act and ensures the accountability of this model through the establishment of a suspension vehicle within the authority of the mayor. Under this model, the administrative side of the government reports directly to the political side, without the previous vetting process conducted by the board of commissioners, thereby ensuring that decision making is conducted in the most efficient manner. As well, council can now delegate powers and duties to EPC by resolution as well as by-law, without a change to the act. This shift will ensure again that council may manage its own affairs in a timely fashion.

Another key to the development of effective and efficient service provision is the authority for the City of Winnipeg to establish special operating agencies. This legislative will allow Winnipeg to become the first municipality to have the authority to establish and operate special operating agencies to achieve municipal purposes. Given the historic experience with these vehicles, I and my colleagues on council look forward to being able to utilize these efficient options for service delivery.

The city is undergoing major change, and as we all know, it is not without its challenges. However, I firmly believe that the framework we have established through the changes which are proposed will serve the public interest of the citizens of Winnipeg.

I thank you for your time, and I would now like to ask the deputy mayor to make his presentation.

Mr. Chairperson: Mr. Eadie and two committee members will reserve our questions until both presentations have been made.

Mr. Jae Eadie (Deputy Mayor, City of Winnipeg): Mayor Thompson has covered the outline. I just simply wish to reiterate for the information of the committee that much of what is contained in Bill 36 has been the subject matter of requests from City Council over time, not only recently but some of this goes back

a little longer than last year. Much of what is in here comes from City Council.

Much of what is in this bill generally reflects what is happening all across Canada today when it comes to municipal legislation. Although Bill 36 certainly does not confer what has been known as natural person powers onto the council of City of Winnipeg, it certainly does eliminate a lot of the proscriptiveness which is presently in The City of Winnipeg Act, and it does empower the duly elected council of the city to really deal with matters within its own shop in a timely and effective manner.

What is happening in many other provinces is reflective of some of what is in this bill, but we are also seeing a municipal legislation being changed in most of the provinces, even as we speak, which now is going to provide natural person powers to municipal councils in those provinces. Newfoundland, New Brunswick, Ontario, Saskatchewan, Alberta is revamping their act. British Columbia and Yukon are providing, and through legislative changes, are going to be bringing forward those powers. The Northwest Territories is going to proscribe less proscriptive powers at this fall session onto municipal government in those jurisdictions. So this act, I think, basically reflects what is happening and what should be happening to municipal government in the 1990s, and I do commend you for that.

So, generally, Mr. Chairman and members of committee, I think the mayor has sort of covered an outline of what we have in the bill. Much of this has been requested by City Council, and we would certainly urge the Legislature to adopt these amendments to The City of Winnipeg Act.

Ms. Barrett: A question to the mayor: when you spoke about the restoration of the second tie-breaking vote, which mayor last had that?

Ms. Thompson: Mayor Norrie. The deputy mayor, who has better history than I do, it is all three of the previous mayors.

Ms. Barrett: A question that I have asked other presenters, and I will ask you as well, both the mayor

and Mr. Eadie: is there any concern on your part that there will be major changes at City Hall just given the fact that the mayor is not running again? It appears that there are at least two city councillors seeking the mayor's job and they would have to resign their own seat. So there will be major changes in the composition of City Council after the next election, and perhaps it would have been better, given the fact that this Cuff report and this legislation came at the end of and in the last year of the council's current mandate, that perhaps a revisiting of this whole process under the next City Council would have been more effective and democratic perhaps?

Ms. Thompson: Well, I will address the issue of democratic. As a citizen, I would have to say that I put this process into the perspective of something that seems to have gone on for many, many years. I do not believe this latest stage is something that was new. On the contrary, I think there have been a number of reports that have gone on for a number of years, so I see that this has been the evolution of a process that has gone on since the formation of Unicity.

It is interesting, as we have been going through this evolution and you see what is happening in Toronto, we offered to provide consulting services to Mayor Lastman, who has, of course, now got 56 members on council. Anyway, I do believe that there will always be an ongoing process, but I think that the work that has been done over this three-year term in terms of what I refer to as the streamlining of the process at City Hall is most beneficial.

Ms. Barrett: Does it cause any discomfort or do you have any comments on the fact that according to my research the mayor will have more power if Bill 36 is implemented than any other mayor in the country of Canada? Each of the powers that the mayor has been given under Bill 36 exists in another municipality or city, but nowhere in Canada today does the mayor have all of these powers, direct and indirect, as will be given to him or her under Bill 36.

Ms. Thompson: I think, as the deputy mayor has pointed out, who I must share with you has just finished his term as president of the Federation of Canadian Municipalities, there is a rapid change going

on in municipal governments all across Canada, and I would think that you will find that the proposals brought forward by other municipal governments will be quite significant and in many ways more far reaching than what is being requested now.

The very fundamental nature of municipal government is undergoing dramatic change, and well it should, as we go into the 21st Century. What I do know is that our feedback from citizens is around the 5 percent mark in terms of satisfaction with City Council, and that has been consistent for years. I think that delivers a very strong and powerful message.

If I may share with you, when I first became mayor and had the opportunity to meet the councillors in my first term, it was very clearly put that the mayor only had one vote like everybody else. But the expectations by the citizens is that the mayor will lead the vision and lead the mandate, for it is the mayor, and only the mayor, that has the vote of all of the citizens.

So I do not look at it in terms of power. I look at it in terms of the fact that mayor is the only person elected by all of the citizens of the city and, therefore, is charged with the public trust and the public responsibility to deliver the mandate that she or he was elected to do by all of the citizens. Therefore, I see this as being given an opportunity to address that mandate.

* (1050)

Ms. Barrett: It is not only the second vote. There is the vote the mayor has as a member of council. As my colleague from Transcona (Mr. Reid) pointed out to me, the mayor is elected by the citizens of the city as a whole, but not elected and not responsible to any one ward as the other city councillors have. So there is a question, I guess, as to why the mayor should have a ward vote as well as a citywide vote.

It is not just a second vote; that is, the powers of the mayor have increased dramatically directly and indirectly through his or her ability to appoint the members of the Executive Policy Committee, members of the standing committees, the subcommittees, the elimination of the requirement that every city councillor must sit on at least one standing committee.

All of those things together mean that the mayor can very easily control virtually everything at City Council through the influence, direct and indirect, of the selection of the EPC, the recommendation of speaker and deputy speaker, the selection of chairs of the committees, the requirement that you do not have to have each city councillor on at least one subcommittee.

The end result of that technically and theoretically could be that the mayor and the EPC control virtually everything that goes on at City Council, and half of the city councillors could be completely shut out from any of the decision-making processes that go on at City Hall. To me, Madam Mayor, this does not say democracy. This is the antithesis of open government, and maybe it is one of the reasons why the citizens of the city of Winnipeg are more and more cynical about their governments because they see less and less control held at the local level and more and more power being given—unaccountable power, I might add—to the mayor and the EPC.

Ms. Thompson: I would just have to say that the concern that I have heard from citizens is more in the area of getting decisions made. The comments I have time and time again, of not just city government but any government, is the best use of the citizen's interest—and maybe “use” is not the word—but the concern that decisions are being made and that decisions are being brought forward and actions are being taken on behalf of the citizen who elected us to get in there and do the business of the city.

Therefore, I see that these proposals will help in terms of effecting decisions. As somebody who came into City Council, and many of my colleagues made comments that when it went into council, I did not talk very much. As a matter of fact, I did not talk at all, because I looked upon it as I was at City Council to make a decision and therefore I called the vote. I felt that there had been input at the standing committee levels, input at Executive Policy Committee.

I do not know of another level of government that has a greater process in terms of enacting decision making than at the city level, but City Council is where those decisions should be made. They are not the place for 10-minute speeches by 15 members on the same

issue time and time again. Therefore, I see this process as, in actual fact, serving the citizens better.

Mr. Chairperson: I am going to ask committee members to please keep your questions or your comments brief, because I am attempting to allow the mayor and the deputy mayor as much time as possible, but I hope we can shorten our questions and comments significantly.

Ms. Barrett: On page 6 of the mayor's presentation, you say that, through a motion to be addressed this week from the Executive Policy Committee, the issue of soliciting input from citizens will be referred to the upcoming Plan Winnipeg review to determine the best vehicle available.

I would like to ask the mayor when the upcoming Plan Winnipeg review is going to be undertaken. Assuming Bill 36 passes this session and is not amended in the community committee element, what will be the vehicle for public input and for council consultation with their constituents in the meantime before the Plan Winnipeg processes can be completed?

Ms. Thompson: If I am recalling correctly, the Plan Winnipeg review by legislation requires this review. September, I believe, is the correct time, but I will get back with the specifics to you, because I believe I should provide you with the specifics. I believe September is the beginning of the process for the Plan Winnipeg review, and I will also provide you with what the process will be for public consultation.

Again, it was very interesting for me, as a citizen, to be part of the Plan Winnipeg process, and, as you all know, around this table, it was quite a thorough and extensive process in terms of the establishment of Plan Winnipeg.

Ms. Barrett: I am looking forward to that Plan Winnipeg process and hope it is extensive and thorough, but the negative part of the extensiveness and thoroughness of the Plan Winnipeg review is that when you connect it to what, if any, new community dialogue process will be, is that we will be sitting in a vacuum, if you will, while this Plan Winnipeg process is underway.

There will be no more community committees required, and Plan Winnipeg will come up with what will probably be a new suggestion for community input, and not only community input but councillors' ability to hear from their constituents on issues of import.

What is going to happen in the meantime? Are individual councillors going to be able to say, well, I am consulting with three people around the kitchen table and that is my consultation?

Mr. Eadie: Mr. Chairman, the current process is going to continue until or unless City Council at some future date decides on a replacement, so we are not going to be left in the lurch with the adoption of this act. We still have to have a public hearing process for rezoning, so, essentially, we are going to be recommending the status quo continue until we have gone through the Plan Winnipeg review process, and out of that process will come, presumably, either the existing format or something new.

I might add, in the last plan review process, community committees were not used at all. We had a very extensive public participation process which involved legions of private citizens. It took six or eight months, I believe, of constant work with both political and private citizen representatives, and at the end of the day, then hearings were held on the final recommendations before City Council adopted the by-law and the provincial government signed off on it. Community committees were not used in that process. We used a much broader structure, and I expect that something along those similar lines would be envisioned for the next planned review process.

In the meantime, we are intending to maintain the existing status quo in order that some of our public hearing processes are not left in a lurch while we are examining other ways and means of handling the process.

* (1100)

Ms. Thompson: If I may, I think also what this legislation does do is it provides the flexibility for public consultation in a much greater manner, and I

think that that is very positive. It is interesting, as many have mentioned, there are so many changes now going on, in the Internet, in technology, in how we get the feedback from the citizens. My observation in terms of the feedback is, when we put in consultation processes, whether it is for CentrePlan or TransPlan or the major initiatives, we are very, very thorough in going out and consulting with the community. That is where citizens, I see, give absolutely excellent feedback to us.

When it comes to the issue of community committees, it is often the same people over and over again and maybe 20 in total. I think that we now have an opportunity with this legislation of exploring and having the flexibility, the right of a government to explore the opportunities as to what best suits the ward councillors. I mean, just imagine being an elected official having the freedom to decide how you best get the input from your citizens. To say that any elected official does not put that at the top of their list, I think, would be a wrong conclusion.

Mr. Chairperson: Now I will try again. Mr. Kowalski.

Mr. Kowalski: An example is, recently I sent out a questionnaire to 5,000 homes in my constituency, and amongst the questions I asked was: how do you think your elected official should vote on matters, according to their political party's beliefs, according to the wishes of the majority of constituents, or according to your representatives' best judgment and personal beliefs?

I was disappointed with the result in that what my constituents tell me is that we should be voting according to the majority of constituents. I thought they had elected me because of my good judgment and beliefs, and I mentioned this in my comments about this bill. You know, sometimes as elected officials we forget what leadership is, and to just do whatever the majority of your constituents want, which is not in your best judgment and beliefs, just running to the front of the pack and saying come along with me, is not leadership.

It harkens back to Ms. Barrett's first question. This is the end of your mandate as mayor. It is the end of

the mandate of the present City Council. So I do not know that to do this major change at the end of your mandate, is it because you are doing what you think is what Winnipeg needs as opposed to what Winnipeggers want?

Ms. Thompson: Well, that is an interesting question because it is actually both. I believe that all of us when we come into public life see an opportunity to deliver a mandate that we have been elected to do, as well as to improve the system or the process that we are in, I would hope. Very clearly changes were needed, and change does not happen overnight. It takes a long time to build the support, even though from my perspective there has been a long process going on. I believe that our job is, in part, to leave things in a better state than when we came. I think these changes will enable the future mayor and the future council better opportunities. I clearly believe that the citizens have indicated that they want better efficiencies at City Hall, so want and need, I believe, are both of the requirements that have been expressed.

Mr. Chairperson: Ms. Barrett, with a final comment.

Ms. Barrett: Yes, I promise, but I just could not let—

Mr. Chairperson: I will hold you to that promise.

Ms. Barrett: I know you will, Mr. Chair. I just had to make a comment on something the mayor said in her earlier question about what would happen with the community committees in the meantime, and I am glad to hear that they will remain at least until the finish of the Plan Winnipeg consulting process.

She commented about how thorough there was a public consultation process in dealing with issues such as CentrePlan and the Plan Winnipeg. I would just like to say I wish—and I think most of the citizens in the city of Winnipeg would wish—that there had been that kind of public consultation process undertaken before the sweeping changes that are in Bill 36 were put forward, instead of a private consultant's secret. I mean, we do not know who the people were that he consulted with, and he only consulted with 14 people outside the city administration and political structure, three weeks of debate in council and a very quick going through the

process here. So I am just saying I wish the mayor had reflected on the political public good before she had—and I am using the word advisedly—rammed through the Cuff report and the recommendations on Bill 36.

Ms. Thompson: Mr. Chairman, again everybody is entitled to their opinion. We went through 200 interviews inside and outside. Again, it was a process of political and administrative reform that we hired Mr. Cuff to do. Again, I will reiterate that I do not think that this was something new. I believe that this was something that has gone on for many years and, from what I have heard from the citizens, long overdue, and that is who I am here to serve.

Mr. Reimer: I just want to thank the mayor for her presentation. It is always a pleasure to have the mayor talk to me and give me the reasoning and the light of what she would like to have happen at City Hall. I would like to thank her for her time, her commitment, and her presence at City Council. In my short tenure as Minister of Urban Affairs, I have enjoyed my association with the mayor and council, and I just wanted to publicly thank her for her expression of time that she has put into the City of Winnipeg. So thank you very much for your time.

Ms. Thompson: Thank you, Minister Reimer. I must say that, again, as a citizen who came to serve, it has been an honour. It has been a most interesting process in terms of understanding how decisions are made at the municipal level, the provincial level and the federal level.

As the honourable minister knows, one of the most important things that we together have been trying to do is to address the fact that we have a unique relationship in the province and with the City of Winnipeg, and that to plan for the 21st Century, it is the continuing development of that relationship that will be so key to all of our citizens. I have appreciated the spirit in which Minister Reimer has worked with City Council in terms of evolving that relationship because it is a most important relationship for the future.

Mr. Chairperson: Thank you, Mayor Thompson.

* (1110)

Mr. Eadie: Mr. Chairman, may I just put on the record a couple of comments about Mr. George Cuff because I think it is important. There was a rather smarmy letter written about Mr. Cuff by a former employee in this building who is known to many of us. I would just simply like to put this on the record because it is important.

Mr. George Cuff, I have known him for about 15 years. He began his career in the private sector. He also worked as an employee at municipal government, became mayor of his community for four terms, was president of the Alberta Urban Municipalities Association, was president of the Federation of Canadian Municipalities, has gone back into private business and does work for municipal governments right across Canada. His credentials are impeccable. He is a straight shooter. You may agree or disagree with what he has to say in any report that he may do, whether it is for us or other municipal governments across the country, but let me just put on the record that Mr. Cuff's credentials are impeccable. He is widely respected in the municipal world in Canada by his former municipal colleagues, and I thought it was very important that that statement ought to be on the record in this place for all of you to hear and to understand.

Mr. Chairperson: Thank you very much for your presentation, Mayor Thompson and Mr. Eadie.

The next presenter is Glen Hewitt, Riel Resident Advisory Group. Mr. Hewitt, would you come forward, please. Mr. Hewitt, not here. We will ask then Councillor Glen Murray.

Councillor Glen Murray, have you a presentation for distribution?

Mr. Glen Murray (Councillor, Fort Rouge Ward, City of Winnipeg): No, I do not.

Mr. Chairperson: No. Thank you very much. You may proceed.

Mr. Murray: There are a few places I would like to start. I think that is an interesting point to start because councillors who may not agree with the majority, council or the mayor do not have the resources that you

find typically in the Legislature or in other cities. I have an assistant who barely keeps up with the petitions he gets and the phone calls, and there is no research capacity. So the development of governments-in-waiting or alternative ideas and research is greatly impaired, and the role and resources that council has as an entity. The definition, of what the role of the councillor is, is silent in the legislation which to me is a really remarkable statement when you consider what great lengths this legislation goes to, to define the role of the Executive Policy Committee.

As a matter of fact, if you look historically at the writing of the role of City Council, most of that has been by convention and assumed by legislation to be entirely in the hands of City Council, of the executive committee and increasingly of the mayor.

Remember that we represent 66 percent of local government in Manitoba. Think about your own smaller municipalities and the importance of local decision making. Remember that I represent, as do 14 other people, an area and a population and in my case an economy greater than the city of Brandon. So what kinds of voice and partnership are required in a city like this? Is it a system where the mayor by virtue of constitutional authority and by appointing people to committees create a structure of the de facto majority that was never gotten as a mandate? The mayor has a mandate to lead. The mayor has a mandate to convince and to lead the citizenship and to convince a majority of council. We do not have the checks and balances. The mayor is not dependent on a majority of the Legislative Assembly, which, in our case, is City Council, to govern. In the case of you give someone four years, which is equivalent to the mandate you have, the difference is our mandate will be absolute. It cannot be defeated; no motions of nonconfidence. Budgets that have been defeated on the floor of council do not require anyone to resign; there is no accountability.

The other level of this, and let me go through—it is very hard to do this is a few minutes, but let me just go through this, that process.

Appointing committees: Having a seven-member EPC, which then really controls the appointment of the

speaker or the deputy speaker, means that the mayor effectively gets a majority. What does that do to six, seven, possibly eight councillors? It allows any number of councillors who may disagree. Within a democracy, it is fundamental that you are going to have different and competing visions, especially in a city this complex. It could be completely isolated. They cannot be appointed to committees. What kind of power do we have on the floor of council? Can we talk for 40 minutes or 20 minutes? Can we delay process; can we force a public discussion on something? No. Let us take some examples.

Winnipeg Hydro is being privatized right now. We are in the process of looking at that. I sit on the Public Works committee. What has my input into this process been? Zero. What was the direction from the standing committee responsible for looking at the costing of Hydro, the servicing issues, the impact on economic development? Nothing. It was done administratively. I found out two months after the mandate was given to the study group. How would that come forward? Would it have to come back to the Public Works Committee? No. It would go to the Executive Policy Committee. How would it be dealt with there? It would be dealt with on a Friday morning behind closed doors. Would we see an agenda? Would we know it was being discussed? Would we be party to the maybe different views that people on that committee would have? No. It would likely show up as it has—and I can account for 20 of these major issues—on a Friday morning maybe at a special EPC meeting or on a Wednesday morning and voted in council in a week.

Let us say there was strong public opposition to it. Let us say the public did not know about it until it was all over. Think about your process. Think about the privatization of MTS and what process is involved in that, and you have a local level of government and mayor who has before you a bill that has gone through this Legislature almost unchanged that was formally tabled on a Friday and passed on a Wednesday over strong objections.

Such radical statements and opposition that maybe elections in April are not a good idea because it is hard to pound signs into what is almost permafrost here in January, February, and running campaigns in 30-below

weather for those of us who are more dependent on volunteers and less dependent on money might be a little tough and have some impact on voter turnout and citizen participation.

The opportunities. What was the private process before that, before this sort of two days of actual formal meetings? It was an informal straw poll on the Cuff report, which deals with the entire vast organization of administration, not just the political operations. We had straw polls. We had meetings that were called on less than a week's notice. I sat in a meeting and I was saying: do you want the board of commissioners? Well, no, I did not want the board of commissioners. Do you want the Cuff report as redesigned by Bill Clement on Thursday? Well, no, I really do not like that idea. Well, we are having a vote right now; we are having a straw poll, and eight of the maybe 12 or 11 people that were there said: we want this. That went to EPC on Friday and council. Can you imagine conducting business like that here?

How do other cities do it? Does the mayor of Edmonton, a very successful city, require these extraordinary powers to appoint members of committees and to have a second vote and have almost de facto control of a majority of council? No, they have three committees. Members float through them. The mayor provides leadership based on credibility, based on the ability to involve people, and based on respect for that mandate. The issues here for me are very clear. Remember, we are not just a municipal government. We are, for all intents and purposes, a regional government. If you think about Vancouver, or you think about most of the municipalities in Canada, very few, save now Toronto, take in large suburban communities.

I am overly abbreviating this, and I wish I had time to give you better examples and go into more details. I am going to make some generalized statements which there are going to be obviously some exceptions to, but I am really bound by the brevity of time.

What was the promise of Unicity? The promise of Unicity was an efficient rationalization of local authority. What did people give up for that? Well, people in Charleswood cannot make local zoning

decisions. People in Fort Rouge have less autonomy over local spending priorities. They are dependent on a predominantly suburban majority.

So, things like capital budget decisions about the balance between infrastructure renewal and new capital projects, the allocation of policing services now are really done on a regional basis. So it becomes really important that there are checks and balances, that one group, the suburban group of constituencies, or the inner city group, the north end of the city, or the south end of the city do not dominate that.

When you give a mayor a second vote and who could rely on, let us say eight councillors, either from the inner city or from the suburban areas, that minority effectively of the city could dominate City Council without having to look at the concerns of a large part of the city. And there are no checks and balances in this.

What can I do? Well, I will tell you, and I am sure if Mr. Radcliffe talks to Councillor Steek and talks to many other councillors who have different perspectives on this, ask us now already what our effectiveness is, what kind of authority we have if we want to even amend the intent of things. We passed this year.

* (1120)

Now try to imagine this in any city, or in your Legislature. I had eight minutes to speak to, on the floor of council, a document that was formulated predominantly at EPC, at the executive committee. It was a much different document than the one that had gone to standing committees. One omnibus motion that committed us to a one-year budget, the second year's budget, the following year, a five-year plan called Reshaping Our Civic Government, and all kinds of things dealing with transit and a number of other things. I had eight minutes.

Actually, we have rules on the number of amendments that you can move on the floor of council to any main motion. It was very legally hard to substantively change it. The real business of city government—and you go to the business improvement zones, go to people who interact—it goes on behind closed doors.

I was amazed when the heritage tax credit, which is, I think, one of the really positive things that we have done together, came forward. I was invited into a meeting. I was amazed to see this closed-door meeting of all of the same members of council that were on the committee, with a representative of the city clerk's department sitting there giving direction, asking for reports and things like that. I was amazed. Some of these colleagues in council were really pretty brilliant, because they walked into these standing committee meetings with all their work done. Formerly, you had to do that in open session, and councillors could participate. It is like, geez, the average IQ must have just gone through the roof on council, because I just cannot believe that these people have come—because you cannot get reports from the administration supposedly, unless you get that through standing committee. There is supposed to be some transparency. But that is all done informally. I was amazed to discover that this was going on. Effectively I could not understand why, when councillors—and I am not alone in this—went before a thing with alternatives or ideas, they were not being listened to, because the decisions were already made behind closed doors.

Now, is there a provision right now to go in camera? No, not unless it is a personnel matter. Was that meeting really, for all intents and purposes, illegal? Yes. How did they get around it? Well, it just happens to be the same people meeting, and there is sort of informal requests to the administration. The clerk there is not really taking minutes, because there is no minutes at these meetings as there is no agenda. They are taking notes. This goes on routinely, goes on especially with the fiscal policy committee and with Executive Policy Committee, so that I do not even get the information.

So when do we get information? And this started even before the current administration. It was one of the great legacies of the arena debate, was what I call the 4:30 Tuesday night report, remembering that we meet on Wednesday morning. You have to wait on Tuesday, and you leave about quarter to five because, you know when there is an important issue, you are going to get the night-before documents, which are that thick, which are impossible to read the night before. You walk in and you try to wade through these things,

because you have to vote on it the next morning of council.

I mean, can you imagine doing that on something like an arena or our contract with the firefighters, which we actually got copies of at nine o'clock—sorry, 45 minutes before an eleven o'clock meeting—that much documentation dealing with all kinds of things? There was not a councillor who had read that collective agreement, not a single councillor. Now, how do you decide even if you are going to vote for it or against it if you have 45 minutes with it? It is legal documentation and that. How do you consult with anybody?

So I do not think our process—and I travel a lot and talk to other councillors—is particularly good. Quite frankly, we are in an election right now, and I am a candidate for mayor. I have all kinds of things I would like to see. I would like us to turn this upside down and say what rights should citizens have? What is a good-sized ward where a vote means something? How do you balance decisions so that people in Charleswood or North Kildonan can have some decisions over the form of their local government within the consistency of a unified city and unified zoning by-laws? Why do people have to go to City Hall under legislation you have given us to have a side-yard variance voted on by councillors who probably have never walked through that neighbourhood in their lives, maybe one or two of them? Why can people, even in neighbourhoods now, not decide where four-way stops go when they are not on regional streets?

Business improvement zones have been a very good example of how effective, when you decentralize some decisions to local authorities. I think we need a system of local authorities. I do not think we should give up City Council being involved in regional planning, in transportation and utilities, with a greater focus on things like economic development and housing importance, to see the economy develop and neighbourhoods stabilize, but I think that 80 percent of what we deal with downtown at City Hall should be back in communities, as it was before Unicity and as it is moving to in most progressive cities in North America and Europe, where their people are saying this huge centralization force is yesterday's thinking, and

we are plunging into the 1950s here, not the next millennium.

This is a corporate government in a city that is complex. We are telling people in neighbourhoods you cannot even deal with a local zoning issue. And what is the other alternative? Some of those things should be administrative, absolutely. I mean, politicians are making all kinds of decisions right now under The City of Winnipeg Act that should be administrative. But the form and development of neighbourhoods, I have a whole paper I have written which I would like to share with you sometime, if it ever presented itself, on how local authorities could work.

I want to be really clear about this. This is not taking a step back from Unicity. I think, in fact, it is realizing the dream of Unicity which is a more efficient government, a government that deals with regional issues, a government that does overall planning. It was never supposed to be a government that centralized and micromanaged minutiae. That is minutiae to us, but they are big issues—how Corydon develops, having a strategic plan. Why we do not do what many other cities do if you want to get consensus on these big issues, and that is have neighbourhood management plans that we vote on rather than spot zonings. I mean, there are all kinds of creative and exciting things that are going on.

Where is the mandate for this? How many people went into a polling booth three years ago and said, geez, I think the mayor should have two votes; I think power should be highly centralized in the executive committee; I think that seven or eight councillors who may—and they change. As you may know, you fall in and out of favour with the establishment, and I have been both in favour over my nine years and out. I have seen both sides of it. It really should not, de facto, dictate what the rights of your constituents are to have effective representation.

I mean, how do you sit and tell people in Fort Rouge, who are more people than live in Brandon, that your city councillor will not be able to sit on a standing committee, if elected with a different vision, as happens? It happens in here, and both sides here have been on the ins and the outs of government. It is the

nature of democracy. The one thing that is sure is where you are today you will not be tomorrow. But how do you do that? Look at the authority and resources of those people and ask yourself is it not time to look at what decisions need to be made in neighbourhoods, what communities within the city need to look at in their future?

I mean, look at the taxation problems we have. This is the other thing that I want to say just as a councillor. The one great news, and I want to thank Mr. Reimer for this, is that this is one of the most promptly acted-to pieces of legislation that is almost verbatim what came off the council floor right into the Legislature, right into law.

If that is the sign of things to come, I think that is probably a wonderful thing for City Council, but I am not sure that it is not supposed to be a check and balance in this system here, because let us say I disagree with this. Let us say I say, well, you are not supposed to be meeting in camera, that the intent of the law is that everything goes through a standing committee, and what can I do by The City of Winnipeg Act? Can I sue the city? No. What penalties are there for people who do not follow the legislation or at least the spirit of the legislation and carry on what I call the covert society that runs everything down there? Nothing. I can appeal to you. There is no protection, not even the protections of an opposition. There are none of the conventions that exist, and that really concerns me.

The other thing that can happen that you are proposing in this legislation is the executive—

Mr. Chairperson: Mr. Murray, I am going to interject here. We have a gentleman's agreement that we would limit the presentations to 15 minutes.

Mr. Murray: I am sorry. Can I just finish one more sentence and then I will close on this? I am sorry. The magnitude of this legislation makes it difficult.

The executive committee could also form its own direct committees, and I had two examples, because they are very relevant. They did one on waste

management, which is a study going on which we have had virtually no input into, never showed up at the standing committee, and on Hydro, which is more than 50 percent of the jurisdiction of the standing committee I have sat on.

Now, the executive committee, Mr. Chairperson, can set up its own parallel committees to imitate the standing committees and can decide whether those standing committees even exist. I do not know of a city in which the committee process that I am part of today is not institutionally and constitutionally guaranteed. Having the discretion to choose the types of committees you want, I think, is important, but removing the principle that there has to be committees—they cover the major policy areas—that councillors have the right to serve on one of those committees, and that the executive committee cannot remove that right by parallel creating a subcommittee of EPC to replace that committee would destroy the working convention, the legislative convention of City Hall, because we only meet once a month.

All of our real work is done at committee. It is not like the Legislature here, where you meet every day. And if you remove that right, you have basically destroyed the effective legislative ability of most members of council. I cannot believe that the public understands what is going on, nor has the process allowed them to really participate in a meaningful way. Thank you.

* (1130)

Ms. Barrett: Mr. Murray, you have stated here something that is well known in most circles in the city, that you are going to be, as soon as you technically can, seeking the job of mayor of the city of Winnipeg.

I have asked this question of other presenters, and I will ask it of you. Do you feel that it would have been more positive to delay the process that went through City Council in three weeks with the Cuff report and its changes and then has come through to the province here in very short order with virtually no public input in either the Cuff report process or here at the legislative process prior to the mandated public hearings and take it back and let the new City Council,

the new mayor, and it will be a new mayor, deal with these issues that have been raised and instead of having, if I may say so, the dead hand of the current mayor and current City Council determining what you can and cannot do?

Mr. Murray: I think it is really important to respect the mandate of council, and I have to be really direct with you. The majority of my colleagues have voted for this, and it creates a dilemma, because, really, if you respect the largest government in the city of Winnipeg, in this province, you have to act substantively on its request. Part of it, quite frankly, is, I mean, each of us represents 40,000 people. The tax credit system which you gave us which would sort of ease democracy is not there. Incumbency is a huge factor in re-election.

So we have already lost a certain element of democratic process, because if you do the comparative to the province, you have all kinds of protections and smaller constituencies. You can raise money with credits, you have political parties. You have all kinds of instruments that level the playing field against incumbency. We have none of them.

So I am concerned already at the state of democracy. Having said that, it is hard to ignore that. The problem I have is you are right. We are on the eve of an election. I do not think that the folks who are coming forward ever ran on this. As a matter of fact, I would even go farther and say some of them would not be sitting on the floor of City Council, certainly in some parts of the city, if they ran and requested this kind of authority, nor do I think it is necessary. But I think what we need, what we have not had, which is a fundamental debate on the type of city government we have, and what the division of powers is.

This was not a review of Unicity and how it has worked. There was no discussion of what the role of City Council or citizens is. There was the assumption that it was appropriate to have community committees as an advisory body.

I do not agree with that. I think that the role of community level government should be decisional, quite frankly, because if you look at where local decisions are made—and I mean neighbourhood-level

decisions—they are being made far away from those neighbourhoods where people who are most impacted by that decision have very little input in it.

In the words of Jane Jacobs, if you have read her material, the worst decisions that are made are those that are made farthest away from the people who are affected by them. I mean, why not create something equivalent to residential improvement zones? Why not start giving neighbourhoods some power back? But that is not part of this discussion. That was completely absent from it. It was not even part of the mandate that Mr. Cuff received to consider that.

So how do you define the senior executive branch of government when you have not looked at the legislative branch? You certainly have not looked at the fundamental structures of government, and is it working? Is this the kind of government that is going to make us competitive with other cities. Is the level of responsibility for decision making coherent with the authority given? I would say there are huge responsibilities vested in neighbourhoods and communities. Neighbourhoods want to be changing. They want to be competitive. They want to make decisions, and they do not have the authority.

Just go down here and talk to the people in west Broadway, the Lions Club in that community, and ask them what their biggest frustration is. They will tell you that trying to get decisions out of city government is almost impossible, because to get through the process to a standing committee where there may be only one councillor, if at that, from any neighbourhood that looks anything like theirs, to even get a four-way stop or deal with a traffic problem. Let them have that authority. That is what every other city is doing. But how do you proceed with this?

The other thing is this is going to be an issue in the civic election, and there is a responsibility for every candidate for mayor and every councillor to get a mandate on this issue. Some of us are going to be putting forward a completely different view of what the city government could be, far away from what is and far away from what is in the Cuff report. We need a chance to come back because I will maybe be coming back to you as mayor in six months saying: look, I just

got a mandate from the people of Winnipeg to make some real significant changes in how government decision making is made contrary to the legislation you just passed. Do you want to be sitting in November revisiting all of this? I mean, there are some real difficult problems with this.

Mr. Chairperson: I am going to ask committee members again to shorten their questions.

Mr. Murray: I am sorry. I will shorten my answers.

Mr. Chairperson: I am going to ask presenters again to shorten your comments to ensure that all presenters here have an opportunity to appear before committee.

Mr. Laurendeau: Glen, I have had the opportunity of working with you at City Hall, so I know where you are coming from in a lot of your senses. We have agreed and disagreed on some areas, but one area we always agreed was that the closest elected body to our communities was us the city councillors.

I always got upset when the provincial government would turn around and act as the Big Brother, and if we as a council supported an initiative, whether I was on the right side or the wrong side of that initiative, I got upset when they did not support our initiatives.

These initiatives were brought to us by council, as others were in the past. There was plenty of debate over those issues. Are you saying that we should not be listening to City Council at this time? Are you saying that there is a right time and a wrong time for us to act as Big Brother, because we had given in the past, if I remember, and I am going to have to go through the past legislation, but in the past we had listened to City Council.

We had given you the authority to establish those stop sign committees, as you call it, because that was one of the things that we had discussed prior too in '88-89, '90-91. You have that ability under the act now to establish those committees that you are speaking about. This clarifies it and gives you more ability to establish those types of public hearings and those processes that you are asking for. Are you saying we should not be listening to City Council then?

Mr. Murray: No, I—

Mr. Chairperson: Mr. Murray.

Mr. Murray: Our system—you get built into the habits of your own system. Ours is a little different. I am sorry, Mr. Chairperson.

Mr. Laurendeau, no, I am not. I am saying that is the great difficulty here, because I am a great believer that you respect the will of the majority of the elected officials. I am here to say two things. One, do they have a mandate to do that literally in the sense that that is the elected members of council? You were all here. When you went into the polling booth, did you ever remember voting for this? Do you remember the public process that went on? I mean, what were they afraid of?

Look at Plan Winnipeg. I was involved in that. I co-chaired with Peter Kaufmann the economic development committee. Now, there is a fortuitous alliance. But, you know, every member of council, the mayor sat down and said: look, let us pair people up who come from different perspectives and get them to work together. Ten of us were in there, and we had an open process, and we interviewed people in open forum. We had brown bag lunches. We really brought the community in, outside of the formal process. I have not seen that happen in six years. It is totally us and them, you are either in the inside or the outside kind of club. This kind of power is going to entrench what has already been demonstrated as common practice, a behind-closed-doors process to government that I know the member for St. Norbert felt extremely frustrated by.

So where are the checks and balances? I guess what I am asking you to do is, if you have to respect that, then provide us with some checks and balances. Put some authority into council. Define the role of council. Undertake a process to set up and establish what council did not establish, which is a community process, not as an advisory one, not as the political show that is going on now, the last minute, oh, no, this could be unpopular in a civic election, let us have a committee now to look at the role of community committees, but look at the fundamental division of powers between local neighbourhoods and that. And

where the departing is—there is a principle that has to be asked that I think is really important. Do you have decision-making bodies at the community level or are they advisory? I think that is a very important policy question that needs to be asked.

As far as stop signs and local authority, I am trying to get flashing stop signs in front of school zones. We do not have that kind of authority. I have to go to the Highway Traffic Board. If you want a list of a whole lot of other legislative amendments, I would love to have the authority to put active traffic controls in front of schools. I mean, there are so few powers in those neighbourhoods.

If you want, I mean, look at some of the things that are going on from Edmonton to St. Paul, Minnesota, who are our competing cities, and look at the direction that they are going in as far as the responsiveness of their government and how they have readjusted. They are going in a dramatically different direction than we are going. Thank you.

* (1140)

Mr. Kevin Lamoureux (Inkster): I have a few short questions that I would like to ask Mr. Murray. I appreciate his time and efforts in bringing forward a good presentation.

In listening to you, Mr. Murray, I am quickly coming to the opinion that you would like to see changes to The City of Winnipeg Act but not necessarily these changes. Legislatively, we have what we call a six-month hoist mechanism for an amendment that could be introduced for third reading. Is that something which you would support, the putting off of any changes until after the next civic election?

Mr. Murray: Yes, and I think I am going to be really direct. I think that you have to proceed with the requests of council. I think what you can say is that you have heard legitimate concerns and there are shortcomings and you can take some of the issues as far as the checks and balances of power and the authority of neighbourhoods and communities and say we do not think these have been satisfactorily dealt with, and we are saying to you as a city go do your homework in

these areas and come and tell us what those checks and balances are. Ask council to define a new role for council and to define those levels of authority.

If you are going to give the mayor a second vote, an expanded EPC, effectively that group has the discretion as to whether standing committees exist or not, and the creation by EPC of parallel standing committees which report to it, ask them where the checks are, because, quite clearly, the minority perspective in any government is almost a close second, as important as the majority view because it may be tomorrow's government.

Ask yourself what the effective controls are that people who dissent have to impact or create legislative change. What are the requirements in the organizational by-law of rights of councillors on the floor of council? What are the requirements when legislation is prepared that require it to go to standing committee? Things like the in camera rights which are really blanket, if council can decide what is in camera, that leaves it open to all kinds of interesting and creative interpretations of secrecy which are effectively happening now and you are going to give sanction and formality to. Ask them where the checks and balances are, because I do not see them.

This is an incomplete piece of legislation. It does not address citizens' roles. It does not address council. It does not look at what decision making maybe should be devolved back to a local authority, to a neighbourhood, and it does not put any checks or balances in, and especially for the creation of a new government.

I mean, I will be quite frank, if the polls are right, I may be likely down here in November as the mayor of the city with a mandate which is very important. One of the lessons for me about this is if you really respect the citizenship, have open process, and be very clear before the election and very specific about what you are asking the authority to do because vague statements are very dangerous in politics.

One of the things about the political process here that you have inherently with political parties or with coalitions is that you have platforms. You are

accountable for platforms, and you, not only as individuals but as a group, have a collective responsibility to govern, as does the opposition have a collective responsibility to be critical and provide an alternative. You live and die as a group, and to sustain that mandate, you have to have the confidence of the Legislature.

If you pass Bill 36, you have put no equivalent mechanism—you have put in the possibility of a tyranny by the collective sum of all of those powers. If I am mayor, I do not want those kinds of powers because I would be a failure if I had to rely on them.

Read the writings of David Crombie, mayor of Toronto, on the authority of a mayor before you vote on this. His writings I think are illuminating in his conclusions on what the role of a mayor is and what the real power of a mayor is. I do not have time to go into it, but I think that is really the view that I have seen that is most effective. Quite frankly, any mayor who has to rely on these kinds of really draconian powers is basically saying that they cannot govern and they cannot hold the confidence of council, and they are not prepared to live with dissent, and anyone who dissents on one issue gets the boot on a permanent basis from the inner circle.

Quite frankly, there has been too much of that. The hallmark for me has been the intolerance of difference and the price you have to pay, and it becomes a very worrisome thing in a democracy when councillors are constantly looking over their shoulders saying, you know, I really do not agree with the majority group on this fundamental issue, and by voting against a fundamental issue in what is supposed to be a free and open nonparty system, I risk being removed from committees, not being appointed and not being effective. You have provided no protection to members of council who do not want to risk being subject to that tyranny.

You can look back. The last few years are littered with councillors who qualify in that membership, some of them who are very close to the government party. This has not been an ideological issue. If you want to talk to Councillor Steek or Councillor Clement, I am sure they share some of the views that I hold.

Mr. Chairperson: Mr. Murray, I am going to interject. Mr. Lamoureux, with one more question.

Mr. Lamoureux: Well, Mr. Chairperson, actually I had a few very short questions.

Mr. Chairperson: Before you came, Mr. Lamoureux, we had agreed in a gentle, personal fashion that this committee would allow the Chairman some leniency in determining how long the presentations or questioning should be, and I would like to terminate it. We have given an inordinate amount of time to Mr. Murray in questions as well as presentation, so I think we need to try and wrap up the questioning. So, Mr. Lamoureux, with a short further question.

Mr. Lamoureux: Mr. Chairperson, I will respect the fact of going with one more question. I do not necessarily agree with the way in which the committee has chosen to do this. I think that the opportunity is there for us to ask questions of witnesses or individuals that make presentation, and we should be allowed to ask whatever number of questions that we want to ask. I think it is somewhat unfortunate that there is going to be limitations. I have not necessarily, or we have not necessarily come up with a particular position on this particular bill. We were in favour of seeing it go to committee.

Mr. Murray, you were talking about a lot of problems within the bill, and it seems to me that what I would interpret out of that, given your concerns, is that, in fact, if we pass this legislation today, it is only a question of time before the City of Winnipeg will be back at the Manitoba Legislature asking for, I do not know how long it was actually debated for.

I think that given the impact of it, I am very sensitive to being on the outside as opposed to the inside and not necessarily being involved in the decision-making process, so I want to be very sensitive to those councillors who feel that they are not being able to successfully represent, to a certain degree, their constituents that elected them there.

I guess my question would be for you to comment on those individuals that you feel and that might be on the outside, and your personal opinion, whether or not your

role or councillors' roles that are not a part of the EPCs and so forth will be continuously marginalized if in fact this legislation was to pass. I, again, would look to you to answer more specifically: would you be in favour of a six-month hoist, so that we do not vote on this legislation until after the next civic election when the new City Hall members, councillors, will be able to debate it. What would be your position on it then? I would be interested in knowing what type of debate actually occurred for the passing to this point.

Mr. Chairperson: Mr. Murray, with a very brief response.

Mr. Murray: Mr. Chair, yes, I do not think the checks and balances are in there. I do think this is the view of the majority of council, and there is a fly in the ointment in the sense that, yes, you have to respect it. But then we are writing a constitution effectively here for power. This is not normal legislation. This is not a request to have the city do something. This is the very power structure of how power is allocated and balanced, and I guess what I am saying here is that I do not think they have provided the kinds of political instruments to ensure that all members of council can be productive and that there are the checks and balances in it.

There are other things that we have brought forward. We have brought forward a whole process about three years ago on how committees should be run, which would give you a different perspective on that, but, no, I think that there are some shortcomings here. I think you have to respect the will of the majority, but you have to be the fair brokers here and say to them, and I think the six months may be the way to do it: (a) it would allow the election debate to occur. It would allow people to come back with a mandate, whoever does come back, and I am prepared to live or die on that.

It would also allow for the other perspective because some of these people's views may be dramatically different in November, if they find themselves in a different position in the composition of council. They may be dramatically more concerned about their rights and the rights of council, and less so the rights of the executive branch, depending on where they are sitting. I may be as well.

Mr. Chairperson: Thank you very much, Mr. Murray. With a final comment, the honourable minister.

* (1150)

Mr. Reimer: I just want to thank Councillor Murray for his presentation. It is always informative and very thought provoking. I just wanted to point out one thing that you did mention at the beginning of your presentation regarding financial contributions. You mention sort of a disadvantage that you have. You are aware that in 1995 we gave City Council legislative authority to enact a by-law to have provincial contributions to the election fund. The City of Winnipeg has not brought forth any by-law on that.

Mr. Chairperson: Thank you very much, Mr. Minister. I am not going to allow for the comment. I think that was just for information. I think we all understand what that means.

Mr. Murray: I just really wanted to say thank you and just close by making the point that you can give powers that are not used, which should also cause you concern, given what is before you today.

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

I call next Jenny Gerbasi. Am I pronouncing that correctly?

Ms. Jenny Gerbasi (Private Citizen): Yes, and probably one of the first people I have met in a long time who has pronounced it properly. Thank you.

Mr. Chairperson: Have you a presentation for distribution?

Ms. Gerbasi: Yes, I do.

Mr. Chairperson: The Clerk will distribute. You may proceed, Ms. Gerbasi.

Ms. Gerbasi: Good morning, everyone. I speak to you today as a citizen concerned about the proposed changes to The City of Winnipeg Act. I also speak to

you today as a potential candidate in the upcoming civic election.

The massive changes that are in Bill 36 will greatly affect the democratic process of decision making in our City Hall. I will address two areas of concern today: firstly, the changes that will concentrate power in the hands of fewer and fewer people in council; and secondly, the decreased potential for citizen involvement in City Hall.

As a resident, a parent, and a citizen of this city, it is of great concern to me that when I cast my vote in an election, it actually means something. I am sure that many citizens share this concern and desperately cling to the hope that it will be worth their while to vote on election day.

Citizens expect that the person elected by the majority is given some power in decision making. Therefore, by having voted for their representative, they as citizens are empowered in that they have some say over what direction and what vision is pursued by council.

One proposed change to The City of Winnipeg Act that is particularly alarming is that there is no requirement that each city councillor must sit on at least one standing committee. Previously every councillor was guaranteed inclusion in a standing committee, thereby having some involvement in the decision-making process. In addition, the Executive Policy Committee will be given increased powers, for example, to hold in camera meetings and decide what issues go to subcommittees.

If these changes go ahead, a large number of councillors are likely to be completely excluded from the decision-making process at City Hall. It is certain that councillors that have a different vision than that of the mayor and his or her cabinet will be the ones that will be kept voiceless. It is important to remember this simple thing, that these councillors represent the people who elected them. They were and will be elected because of their vision, ideas, and platform. To set things up so that these councillors have less say is to decrease the real meaning and effectiveness of democracy in our city.

Secondly, the elimination of the requirement to have community committees and residential advisory groups appears to be rather a shortsighted move. It seems that this bill will result in tossing the baby out with the bathwater. There have been some committees and RAGs that have been very effective and others not particularly active.

This situation brings to mind some pertinent questions that do not appear to have been considered. Why are some of these committees not as active as others? What can council do to make them better? How can we avoid losing the knowledge and energy that those citizens that have participated in these committees up till now have to offer us? What actions on the part of government would foster more citizen involvement?

I have not heard these sorts of questions asked, and the fact that these questions are not being asked shows that citizen involvement is not a goal, nor is it a priority of those supporting this bill.

Involving citizens in the decision-making processes is not always easy. It is not always without challenges, but to eliminate the mechanism for this involvement, rather than improving the old system or creating a new one, shows an absolute disrespect for true democracy and citizen participation.

The changes in this bill result in a concentration and a centralization of power. They represent an approach of removing avenues for citizen participation without adding any new ways to achieve community involvement.

The question that should be asked is why. Why would changes that decrease the meaning of our democracy, changes that concentrate power in the hands of a few, be proposed in the first place? The answer may be fairly simple. It is easier. It would be easier, in fact, to have a dictator govern us who simply decided everything. It would free the people from the responsibility of worrying about what our governing masters are doing. However, easier is not necessarily better. It may be easier to have no public debate. It is easier to simply pass whatever agenda you have in mind among your little group of yes people. However,

this approach is not the Manitoba way, nor is it the Winnipeg way.

Democracy in true practice is difficult. It is frustrating. It takes longer. It might even be greatly inconvenient. However, having avenues for citizens to participate in city decision making is essential. It is essential that our legislation allows for a system that coincides with the democratic values citizens hold in this city.

Having meaningful debate and dialogue on council with people of differing viewpoints is a challenge. However, shutting out differing opinions, concentrating all the power in a small cabal of people is undemocratic and wrong.

The proposed changes to Bill 36 move City Council further and further away from an accountable, democratic forum. I, therefore, urge you to reconsider these changes to The City of Winnipeg Act. Thank you for your attention.

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

Ms. Barrett: Thank you very much, Ms. Gerbasi. I know we have had, and will have, representation from people who currently are city councillors, and we had the mayor making a presentation. You are the first one that has come before us who is, as a citizen, looking to seek a City Council seat, so from that point of view, your presentation is new and refreshing. Do you think there need to be changes to the way the current system is run?

I know Mr. Murray raised some issues of concern about what currently is happening. My understanding from what you are saying here is that the changes that are being proposed in Bill 36 are not the way you would like to see them happen. Do you have any ideas as to how you would like to see democracy strengthened in City Hall?

Ms. Gerbasi: Yes. It seems to me what I have been hearing is that the system of community committees and resident advisory committee groups are not necessarily functioning that way, maybe in a healthy

way. It just seems to me, well, if that is the case, which is the point I made in my presentation was that, well, let us look at some ways to improve them rather than tossing them out. That is what concerns me.

It concerns me that there is not a goal. In fact, the goal of the people making these proposals is not to have that kind of citizen involvement. I would like to see that kind of citizen involvement. It worries me that we are moving away from a system that will make it more difficult for those people to do that, so that is one aspect of it.

Then, you know, as you watch the City Council now, the way it operates, you often feel even now that councillors that are outside of the cabinet do not have a whole lot of ability to do things on a citywide kind of a way in terms of influencing the way things go, but at least they have those positions on the standing committees.

As a councillor, the thought of, you know, you could be shut out of all the standing committees. You could do your constituency work and that would be it. It would completely move away from the goal that I heard mentioned earlier of a citywide approach on the part of councillors, which, I think, would be important.

I think it moves us away from the direction that we want to go, if we want to have a more democratic city. It seems to be a kind of a power grab to just make everything run smoothly. One of the major points that concerns me about that is that it is the easy way, but it is not necessarily the best way.

You know, democracy is a messy business and it is a lot easier to just ram your thing through, but that does not suit the values of myself or of, I am sure, a lot of the citizens of this city.

Mr. Chairperson: Thank you very much. Any other questions? Thank you very much for your presentation, Ms. Gerbasi.

I call next Councillor Lillian Thomas. Have you a presentation for distribution?

* (1200)

Ms. Lillian Thomas (Councillor, Elmwood Ward, City of Winnipeg): No. I was up till two-thirty last night finishing this report, and I do not intend to make you read my chicken scratch. If at some future date I get a chance to get it typed all out, I would be happy to submit a final copy for you to peruse later, but right now, sorry.

Mr. Chairperson: Thank you very much. You may proceed.

Ms. Thomas: Members of the Standing Committee on Municipal Affairs, thank you for hearing me today on Bill 36. I have many concerns regarding the legislative changes being proposed here today, and I will attempt to enumerate as many as I can as succinctly as possible in the time frame allotted to me.

Firstly, the time frame in which council looked at these changes was too brief. The changes proposed here are supposedly in response to the Cuff report, an Executive Policy Committee organizational review which apparently took months to complete, but the report which Mr. Cuff originally presented and the final document which was voted on was less than two weeks—not three, as some people have suggested, two weeks—later and contained so many structural and content changes within that time frame that the financial document must be seen to be a different report from the original.

Mr. Cuff presented a draft document which he substantially reworked one week later, and that new document was drastically altered just two days later at a special Friday meeting of Executive Policy Committee and hit the council floor less than three working days later on a Wednesday morning. The changes were so fast and furious that when the few delegations who could afford to take time off work to submit their concerns appeared, most of them had the original Cuff report.

I made a point of questioning all seven delegations, and there were substantive changes in the document which were being considered to which some of the delegations were unaware. One delegation commented that it was financially difficult to pay \$16 for a document, study it and four days later have another

document that you would have to put out another \$16 for a new document. They assumed the nature of the changes would be minor and therefore did not purchase the other document. They were subsequently disappointed that they had missed some key points in doing this.

In summary, my first point is not only that the citizens do not have sufficient time frame to study the proposal, but the document was a moving target, so it was difficult for the public to educate themselves even if they could squeeze in the time to do so.

Secondly, the process itself was flawed. Normally when Executive Policy receives a report, they send it back to any affected standing committee or community committee for review and comment before proceeding forward to council. This was not done. The standing committees had no opportunity to comment on any of the concerns that they might have on the drastic reworking of the organizational structure, the redistribution of functional duties and the realignment of accountability processes. Further, the report promotes a complete elimination of the resident advisory groups and the community committee structure without giving these groups an opportunity to defend themselves before they were discarded. It was not only merely discourteous but also ill advised.

Many of the changes, which did not require that they proceed forward to the Legislature for assent, were rammed through and have resulted in mass confusion in our administration. Staff positions now change from week to week, and I am serious about this, people, as confusing consequences of the realignments are only being discovered after the fact. It is quite literally like a game of musical chairs down there at City Hall, and I mean literally moving the chairs around with staff moving from one building to another and back again, portfolios shifting with staff being asked to absorb a new set of rules, and then next week deciding: oh, that did not work; we will take these away and give you your old roles back, or maybe we will create a whole other different set of roles.

It is so bad down there that when I was attempting to unscramble the latest document passing itself off as a budget—and I have objected to how it was handled on

council, you should have that—our chief financial officer could not tell me which department his expenses were counted, and that is not a joke. Thus my point being, ill-considered changes without consultation, with the parts of the organization most effective has led to confusion, disorientation, and I fear that these changes being proposed here today are also the product of that same hurried process without due consideration for the consequences that the changes will produce and will only heighten the confusion.

Which brings me to my third point: the content of the changes themselves. I have made previous mention to the resident advisory groups and the community committees. The RAGs are a group of volunteers arranged by the community committee area, who meet before the community committee, and make recommendations to the councillors on agenda items before the community committee for consideration. They meet the evening before in our community committee, and we receive their report as information before we deliberate on the community committee agenda. When I can, and lately it has not been often enough, I enjoy dropping in on the resident advisory group, listen to the nonpartisan debate by many long-term constituents of the area who give me a fresh outlook on information, often based on long-term, historical perspective of what has been tried before in our community and what has resulted in the past when it has been tried to prevent us from making the same mistakes twice or three times.

It has been proposed that this forum be eliminated and that I, as a councillor, seek out my own advice, if I need it. Well, I believe comments like that entirely miss the point about a resident advisory group. They are mandated by the system to provide input. Their right to give input does not depend on their personal relationship with me. They run for election at an annual community conference. The RAG is there as an opportunity for anyone who wishes to participate, regardless of any personal relationship they may or may not have with a particular council member. They exist as an advisory group by right, and this right of the people to a democratic say is being eroded without any comparable replacement of the constituents' mandated opportunity for input into council decisions. It is not good enough to take away a right and say, well, we will

will work on something to replace it later. A right abrogated is a right lost to the people.

Further, the community committee on council which they advise is also being proposed for elimination, this is the only committee on council which meets in the evening and in the local neighbourhood. All other committees of council meet downtown during the day. Many constituents cannot get the time off work to come downtown during the day, and many people, particularly seniors, are uncomfortable coming to the downtown area and would prefer to be able to go to meetings in their own neighbourhoods. These people are being hampered from full participation in the political process.

I do not believe it is a coincidence that there were only seven delegations at City Hall when these changes were being considered. Not only was it due to lack of proper notice to the community, but at a time that was totally inconvenient to most of the adult population of the city. If City Council wants to be a nine-to-six operation, it must ensure timely and convenient opportunities for our population to participate in democracy. Elimination of the community committee as a forum without appropriate evening replacement is another abrogation of the rights of the citizen. The elimination of the community committee will also make the running of council much more inefficient, as standing committees and council agendas will become clogged with local issues such as stop signs, per capita grants, local parks and recreation matters, licensing of businesses, and the list goes on.

I believe that standing committees and council should actually be divesting themselves of more issues and utilizing the community committees for local issues such as crosswalks, variances, conditional uses, speed bumps in back lanes, community area plans, which could all be handled locally, so that council could devote more of its time to pursuing policy initiatives rather than micromanaging the system.

Fourthly, and now for something completely different, the powers of the mayor. I do not believe that any other elected leader in the free world, may not the Premier, may not even the powerful Prime Minister of Canada, will have the powers of the mayor of the

City of Winnipeg. Not only will this individual be able to assign the post in their cabinet, but literally determine every post, even those of the opposition. Can you do that here? I think not. I muse if there are not some dictatorships which will salivate after the powers proposed for our supreme honour, the mayor of Winnipeg. And the unfairness of it all—will these powers be extended to all the mayors of this province? I think not and I hope not.

* (1210)

And now, about the two votes for the mayor. If the mayor cannot convince at least eight members of a 16-member council to follow their lead, then they should go down to defeat. What kind of leader gets an additional vote if they cannot win fair and square? A poor leader and a poor loser. If they cannot muster the support they need, then they should go down to defeat and they should go down quickly. They should be ashamed to admit that they will not try and negotiate with others and work co-operatively, and this kind of additional power will only encourage the my-way-or-the-highway attitude that has pervaded this City Council the last six years. May I suggest that this is not a step forward to the 21st Century but is a step backward to the establishments of fiefdoms and the divine right of kings.

For my fifth point, I will focus on the timing of the election. As an incumbent, I should really welcome the idea that elections occur in April when the likelihood of blizzards and floods are high and ensuring low-voter turnout and little opportunity for a challenger to get their message out to a house-bound electorate, but that is not very democratic, is it? The electorate is very much inconvenienced by April elections. My seniors are able to struggle through snowdrifts, wade through swollen sidewalks which become rivers at this time of year and slip in the mud that is everywhere as they walk to and from the polls. They have difficulty making it down the city streets at this time of year just to get their groceries. Let us not inconvenience the electorate for the sake of budgeting. If the skewed logic for this move is that councillors would have more time to acquaint themselves to city processes before dealing with the budget, would it not make much more sense to move the fiscal year? Council itself could

easily change the year-end to March 31, and that way we are not splitting our snow budget down the middle, new councillors will have some time to acquaint themselves with rules and procedures and we could still get a budget passed before the fiscal year ended. If this was really about getting decisions made, then the well-researched and widely consulted arts review would be passed and this has got wide public consultation it needs and deserves.

Further, if timeliness is really the issue, Plan Winnipeg was to be completed in 1993, but we only have half a plan, the goals without the accountability mechanisms and this Legislature passed itself that we were supposed to implement those changes in 1993.

I have asked so many times for us to strike committees similar to what occurred with Plan Winnipeg to do a review of the accountability mechanisms. Not done, was not interested in being accountable, really not. Regardless of what happens here today, I will tell you that I intend to make sure this becomes an election issue in the upcoming civic campaign.

I have a standing committee, so I regret that I do not have much time. I would like to answer your questions as much as I can though. I have a large amount of concerns that I have not even addressed here today, but given the time and given the fact that I actually have to get back to a committee in council, so I will end there.

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

Ms. Barrett: I do not have a question; a very brief comment and a point of information, and the point of information I will address first.

It is not April the election—the government did not put that into place. It is every four years, but not in April. It will still be in October.

Ms. Thomas: That is good.

Ms. Barrett: The comment is just that you raised many of the concerns about Bill 36, but I think what you provided with us this morning is a window on the

Cuff process and that was very helpful in helping us understand the lack of efficiency and effectiveness of that process. [interjection]

Mr. Chairperson: Just a minute. If you are going to comment, you have to be recognized by the Chair or else the mike does not turn and we will not record you for posterity.

Ms. Thomas: Oh, I am sorry. Thank you.

It is not done yet. The roles are constantly moving targets. My year-old telephone book is out of date. At least half the people, the numbers are dead, the people are not there, and the roles and responsibilities are constantly changing. One person I tried to get them, they were on Pacific Avenue, then they were at 100 Main Street, then they were back at Pacific Avenue, then they were not responsible for the things that I needed anymore. They did not know who had taken over the roles. I mean, it is *commedia dell' arte* down there.

Mr. Kowalski: A quick question. My colleague the member for Inkster, Kevin Lamoureux, asked Glen Murray this question. We have a mechanism called a "six-month hoist motion" where we could make this motion to delay voting on this bill for six months. In the civic election, it would be a campaign issue. It would allow a new City Council to form their positions on it even though it would mean that you would only have a three-year mandate as opposed to a four-year mandate. Do you think it would be a good idea to delay the vote on this issue for six months?

Ms. Thomas: Yes, I do. Regardless of what happens, you are going to get a very changed face of City Council and you are definitely going to get a new mayor. I think this new council has got to be involved in the consultation process and should not have to live with the legacy of a has-been council.

Mr. Reimer: I just want to thank Councillor Thomas for her time and coming forth for the presentation. It is always good to have presentation made by the elected officials as to who and what this will be directed to. So thank you very much for your presentation, Ms. Thomas.

Mr. Lamoureux: Mr. Chairperson, I do understand that you have other commitments that you have to get to, Ms. Thomas. City Hall passed the resolution expecting us to pass it. What is your personal opinion on whether or not we should even be questioning this legislation given that City Hall passed it by a majority of councillors? Many would argue that we should just follow what the will of council is. I am interested in hearing from the minority of individuals—a minority perspective is to why it is we should favour a six-month hoist or something like that.

Ms. Thomas: I would respectfully submit that none of the city councillors that are there today ran on this as an election issue. I put out detailed policy statements when I ran. I know that some people are less diligent about that, but, regardless of what kind of information you put out to the electorate, I can assure you that this was not on it. Much of the documentation was done in secret and it was a surprise at the very end. The consultation was done in secret. The discussions that occurred many times were out there, and it was just two weeks with very little opportunity for the public to input. The public that did input, it was very mixed in their review about what should be happening, and I respectfully suggest that many of the people who had decided that they wanted this piece of legislation to be rammed through are not going to be back.

* (1220)

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

I will call next Brian McLeod, private citizen. Mr. McLeod, would you come forward, please. I am reminded by committee that we have an agreement to adjourn by 12:30, so I am going to intervene at 12:30 in the presentation and ask that the person be able to come back at our next sitting to finish his presentation, if he is not finished by then.

Mr. McLeod, you may proceed.

Mr. Brian McLeod (Private Citizen): Thank you. Mr. Chairman and members, I am mainly concerned with the role of the community committee, and I will offer some examples of that.

The proposed elimination of community committees should be of great concern to all of us, since it will only weaken public participation in a process that needs strengthening. The invitation to participate in public affairs needs to be loud and clear, and everything possible done to encourage and welcome citizens to come forth. Instead, the public has become a nuisance to be tolerated but not encouraged, to be legislated out of the process entirely if possible.

My concern is as a citizen who has appeared several times over the years before the community committee. I have appeared as a member of a delegation and as an individual with the purpose of detailing to our councillor and other members of the community committee matters of vital importance to the quality of life in our community. Indeed, being present and seeing citizen participation in the agenda is the only way to learn what is really going on in the community. This is of utmost importance since many matters of local interest have never appeared in the daily papers or drawn the attention of other media.

Recently, I appeared before a standing committee of council, and while it is true that my submission was commented on by my ward councillor who just happened to be a member, not one of the other councillors appeared to be interested in the slightest in the business before the committee. This is a truly disheartening experience and one destined to be repeated time and time again if community committees are eliminated. The level of frustration experienced at the community committee level becomes magnified when appearing before a standing committee, which, in effect, will be all there is, and citizens who wish to participate in the political process simply become a nuisance for councillors to endure.

By way of example, a few years ago, there was a plan afoot to build a sports arena in our residential neighbourhood behind the community centre. This matter took two years to lay to rest with public meetings and with appearances at the community committee with large delegations of local citizens. We thought the matter was finished the first time, but it arose again, and so delegations were formed to appear again.

Now, zoning to cover such an arena was in place that would have allowed the construction on community club grounds. Delegations to the community committee put forth arguments showing the negative impact such a monstrous building would have on the surrounding residential community in addition to increased and unnecessary traffic. The delegation argued that such use of community club property, despite existing zoning, was not in the public interest.

Naturally, there was a good deal of support in the community for the erection of an arena by those wishing to see an indoor hockey facility, but the area councillor, along with the other councillors on the community committee, was persuaded that an arena would have too negative an impact on a residential neighbourhood. The arena was built in a more appropriate location. The resolution of this matter attests to the benefit of interaction between citizens and the community committee on an issue of tremendous importance to the local community and one which probably would not have been understood by a standing committee or any committee without the presence of the local councillors.

On several other occasions, matters of lesser impact on the community were taken to the community committee and after being given a thorough public hearing were resolved by the area councillor in consultation with the other members of the community committee. That the matters were quickly and easily resolved is a good indication that the councillor and colleagues on the community committee were compelled to understand the needs and wishes of the community and develop a feel for the right decision.

There is evidence that community committees have become more remote from the community and citizen participation more difficult since they have been reduced to five in number. Previously, matters of concern to the Charleswood community were heard there. Now, of course, citizens are required to go further afield to St. James and a 4:30 p.m. start makes the process more inconvenient. A question to be answered is: where will hearings be held and at what time of day if community committees are eliminated? Dismay is expressed in the certainty that knowledge of local concerns will be diminished considerably, and

with only one councillor to relate to, will disappear completely when the elected representative is unavailable due to illness or the inevitable "other" reason.

On April 21, 1998, there occurred a good example of just how important a community committee is in responding to the needs of its citizens. A proposal appeared in the daily paper referring to a request to rezone property in the Bramble area of Charleswood, the result of which would be to reduce the lot-size requirement. Homeowners who had previously purchased lots in the area, because they were attracted to lot-size requirements, saw the rezoning as a fundamental change in the character of their neighbourhood. The residents of Laxdal Road, which borders on Bramble, realized that the proposed subdivision would bring additional unwanted traffic to the area already under extreme pressure from heavy volumes generated by the Charleswood Bridge. Thus the residents formed the Bramble/Laxdal Homeowners Association to put together a protest. The result was that 290 residents of the area signed the petition in opposition.

Further, a delegation of 93 residents appeared at the community committee seeking support from the councillors to have the request for rezoning denied. Subsequent to hearing the delegation, the local councillor moved a motion which was that the request for rezoning not be approved. A second motion was that there be a freeze on subdivisions of any kind in the area until the connection between Roblin Boulevard and Grant Avenue is completed. Presently, this connection appears in the City of Winnipeg capital budget in 2002. This is an example of real citizen participation that can only occur in the present community committee format.

It should be understood that the great and enduring value of the community committee system is the requirement that they hold regularly scheduled public meetings so that concerns of the citizens can be given public hearings. The April 21, 1998, meeting contained 20 items, including six delegations, and took three and a half hours to process. Difficult and inconvenient for the councillors in an ideal nine-to-five world? Of course. Of value, which cannot be

estimated, to the citizens appearing before the committee? Of course.

The decision to eliminate community committees has been taken elsewhere for obscure reasons and certainly is a puzzle for someone who has appeared many times and has seen the need for strengthening the system rather than destroying it.

Resident advisory groups are a good example. Over the years, their opinions have been seen to be treated with disdain when really they should have been given a better hearing since they are nonpolitical and could see both sides of an issue. A good example is the Charleswood Bridge.

The residents advisory group realized the impact this would have on residential streets and publicly said so, that their warnings were dismissed by the community committee should be a valuable lesson when tinkering with the process that takes the public interest into consideration.

Every citizen should be encouraged to participate in a process that is easy to understand and not intimidating in any way, where they will feel welcome and be reassured that their concerns will have a fair hearing.

I would like to thank the members of this committee for hearing my concerns.

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

Ms. Barrett: Yes, thank you, Mr. McLeod, for your presentation. Just a comment rather than a question. I just think your presentation is very important because it lets us know the value that community committees and RAGs have played in the operation of city government. Whether they are effective at all times or not, it is a situation that we will lose potentially a wonderful avenue for citizen participation which many of the community committees have shown over the years. So I appreciate very much your sharing with us some of the success stories.

Mr. Chairperson: Thank you very much for your presentation, Mr. McLeod. The hour now being 12:30, as agreed before, the committee will now rise.

Just before we rise, I want to remind everybody that another meeting is scheduled for 7 p.m. tonight and also for 7 p.m. tomorrow evening, if necessary. Committee rise.

COMMITTEE ROSE AT: 12:30 p.m.