

MUNICIPAL AFFAIRS COMMITTEE
8:00 p.m., Thursday, May 23, 1974

CHAIRMAN: Mr. J. C. Gottfried.

MR. CHAIRMAN: Order please. The committee will come to order. We have our quorum.

The bills under consideration this evening are the following and I'll read them through for the convenience of the members.

The first one is No. 4, an Act to amend The Municipal Act.

No. 25, an Act to validate an agreement made between the Provincial Exhibition of Manitoba, the City of Brandon and the Government of Manitoba.

No. 30, an Act to amend The Municipal Assessment Act.

No. 38, an Act to amend The City of Winnipeg Act (1).

No. 45, an Act to amend an Act to repeal an Act to validate and confirm a certain agreement between the Town of Dauphin and the Rural Municipality of Dauphin.

No. 46, an Act to amend The City of Winnipeg Act (2).

No. 59, an Act to validate By-law No. 3269 of The Town of Dauphin.

Are there any members on the floor, anyone on the floor who wishes to make a presentation this evening? Will you please advance to the microphone and turn your name over to the Clerk, your occupation and the Bill that you wish to speak on.

MR. R. A. WANKLING: My name is Richard A. Wankling. I am a councillor on the City of Winnipeg Council and I wish to make representation with respect to Bill 46, an amendment to The City of Winnipeg Act.

MR. CHAIRMAN: Thank you.

MR. C. CHAPPEL: My name is Charles Chappel. I'm a lawyer and I wish to make representation with regard to Section 102 of Bill 38, an Act to amend The City of Winnipeg Act (1).

MR. CHAIRMAN: I didn't quite get the first name. Would you mind repeating that?

MR. CHAPPEL: Charles Chappel.

MR. CHAIRMAN: Charles Chappel. Are there any others. I would like to ask the members of the committee at this time that since we are using our recording equipment, will you please speak clearly into the microphone, I understand they're having trouble deciphering the tapes.

The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Chairman, could you give the committee any indication of when we will have the transcripts of the last committee meeting?

MR. CHAIRMAN: I have no idea but I could ask the Clerk. Do you have any idea? -- (Interjection) -- The drafts aren't finalized so at the earliest it will be some time next week so I've been informed.

MR. GRAHAM: Nobody has subpoenaed any of them - have they?

MR. PAWLEY: I'm not testing this but I'm wondering the value of transcripts for this particular session tonight because, you know, the last meeting was two to three weeks ago and the set won't be ready until next week and I do know that it involves a lot of time and cost preparing these transcripts and there's probably a chance that we'll be out of the House before we would obtain the transcripts for tonight.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Mr. Chairman, the reason I raise the issue is that the presentation that was made on behalf of the Rural Municipality of Dauphin varied considerably from the written presentation and I thought it might be valuable to members if we could have that.

MR. SCHREYER: Well, I think, Mr. Chairman, that problem can be dealt with simply by virtue of the fact that we need not take this bill referred to third reading stage until after the tape is available; I think that would take care of the problem. With respect to tonight the--I think it would be desirable if transcripts be made in any case for the record and those making presentations tonight hopefully have copies for distribution so that will speed the process a bit.

MR. CHAIRMAN: Committee agreed? (Agreed) I call therefore then on the first speaker, Mr. Richard Wankling, who makes presentation on Bill 46.

MR. WANKLING: Thank you, Mr. Chairman. May I firstly say I had expected His Worship Mayor Juba to be here this evening and I expect that he probably will be here to make representation to you. We have been or I have been directed as a member of the official delegation of the City to bring comment to you with respect to Bill 46, and I must confess, Mr. Chairman, that I do not have a written text to give to you but rather have the copy of the bill that I would go through . . .

MR. CHAIRMAN: That'll be satisfactory.

MR. WANKLING: . . . copy of the bill that I would go through and make reference to some of the specific amendments that are indicated in the bill and try to represent the position of the City, if you will, with respect to some points that have been raised, although not always all necessarily indicated as an amendment in Bill 46.

MR. CHAIRMAN: Mr. Wankling, I'd like to call to your attention the fact that the Mayor has just entered the room.

MR. WANKLING: I appreciate that and if I may just speak in detail to some of the suggested amendments I'm sure the Mayor has his own text that he would like to give to the Committee.

On the first page, Mr. Chairman, of Bill 46, Item No. 3 makes reference to a new section Item 9(1.1), the Mayor elected at large. And I wish to record with you the position of the City Council that they are in favour of this particular section. Any sections, Mr. Chairman, that I do not make reference to I think that you might accept that we are concurring unless my legal colleagues from the City have any specifics that they might make reference to in some of the technical changes that are suggested by some of the other sections on the bill. With respect to Item 9(1.2) . . .

MR. SCHREYER: Mr. Chairman, I'm sure that Mr. Wankling as everyone else would like to save time wherever possible and I might indicate that with respect to 9(1.2) that we have an amendment to propose simply deleting that section. For the reason that because of the supplementary report of the Boundaries Commission which is making a recommendation of very limited application that we hope to bring in the actual amendment describing any boundary change into the bill which removes the necessity of 9(1.2).

MR. WANKLING: It was my intention to express opposition to the section, Mr. Chairman.

MR. SCHREYER: You agree, Mr. Wankling, that it's desirable to delete it.

MR. WANKLING: Yes, I agree wholeheartedly, Mr. Premier. Does this have anything then to do with - as you go down to No. 13 in the Bill which is Section 20, subsection 5. "It further states that the Lieutenant-Governor-in-Council (a) can change the name of a community" etc., which I think already exists in the Act, but in addition to that there are other sections change one or more or all of the community boundaries and "(c) establish or disestablish community committees and vary the wards which comprise any community following the review referred to in this section." Well again it seems to me that sort of tailgates on to Section 9(1.2).

MR. SCHREYER: Well, Mr. Chairman, if I may on a point of order again to save time, the objection is noted and I simply want to advise that because it does tailgate as Mr. Wankling says onto 9(1.2), this too will be-- an amendment is ready here to delete this section. It will become unnecessary by virtue of the Boundaries Commission Report which has just been received.

MR. WANKLING: Thank you again, Mr. Chairman.

Now if I may move on Page 4 of the Bill. Actually I'm taking these in sequence, Mr. Chairman, and this is not something that is suggested as an amendment in the bill and I bring it forward for your attention relative to Section 37 of the Act, which section is a delegation of authority to Standing Committees. It does not however in Section 37 seem to make clear whether council can delegate any authorities or any obvious authority or any of its tasks if you will to the Executive Policy Committee. It will give a certain delegation of authority to the three standing committees, that is Finance, Works and Operations and Committee of Environment, but does not seem to allow council to delegate any authority to the Executive Policy Committee in order for them to possibly - in order to carry out the business of the city and to expedite the business of the city in an efficient manner. It would seem to us and it's our opinion that if some authorities could be delegated to Executive Policy Committee it certainly would help in perhaps day to day operations rather than having to wait always for a council meeting to ratify certain actions that the City feels it should take. And so we put that out for your consideration, that some authorities may be delegated to Executive Policy Committee without being precise about what authorities could be delegated. It seems reasonable that if you can delegate to standing committees you should be able to delegate to the Executive Policy Committee as well.

Carrying on further from there, Mr. Chairman, the Section 43 of the Act is amended by adding thereto immediately after clause (e) thereof the following clause as subsection (f): "The Deputy Mayor *ex officio*" which means that the Deputy Mayor would be added to, on an *ex officio* basis, to the Board of Commissioners.

(MR. WANKLING cont'd) The council has gone on record as supporting that clause.

Section 44. It's really just a question, Mr. Chairman. It says that Section 44 of the Act is repealed and I think the question basically is why that is the case and perhaps somebody will have an explanation for that.

Further on Page 5 of the bill there is introduced a restriction on exercise of powers by the Finance Committee and again I'm really asking for an explanation of what this is intended to do and perhaps some members of the Committee or Mr. McNairmay or somebody might be able to explain what the intention of that might be.

We concur in your amendments with respect to the ambulance bylaws and the ability of the City to establish ambulance service in the City.

A number of these are technical amendments but they are amendments which will allow the City I think to do some things that they have not been able to do up to now. I think it's in line particularly with respect to the ambulance one, it's in line with legislation that is before the House right now with respect to the whole province in that particular area.

Again on Page 9 of the bill there is a suggestion there that sub-section 578:12 of the Act is repealed and again I ask the question why this is being repealed. Maybe if I had asked our solicitor he might have given me an explanation as to why it should be repealed.

MR. SCHREYER: That was requested.

MR. WANKLING: Then I should have asked the solicitor.

I would like to also, Mr. Chairman, make reference to Section 653 of the Act which is the environmental impact review section. This appears on Page 306 of the actual City of Winnipeg Act. I would express a view of concern with respect to this section. I appreciate that it does have perhaps one saving word in it and that is the word "may" significantly affect the quality of the human environment. Insofar as the section itself is concerned I think, Mr. Chairman, that perhaps it's not a bad section but we find it from the City of Winnipeg point of view to be a rather discriminatory type of section that it seems to be applicable only to the City of Winnipeg and to no other municipal government in the Province of Manitoba nor to the Province of Manitoba itself nor to private development within the City or any other place in the province and we find this one a little hard to swallow that when injunctions can be served . . .

MR. CHAIRMAN: Mr. Uruski.

MR. URUSKI: Mr. Chairman, on a point of order. Just for clarification, Mr. Wankling, your remarks now are they being directed to any particular amendment in this bill or are you just going . . .

MR. WANKLING: I'm sorry. I'm talking about Section 653 of the Act itself, of the Act itself, not of the bill.

MR. URUSKI: Not of the bill that is being presently proposed.

MR. WANKLING: That is correct. But it seems to me, Mr. Chairman, if I may with respect if there are some things that we feel have not been covered by the bill it's not unreasonable to suggest some consideration at least. There are sections of the Act that I have made reference to that are not contained within the bill, I appreciate that.

MR. CHAIRMAN: Mr. Premier.

MR. SCHREYER: Well, Mr. Chairman, while it is true that the very much understood procedure of Committees of the House dealing with bills is that we deal only with the actual sections of the bill before us, nevertheless it is usually difficult to make a clear and clean separation and rather than waste time in a procedural wrangle, since it is somewhat related to other sections of the bill, we could take note of the City's case in that respect.

But I should also point out to Mr. Wankling that I don't believe that any representation was hitherto received from the City with respect to that particular section and so we have made no provision in this bill on it. I don't mean to imply that we would have necessarily even if we had but it's not as though it has come forward from the City as a request dealing on that section.

MR. WANKLING: No, that is true, Mr. Premier. But this may be an eleventh-hour pitch if you will but nevertheless if there is to be any consideration it seems to me not unreasonable to raise it at this point. This is when the bill is being dealt with and if there are in our opinion omissions, perhaps we could suggest this. If I'm out of order well then I'm out of order.

MR. CHAIRMAN: Proceed.

MR. WANKLING: There were two or three other matters if I may, Mr. Chairman, views more than anything and they don't tie in specifically with any suggested amendments in the Act and along the same line I suppose as the item I mentioned a moment ago.

I would like to give you the view of the council with respect to some matters regarding the City, the first one being that the - if I may just read these, Mr. Chairman.

1. This council is opposed to the concept of six community committees corresponding in boundaries to the six administrative districts of Works and Operations. This was agreed to in the affirmative by the city council.

2. This council is opposed to any substantial change in number or boundaries of the community committees.

3. This council is opposed to any substantial reduction in the number of councillors.

4. This council supports the ward system.

5. This council supports the concept of maximized participation by citizens in urban government and therefore takes the positions outlined in points 1 and 4.

6. This council reiterates its request that the Inner City Joint Community Committee be abolished so that the six individual committees of the inner city and their citizens may begin to enjoy the same potential of citizen participation as the rest of the city.

I give that to you by way of information as to a majority position taken by the council in those particular matters even though I appreciate that they are not specifically dealt with by Bill 46.

Now if I may be allowed, Mr. Chairman, just to give a personal view with respect to one or two items.

MR. CHAIRMAN: Mr. Premier.

MR. SCHREYER: Mr. Chairman, I'm wondering if it wouldn't better suit everyone if Mr. Wankling were to, before he does that, were to indicate just - or to elaborate perhaps on the very last point he made because as I understood him it seems that there is present provision in the Act to carry out the course of action he referred to.

MR. WANKLING: That is the abandonment of the Inner City Joint Community Committee?

MR. SCHREYER: Yes.

MR. WANKLING: Yes, you're right, Mr. Premier, I agree. I mention it to you as a matter of information.

MR. SCHREYER: But you do agree that the present Act does allow.

MR. WANKLING: I believe so and I'll defer to the solicitor if he wishes to comment on it but I believe that this is true. May I proceed, Mr. Chairman?

MR. CHAIRMAN: The point is well taken. Proceed Mr. Wankling.

MR. WANKLING: Thank you. There seems to have arisen in the past six or eight months some question as to the position of the Deputy Mayor in the City of Winnipeg and I see before me sitting on the Committee my predecessor in that particular position. I'm not here to argue the position insofar as I personally am concerned, I would like to say first of all that I think insofar as the position of Mayor in the City of Winnipeg is concerned that I think that the responsibilities with which the Mayor is charged it is very difficult for one individual to carry out all of those functions. And I'm sure that the Mayor will agree with that. That happens to be my view on the particular subject.

In order to alleviate that situation it seems not unreasonable that perhaps some of the duties if you will could be vested in the Deputy Mayor's position. I say this most particularly with respect to the Deputy Mayor being able to sit legally with the Board of Commissioners in order to help provide that kind of link between the top administrative and the top political arm of the city. This is one of the reasons why we had supported that position from the city and I presume one of the reasons why you have introduced that into the Act and so I speak to that most specifically, that I think that the kind of structure that we now have with the City of Winnipeg, whether people accept this structure or not, leads us into a type of position where there is a need, a strong need, for a link between the political group if you will that is in the majority position in the city council in order to try to keep informed back and forth as between the political body of the city, that is the majority group of the city council and hopefully to all other members of council. I believe that all members of council are entitled to some sort of communication. I

(MR. WANKLING cont'd) don't believe that this has occurred up till now but I feel personally that in order to try to explain some of the things to the Board of Commissioners that members of council feel and vice versa it does help to provide that kind of link. There has been I'm sure most of you would have observed that over the past two or three years the council has not yet - it is gradually in my view - but it has not yet come to the position of acceptance of a commissioner-committee type of structure and we are gradually I think moving in that direction. However, as you all know there is an election coming up this fall and this may change somewhat but I don't think that the positions that I'm speaking about here should be positions that are tailored if you will to individuals. They should be tailored to a structure that this city is now, in my view evolving into and should allow for the easiest kind of communication back and forth between the political body and the top administrative arm of the city and I wish to make that view known to you.

Again I believe that perhaps my predecessor perhaps does not concur in that position, but that happens to be my particular position on this matter and I wanted to make that view known to you. With those few remarks Mr. Chairman I'll stand to be questioned.

MR. CHAIRMAN: Thank you for your concerns concerning Bill 46 Mr. Wankling. Are there any questions from the committee? Mr. Marion.

MR. MARION: Mr. Wankling with respect to the Deputy Mayor's position I think that I concur with the fact that the Deputy Mayor should be ex officio in all of the roles including that role that you speak about on, ex officio in the absence of the Mayor, on replacing the Mayor on all of the functions of the Mayor but I did hesitate as you mentioned, I did hesitate to accept the ex officio position of the Deputy Mayor on the Board of Commissioners because of the figurehead character that we wish to place the Mayor in. Now I wonder if you could broaden the reasons for stating - you mentioned about a representative of the majority group of council being on the Board of Commissioners but I think that it goes further than this. I think that there is a political link required and if it were incumbent on the Mayor's office to signify to the Deputy Mayor that the Mayor will not be able to be at the Board of Commissioners, would this not fulfil the need for the job being filled by the Deputy Mayor ex officio in his capacity in the absence of the Mayor and would it not give the majority group that political link at one in the same time without deterring from this dual role that some people seem to want to create in the administration of the City of Winnipeg, the political administration.

MR. WANKLING: Well let me say this Mr. Chairman, it was, I had some considerable discussion with His Worship at the time that I was honoured by being made the Deputy Mayor and we searched the legal aspects of this and it was deemed really that regardless of whether the Mayor was able to attend the Board of Commissioners meetings, he being in the city if you will, but regardless of whether he was able to attend or not, it did not seem to be legally possible to designate the Deputy Mayor to take his place at Commissioners meetings and this was a legal opinion, rightly or wrongly, so that until His Worship was in fact out of the city the Deputy Mayor did not assume in any way, shape or form, any of his functions, one of which would be attending at the Board of Commissioners. But notwithstanding that aspect of it, again I go back to the point where I believe that the kind of tasks with which the Mayor is charged, the Mayor's position is charged, I find to be tantamount to being a Lieutenant-Governor, a Premier and a Speaker of the House all wrapped up in one position. I find that to be a rather difficult role for any one individual to try to fulfil and my thinking runs to the, to trying to vest if you will, some part of this authority in the Deputy Mayor's position that will help or will assist in two ways; will assist the Mayor hopefully in the carrying out of his functions and will assist in trying to create that kind of liaison between the political body; and there is no use kidding around, the majority group on council obviously is the one group that will appoint the Deputy Mayor out of their numbers and that that person would be able to form that link between the Board of Commissioners and the political body and for those reasons I think that the Deputy Mayor if you will, having at least a legal ex officio authority to sit at the Board of Commissioners meetings that this will help to fulfil that kind of a situation.

MR. CHAIRMAN: Are there any further questions? Mr. Graham.

MR. GRAHAM: Thank you, Mr. Chairman. Through you to Mr. Wankling; the comments that you have made just recently I think have been most fruitful to members

(MR. GRAHAM cont'd)

of this committee but I would like to pose to you what I consider to be the original thinking of those that drafted the bill and their position at that time in thinking that the mayor should be elected by the council and if that type of procedure had progressed, then would you have seen the same problems existing as those that you are posing to us at the present time?

MR. WANKLING: I think Mr. Chairman, if I may, there is not just a question in my mind of having to educate if you will the members of council but you would have to re-educate the public quite frankly. I've had some long and hard searches in my mind as to whether the Mayor should be elected at large or from within the council, but having served in the capacity of Mayor in a smaller community, that position and that person who fulfills that position is the person to whom many people orient themselves in their community and in years gone by I have had requests come to me that there was no way that I could cope with them necessarily as an individual but found that the individual councillor in a ward or whatever could handle that and I would take the kind of message that was given and relay it back to the council and so on. What I'm really trying to say is that people in the community accept the fact that the Mayor is the person that they elected from the total community and I bow to that kind of a desire if you will on the part of the public to elect their Mayor at large. It's still in my view, though I come back again, there still, it's a physical impossibility for that individual to fulfil the task with which he is charged and that there has to be some way and I suggest that the Deputy Mayor position is the way perhaps where you do get the election if you will of a Chairman in a sense, of a political group within the council as the Deputy Mayor and that person can try to lead the way through legislation that the city and hopefully that the executive policy committee would be trying to put into law if you will for the city and this seems to me to provide the vehicle so that you can achieve the election of the Mayor at large without I think taking away his authority. Let me also say one other thing however, the public and I can say this because I have served in a Mayoral capacity in another community, the public thinks that the Mayor makes all the decisions. The Mayor does not make all the decisions. It's the council that makes the decisions, the Mayor is perfectly entitled, as any other member of council to try to lead the way and give certain guidance and so on and so forth but the Mayor does not make the decisions and I think that that should be made very clear to the public and to members of council.

MR. CHAIRMAN: Mr. Graham

MR. GRAHAM: Just for clarification Mr. Chairman, just lest there be some misunderstanding. I agree that the Mayor should be elected at large but the question that I pose is one that those that designed the original Bill, having committed themselves to a course where they had proposed that the Mayor be elected by the council and having done that then their course of thinking and their proposals would not foresee something that has occurred and could occur in any other jurisdiction, where you have the position of the Mayor almost divorced from that of the council, because they are elected separately and there is the possibility and I think that it probably would have not occurred if the original drafting had left the Mayor elected at large in the thinking of the group. I think that probably they might have seen these problems and corrected it at the original time.

MR. WANKLING: My recollection Mr. Graham, to you through the Chairman, was that the original proposal was that the Mayor be elected from within the council and then it was changed to have the Mayor elected at large for the first election only and thereafter, by the council. In retrospect I think now with almost three years' experience in this set-up I don't see anything wrong with having the Mayor elected at large and that the problems that I posed and that you pose can be satisfied in another way and that is by giving some position if you will of authority to a person elected from within the council, in this case, the Deputy Mayor's position.

MR. CHAIRMAN: Do you wish to speak Mr. Moug?

MR. MOUG: Mr. Wankling do you find that the Mayor being elected at large and the Deputy Mayor being appointed by council, does this create any split in any way between members of council and the mayor and the people? Between the three levels?

MR. WANKLING: Not particularly. No. I really can't elaborate on that. I suppose that it presents that possibility but I don't think that's the case.

MR. CHAIRMAN: Mr. Johnston.

MR. FRANK JOHNSTON: Mr. Wankling, the references to the Deputy Mayor in this bill or the Winnipeg Act and you mentioned you were a mayor in a community and I think you know that some of us here were sitting on different councils at some time, not all of us. It seems to be that the elected member - there are committees set up - the committees are set up basically to take the load off everybody, it's spread through committee work and the same as we are sitting in this Committee, any member of the Legislature can attend this Committee. He may not vote at this Committee if he is not appointed to it but he can attend this Committee. It does seem rather strange to me that we are legislating as to what one member of the council can do as Deputy Mayor or what any members of the council can do as far as attending meetings is concerned. Now as far as being the Deputy Mayor is concerned I think that the working agreement between the two of them because of load and heavy work has to certainly be considered but the legislating of what meetings elected members can attend is very strange to me.

MR. WANKLING: Just one comment on that, Mr. Johnston, through you, Mr. Chairman. There's nothing in the Act that precludes any member of council from attending any standing committee meeting including Executive Policy Committee and so on. But with respect, the Board of Commissioners is the top administrative arm of the City and they have to operate their meetings covering a multitude of problems and situations and so on and being the administrative body rather than the political body I would think that it would be almost impossible for that body to function as a board if every member of council were to attend their meetings, quite frankly, and I think that for the reasons that I've stated before that if one or two members of council are designated to do that kind of thing, to provide that link, then in my view it's legislatively sound. But if the Board had to try to operate with 50 councillors hanging over their shoulders it just would be impossible.

MR. CHAIRMAN: Mr. Johnston.

MR. FRANK JOHNSTON: Your recommendations then as I see them is that the Deputy Mayor or the Mayor and one other person and supposedly the Deputy Mayor or elected member should be allowed to attend those meetings. I might say that you're right when you explain it that they'd have a tough time operating with 50 elected members there.

MR. WANKLING: Yes. I'm sorry that this discussion has centered around the position of Deputy Mayor. I'm only trying to point out a vehicle that I think will work and will allow for some communication. It's certainly not going to smooth all the rough rides as between a board of commissioners and the political body of the city but it in my view can go some way in that direction and I, with all respect, submit that it is, again submit that it is impossible for the Mayor to achieve all of the functions with which he's charged.

MR. CHAIRMAN: Mr. Premier.

MR. SCHREYER: Mr. Chairman, I would just like to ask Mr. Wankling if I understood him correctly that we should go beyond what we have provided for in the legislation here in terms of specifying the duties of a Deputy Mayor. I say quite frankly that we have taken the term "Deputy" very literally, meaning that in the absence of the Mayor that he fulfills the role of the Mayor. I'm not aware that any jurisdiction has achieved with success an attempted stipulation in law of duties of a Deputy. Would Mr. Wankling not agree that this is largely a matter of internal working out and understanding, that in the absence of the Mayor or in the absence of the Premier the Deputy carries out the role and function. In the absence from the jurisdiction of - by the Mayor - if he is absent from the jurisdiction then that role and function is carried out by the Deputy.

If he is not absent from the jurisdiction but absent from a meeting the Deputy fills in. But can you go beyond that realistically in your opinion?

MR. WANKLING: Well maybe it's unfortunate, Mr. Chairman or Mr. Premier through Mr. Chairman, that this is centering around that particular position. Maybe we should be talking in order to try to fulfill this function about a House Leader if you will rather than a Deputy Mayor. I appreciate what you're saying that the Deputy Mayor fills in for the Mayor whenever the Mayor is not there. The interpretation that we have insofar as the Act is concerned is that he only fulfills that function when the Mayor is in fact absent from the city. In all respect, Sir, it's difficult for a person to jump in jump out jump in jump out into ongoing kind of matters with which the city is dealing and I'm sure you find it so insofar as the province is concerned as well. To begin with a person as I recall in the Act was appointed Deputy Mayor but wasn't even on the Executive Policy Committee but still

(MR. WANKLING cont'd) was required to fulfill the position of the Mayor when the Mayor was not there. Now that was remedied I think the first year under Bill 109 if I recall correctly so that at least that person had some opportunity of continuity to carry on in the position of the Mayor when the Mayor was not there. I'm sorry if I implied that I thought that there should be more in this amendment. I personally feel that you have indicated that in this case you describe it as Deputy Mayor, that that person can in fact legally sit with the Board of Commissioners and try to convey to them sort of the political sense of different matters and I think that's something that's worthwhile trying quite frankly. I would suggest that you support this amendment and give it a try. I appreciate there's an election coming up this fall and whoever is in the position can have a whack at it.

MR. CHAIRMAN: Mr. Premier.

MR. SCHREYER: One other request, Mr. Chairman. Mr. Wankling, you indicated that you were Mayor of Fort Garry at one time at which time you were elected at large. . .

MR. WANKLING: That's correct.

MR. SCHREYER: . . . which was the conventional way to do it and the Deputy was however elected by council I assume.

MR. WANKLING: That's correct.

MR. SCHREYER: I know of no other way in which deputies in fact could be elected except by council, at least that's been the common practice. Therefore because you were elected at large and the Deputy was elected by council was there any inherent problem? Inherent in that fact.

MR. WANKLING: No. I'm sorry, I hope I didn't suggest that there was.

MR. SCHREYER: No but I asked you the question for clarification since a previous question had intimated that because the Mayor is elected at large under the terms of The City of Winnipeg Act and under this bill insures its continuation, the Mayor's office being filled by election at large, and because the Deputy is elected by council that there is some inherent conflict, and I'm merely asking the question to ask you if you do not agree that this in fact has been a very common practice over the years.

MR. WANKLING: That's right. You're right. May I ask a question? Where is the inherent conflict? Where did I imply that there was . . .

MR. SCHREYER: No, I'm sorry. You did not imply but one of the questions put to you.

MR. WANKLING: No, no. And I answered no to the question.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Mr. Chairman, through you to Mr. Wankling. The Board of Commissioners is comprised of the Commissioner of Environment is it?

MR. WANKLING: There's the Chief Commissioner and the Commissioner of Works and Operations, Commissioner of Environment, Commissioner of Finance. Four members plus the Mayor, ex officio member of the Board of Commissioners.

MR. GRAHAM: And you have three main standing committees have you?

MR. WANKLING: That's correct. Plus the Executive Policy Committee.

MR. GRAHAM: Committee of the Environment, a Committee of . . .

MR. WANKLING: Environment, Works, Operations and Finance.

MR. GRAHAM: In your opinion could a board of commissioners work as efficiently as the present board if the board consisted of the Commissioner or the Chief Commissioner, the Commissioner of Environment and the Chairman of Environment, the Commissioner of Finance and the Chairman of Finance, the Commissioner of Works and Operations and the Chairman of Works and Operations and the Mayor?

MR. WANKLING: That presents another possibility. Yes. Excepting that we're starting to create in my view committees of substantial size and we already have three standing committees on the Council - four as a matter of fact including the Executive Policy Committee which are enormous in size in terms of committee membership that are not really necessary - that is from an operative point of view. And to take the Board of Commissioners, the four commissioners and the Mayor and then add three more members, the chairmen of the respective committees it now makes it a committee of eight and here we go again. It may achieve a better link and coordination if you will with the council as a result of doing that. As a matter of fact one of the committee chairmen is here and he may like to answer your question. I don't personally see this as being necessarily better than the suggestion and I again say it's unfortunate that it's centering on the position of Deputy Mayor. It could be House Leader if you will or whatever you want to call him - he or she - to work with the Board of Commissioners. But you start to get into a size where it

(MR. WANKLING cont'd) is unwieldy and it may be an experiment worth trying but I would suggest maybe we follow the other route at the moment and if that doesn't prove to be satisfactory then you consider some other method.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Mr. Chairman, I only posed it as a question. I think there are many people who have a feeling that because a committee or a board increases in size that the efficiency decreases. I personally don't subscribe to that philosophy but there are many that do.

MR. WANKLING: I would like to say that I felt that my council in Fort Garry that operated with seven people was every bit as efficient if not moreso than the 50-member council that we're now working with in the city. I, with due respect, Sir, suggest that some of the large projects with which the Metropolitan Government was charged with were ~~caused~~ ^{caused} with by a 10-member council as opposed to a 50-member council. So because something happens to get larger does not necessarily make it better.

MR. CHAIRMAN: Mr. Premier.

MR. SCHREYER: Does it necessarily make it worse?

MR. WANKLING: Not necessarily but the premise seems to be that the bigger it is that the better it is and I say that that's not true.

A MEMBER: The most efficient is one.

MR. WANKLING: Pardon me?

MR. PAWLEY: The most efficient might be one.

MR. WANKLING: Well the most efficient is one. I think everybody would have to agree with that. He'd better be very benevolent. The Mayor has been just that on a number of occasions.

MR. CHAIRMAN: Order please. Mr. Moug.

MR. MOUG: Mr. Chairman, just for clarification before Mr. Wankling leaves. When I asked him the question in regards to the Mayor being elected at large and the Deputy Mayor being appointed by council I asked it for clarification to see if there was any friction or whatever between council members and the Mayor. I know this is longstanding throughout the Province of Manitoba. We have done this on a good many councils both rural and urban and I see nothing wrong with it. I see no reason why it won't work with the present City of Winnipeg. I was asking it for information only, not trying to infer that it has caused a problem. Thank you.

MR. CHAIRMAN: There being no further questions I wish to thank you, Mr. Wankling, for being present here with us this evening. I understand that when you approached the microphone you said that our Mayor Juba . . .

MR. WANKLING: Yes I believe he wishes to address you, Sir, and he was not in the room at the time but he is here now.

MR. CHAIRMAN: I think I will take him at this time then. Mayor Juba will you please -- do you wish to make a presentation? I was informed earlier that you might.

MR. JUBA: Mr. Chairman and members of the Committee, I sat there a little confused and I think I say this with some justification.

The responsibilities of the Mayor and I think that you just had the Deputy speaking both on behalf of the City and of course injecting some personal views. At the same time I sat here and I listened that the Deputy takes over the Mayor's position when he's absent from the city. Well I'm not absent from the City and I think that the Mayor should be presenting the City's views on the various amendments.

I think Mr. Graham hit the nail on the head as to what is the trouble there. The Act was designed in the first instance to do certain things, a certain form of government and of course was a change. Now we hear that we have to have some description of what is the responsibilities of the Deputy Mayor and outline the responsibilities of the Deputy Mayor yet without trying to define what is the responsibility of the Mayor in the first instance.

I sat here and I listened, the interpretation of Mr. Wankling is that the Deputy takes over in the absence of the Mayor of the City. Sounds good. Logical. But I don't know. It's double talk. It's really double talk. I don't want to bring out some of the problems that have been created there.

As one illustration, a couple of million dollars worth - I don't want to give the details - and I was in the city and was even at lunch hour and my duties as I interpret it had been performed by a Deputy. There's many things of this sort. I don't want to bring up any of this dirty linen, it's a personality clash and that's just about it and a desire to build up a little empire to provide permanent employment, steady job, because the Deputy Mayor now according to the city council is a steady

(MR. JUBA Cont'd) job, a full time job. Now this is the case and yet when you look in the dictionary what is the definition of a Deputy, and I think as you interpret, as anybody would interpret the definition of Deputy is one thing and yet some people have their own opinions of what is a deputy. That's just a conflict of personalities.

One of the reasons I didn't like to see this gentleman sitting here because when his group said - would like to appoint you as the Deputy, before he accepted he came in to see me and this is the way I think it should be, if you want to interpret the word "Deputy" in the true sense of the word. He said, do you think they want to appoint me as the Deputy? Do you think we could work together? I said, I'd be very happy to work with you. I think our common interest was the City of Winnipeg.

We got along very well and there was no problem whatsoever. That's one of the reasons I hated to see him come here. In fact I guess there's others here who share that view.

A MEMBER: For different reasons.

MR. JUBA: For different reasons. But in all sincerity I think we have to take a look at this and what really is the problem and there is a problem and a tremendous problem. The Act being designed in one fashion and yet some get the impression that they have some extraordinary powers and I don't think that this was what was intended with the Act.

I think that if you wanted to give some extra powers to a group, a controlling group, that's fine and dandy. There's no objection if you want to do that. But then it should not be under the heading of the Deputy Mayor. I think that all the Cabinet Ministers would not want a Deputy inflicted on them that may not work with them and I think that this would be understandable. And this is the situation we find ourselves in in the City of Winnipeg. It's very unfortunate and I don't think anybody is being served well by the situation as it exists.

If you wanted to give this power to somebody and the argument advanced say for example is that somebody should report to the controlling group. Well if that's the case does it always have to be the Deputy? I took exception for example when the Deputy started to sit in at the Board of Commissioners meetings. I think it interferes, It interferes with the operations of the Board of Commissioners and I don't think it's fair to the other elected representatives on council.

Take for example you have minority groups. Why should they not know what is going on in the Board of Commissioners? Or should they be excluded? Are they not equal representatives on council? So you can see that there was some unfairness being created there and why should - and I think it's been stated in the press that a spokesman for, and this was the term "a spokesman for" a group. Well if this is the case fine. Well have the spokesmen of all groups in that council have the right and privilege to sit in on the Board of Commissioners meetings. I mean you've got to be fair about this because our form of government is unlike that of the senior governments, it's entirely different. I think that we have to recognize even the minorities on council and give them a right to know what is going on behind the scenes.

But the great problem around that place is - and it's quite evident now - that there is less interest with the 50-man council and there's more disgust and disenchantment between the members than I've ever seen in my life before. It's a very unfortunate situation. A lot of good members are just becoming so disenchanted that they're not saying anything, they're not complaining, they're just not taking too much interest. It's very very unfortunate.

What is the solution to the problem? I think gentlemen that you've got to take a look at this thing objectively. There's a number of members on council who are sitting on standing committees. There's another percentage that are left out in the cold. They don't know what's going on. I think the time is right to put every member on council on a committee and not make second rate elected representatives. Unless you do that you're going to have a lot of problem in operating that local government to getting decisions, to getting planning done, it's just almost impossible.

The Executive Policy Committee as I interpret it, their duty to date was exactly just that, to advance policy matters, new ideas, suggestions, things that go beyond that of the standing committees or that . . . may cut boundaries and overlap general policies. This is not the case. A committee will report and they'll start all over again and start debating the issues. I say today, as I said a long time ago, there's a lack of confidence in the committees and the reports of the committees.

Nobody seems to want to have any faith or regard for committees and their reports. There just seems to be a turmoil there and it's getting worse and it's not

(MR. JUBA cont'd) getting better. Because the Act was designed to bring about one form of government and yet now there's certain changes which would not have it so. I think you've got to make up your mind what way you're going to go because you can't have a sort of a mixture of both. You cannot now - and I possibly am closer to the situation - there's a power play. There's a tremendous power play there and by a minority too.

I don't want to get into this hassle between the Deputy Mayor because I couldn't care - you know what I mean - whether you elect the Mayor or you do not although I personally believe that that is the right way to do it in the interests of democracy. But if it means scuttling the whole system because some here are determined to make this Act a failure, some are quite determined. I'm convinced, it's my opinion that some are determined to see this Act fail and some are determined to get rid of the commissioners. It's just as simple as that.

Now it's a difficult thing to offer you any suggestion which would be readily acceptable to you because even in the area of the Deputy Mayor it may appear that there's - well a conflict of personalities. I don't look at it just so much as that. It goes a little further than just a conflict of personalities. It's trying to establish some authority and have control by a minority, an absolute minority. I'm very fearful of this. You want to have and the pressure is here to get the Deputy for example to have more power, to spell out the powers. Why? Why should these powers be spelled out? If you want to spell out anything I think it has to be a clearcut definition of what are the responsibilities of the Mayor because you've been hearing double talk here. I interpret that the Deputy takes over in the absence of the Mayor. You know when I'm going to leave the city I tell the Deputy I will be leaving. I tell him so. And that's when he takes over the full responsibilities.

But here again what is the responsibility of the Mayor? And yet I heard here that the Deputy takes over in the absence of the Mayor from the city. But when you have millions of dollars worth of debentures signed by the Deputy when the Mayor is in the city, knowing he's in the city and at lunch hour, that - well something is not just right. He creates one impression yet on the other hand he doesn't practice what he preaches.

Now I'm not blaming the individual because this may be part of an over-all plan to try and take control of the operation, I don't know. There are a lot of things around there that I would like to know, there's a lot of citizens who would like to know what's going on.

I think as far as the Act is concerned that it says that the Acting Mayor takes over in the absence of the Mayor and I can't recall the exact word but it says - I believe it is "in the absence for any cause" I think that's the terminology used, "any cause". If you go to the washroom you're absent from your office. If you're next door in the EPC you're absent. And this has been proven.

Now I think that should be clearly spelled out because the old City of Winnipeg Act made it quite clear and I think it said that - it gave the duties of the Mayor in more detail. I can appreciate the Act when it was drawn up in the first instance did not clearly define the role of the Mayor because it was a new concept that was being introduced and therefore there was no need to define the role of the Mayor. But the old Act stated that - I'm just trying to find it here - "or in absence from the City or inability from sickness or any cause to perform his duty" then of course that would be the responsibility of the Deputy. It clarifies it. It states that he not necessarily has to be out of the city, he could still be in the city but if he's not capable of performing the function therefore then the Deputy should step in and justly so.

I think that one of the things that I would strongly recommend to do is not place too much emphasis on what the responsibilities of the Deputy Mayor is going to be but find out first what is the responsibilities of the Mayor. Because the Deputy if he has all the responsibility according to the Act with this one, he's a Chairman of Council, he's the Chairman of EPC period. And that's all. And he has no more power and you prove to me that I'm wrong, he has no more power than that of a Chairman of the Works and Operations, Environment or Finance Committee Chairman. Look in the Act and prove me wrong if there shows anywhere of the responsibilities and duties of the Mayor.

But we have our own impression of what is the responsibility of the Mayor and justly so. Regardless of what you put in the Act the public have their own opinion on what the Mayor's responsibilities are.

So I think that in my opinion what you should do is clarify the responsibility of the Mayor if it's your intention to have the Mayor elected or go back to

(MR. JUBA cont'd) the original form that was intended in the first place. You can't have both. You've got to make up your mind what way you're going to go and I would suggest if you clarified the responsibilities of the Mayor then the responsibilities of the Deputy - you don't have to single the Deputy out at all - in the absence of for certain reasons then the Deputy takes over and give him no more power. You don't need any more authority.

But if you want to have a spokesman for a controlling group give him some other title. Make him chief executive of something you know or make him anything you want because some people like titles. Give it to him if that's what you want. Do you want to create more jobs? Fine. Create more jobs. Make it a full time job. It's entirely up to yourselves. You could do that. But don't try and create an impression that you have somebody here that is a deputy to the Mayor because if you look up in the dictionary it's very difficult to accept because the definition would be "the representative of".

And let me tell you this much. When Paul Marion was the Deputy I had the greatest respect for him and we had a very good relationship and we had no problems. But some have a different concept of what that role is and I was quite convinced listening to double talk when on the one hand the Deputy takes over in the absence of the Mayor from the city and on the other hand what has transpired is a horse of a different colour.

Mr. Minister you probably have seen a notice calling the Official Delegation Meeting done in longhand and it comes to me and says you've got to meet with the government. Hell I was in the city, it was handed to me in longhand and coming from the Deputy. You sit back and you kind of wonder what the hell is going on. I don't want to bring out any dirty linen. October is going to make a tremendous decision one way or another regardless of what some think. The people will have their say.

But I do think you have responsibility now in making some clearcut definition of what is the responsibility. Don't place emphasis on the Deputy. Try and place the emphasis first on what is the responsibility of the Mayor. Some here get the impression that their responsibility is administration, strange as it may seem. And yet I interpret the elected representatives under our form of government to be a policy body, to establish policies and then turn it over to the administration to administer the policies that we've laid down. This is not the case. A lot of our representatives feel that they want to play the role of an administrator. Well if this is the case well then let's fire some of our commissioners. They're high priced people. And get the politicians to do this job. And this is unfortunate that we have this type of a situation and it's not getting better and the commissioners find it very difficult now. They're getting whacked at, criticized, damned and yet they're trying to do the job. What's happening - and I sense this. They don't tell me, I sense this - that they are not moving, they're just saying well we'll do what we have to and it's no good. Because when you start getting a morale problem the whole city suffers. I think there's a clearcut division of responsibility, administration and policy.

The elected representatives' responsibility is to establish a policy, make up your mind what you want. Once you establish it turn it over to the administration to execute it. But some want to get involved into the administration, get to know what's going on behind the closed doors and I don't think it's right to get involved in the administration.

But anyway getting back to the definition. I think that you want to define the role of the Mayor because there is a change in Act from the original concept to what is being proposed now. Therefore I would say that you want to outline the responsibility of the Mayor.

The old Act stated that the Mayor shall be the chief executive officer of the City and it shall be his duty to be vigilant and active at all times in causing law for the Government of the City to be duly executed and put into force. Then it goes on to give you all the other aspects. I don't say that you want to give him too much power but there is certain areas where you've got to turn around and say, what is his authority?

Then if you define that then you know what is the responsibility of the Deputy. It's clearly defined when the Deputy takes over and I think the old Act described this fairly well. If you did that you would eradicate a lot of the problems that's being created within the City Hall. The exact wording if you wanted this I could get this for you because I know when I'm beat, you know what I mean, and I just sit back and wait, you know what I mean, to see what they're going to do next. I really don't have too much authority, in fact none except being the chairman according to the Act. I have as little as any in that council with these few

(MR. JUBA cont'd) exceptions of being the chairman.

I would suggest that if you would look at this thing objectively to define the role and then of course strengthen the hand of the administration. Try and separate policy from administration and this is another problem.

I've said this from Day One when we sat down under the new Act and I tried to tell them my opinion, what the role of the EPC, what function we should be performing. Of course I didn't get to first base but here again today I did the same thing. And the situation is degenerating to a point that there's so many councillors and if you think that I haven't got a fair evaluation just talk to them, see if they're disenchanted or not. There's been a tremendous waste of man-hours in there and we're ruining a lot of good elected representatives who are losing interest in their local government and yet it's at the loss of the entire City. It's very unfortunate.

The other aspect, I think that we should put all members on a committee. Some should not be left out in the cold. They should all be put on the standing committees. It would make the committees cumbersome but at least they would know that they would be involved in one-third of the operation, one of the three committees anyway. I'd put them all on if you're not changing the numbers of personnel on council put them all on committee and believe me you would be doing a service to allow these members who are just becoming so disenchanted and so disgusted that if you took a poll after last council meeting, it was absolutely pathetic. Some would have you believe everything is just fine and dandy, going their way. Yes. In the opinion of a handful things are going the way they would like to see it go but it's not in the interests I think of the city.

Take that for what it's worth. I can assure you that I've had some experience and I don't expect people to always agree with me, I can have difference of opinion but I can still work in the general interests of the people I'm supposed to represent and leave my personal views and things aside. I can assure you that if you would take heed to a few of these suggestions I've made that you'd be doing a service to the community. Here again don't place too much emphasis on what the responsibility of the Deputy is. What is the responsibility of the Mayor? Then when does the Deputy take over? He should not have any more rights than anybody else except in the absence of. If you want to have a spokesman for a controlling group set up another category but separate them. Don't try and cloud the issue.

The other that I think is very important is to strengthen the hands of the commissioners and of course put all the members of council on a standing committee. I think you'd be doing a service to the city.

. . . continued next page

MR. CHAIRMAN: Are there any questions seeking further clarification? Mr. Johannson.

MR. JOHANNSON: Mr. Chairman, Mr. Mayor you've outlined a number of problems that have developed through the workings of the present Act and you've outlined some of your concerns about the proposed amendments.

MR. JUBA: I'd like to point out I didn't pour out too many of the problems, they'll come out at the appropriate time I can assure you.

MR. JOHANNSON: I was going to ask you simply one question. Do you think that the Mayor would have a better working relationship with the Deputy Mayor and with the Chairman of Standing Committees if they were appointed by him?

MR. JUBA: I would think so, but not necessarily. If you have a controlling group, I don't belong to any particular group, and I use as an illustration the first instance when the ICEC discussed the appointment of a Deputy, they apparently asked Paul if he'd take it and he said, well I'll give my decision later on. He came in to see me. He said do you think you and I could work together? I couldn't re... know Paul.

But I think by virtue of him coming in and saying that, make the statement he was willing to go along and I think that not necessary, does, should the Mayor be called upon to name him. It would be much better I could assure you, it would be very much better, but not necessarily. I think the Mayor should work with maybe the decision of the majority.

MR. CHAIRMAN: Mr. Premier

MR. SCHREYER: Well Mr. Chairman I have three questions

MR. JUBA: I'm for it I mean from a personal point of view but I mean it... there might be some changes.

MR. CHAIRMAN: Mr. Premier

MR. SCHREYER: Well Mr. Chairman I have three questions I'd like to direct to the Mayor to try and get a little more clarification on three of the principle aspects that he's raised in his presentation. The first is with respect to the alleged sort of diminution in interest on the part of some councillors. Do I understand correctly that this is because of the fact that they are frozen out of participation in Standing Committees or is there some other reason why, a main reason why some councillors are tending to feel frustrated and less interested?

MR. JUBA: I think that a lot of members are the, the ICEC which is the controlling group in numbers as were elected appear to be a very large number but poll them today and you're going to find out that they are not as strong as it appears to the public. A lot are not attending the meetings, they are disenchanted, they are really disenchanted. I think that they're disenchanted for a number of reasons. Some, they don't know what's going on, power play move on the other hand and just some dissention within the majority group for many, many reasons. The ones that come to me, tell me their problems and of course they do vary some if they never got a chairmanship of course, ... if they were taken off the committee that they wanted to be on of course and they had another ax to grind, but I would say in all sincerity that ICEC is not as strong as some would like the public to believe, they're not that strong, because there's a lot of disenchantment in the old group. They tell me, now I don't know whether it's true or not, I don't go to the caucus meetings but there's a number of reasons but what I'm trying to say when you have more members on the committees, you give everybody an opportunity to know and an opportunity to know at least the operations of one particular facet of the government. Some are not on committees. And another thing is the remuneration - this is a thorny one. If you are on a committee you get so much more, if you're chairman you get so much more and all that, you know, that part is not good at all.

MR. SCHREYER: Well Mr. Chairman, the answer has caused two more questions to arise. If all members of council were to serve on committees I would calculate that this would mean 15-16 member committees and would the Mayor regard that as being workable or, well yes at least workable or would it be just a bit much, a bit large.

MR. JUBA: I think it would take away some of the problems that members are left in the cold. You know a lot of members go to council meetings and they really, other than receiving their agendas and that, they really don't know what's going on.

MR. SCHREYER: But Mr. Chairman, do I not, is it not correct that any member of council can attend a Standing Committee meeting?

MR. JUBA: True; there's a big difference though, you know what I mean in the human element outlook when he is a member of that committee or attends as an observer. It has an impact, no question about that. Sure members can attend committee meetings but he's not a member. We had one man for example, Hudson, who attended all meetings practically, every one he possibly could attend, religiously. Now you just see him around periodically, even he's getting disenchanted and boy he has more patience than that and now he's getting disenchanted, so you know it's not a very healthy situation, but if you know, if you put the member on the committee he now has a responsibility and he's on the committee, he's going to be recorded off or on and I think that this would help too, because it takes away the variation of the salaries that they receive.

Nobody would say this publicly but that is another area.

MR. SCHREYER: Well present company excluded but would the Mayor not agree that presidents, prime ministers, have been known to get disenchanted - I said present company excluded, would the Mayor not agree that at times even Presidents, Prime Ministers, Ministers, get disenchanted with the overload of work.

MR. JUBA: ... get disenchanted for a different reason. When I mean disenchanted, disenchanted to a point of losing interest. You could become as you yourself I presume become disenchanted at times but in a different way, not to a point where you say, well I'm just not going to bother and you lose interest in your work. This is the danger. I've become disenchanted, I never slept last night, I've been up all night. Sure I get disenchanted; my wife is not only disenchanted, she's mad as hell at me but you know there comes times when we have...

MR. SCHREYER: Mr. Chairman, the other major point was the Mayor was stressing that the Board of Commissioners should some how under legislation be insured of the ability to function as commissioners in accordance with the duties outlined in the Act. Could the Mayor elaborate just a little as to what kind of additional protection or assurance with respect to the carrying out of duties of the commissioners is required.

MR. JUBA: We gave you a list, we sent a copy - they are technical things, we sent a copy. In fact I don't know ... pardon me, we can make sure you get a copy, we could get you a copy of the proposed amendments. Do you remember when that was mailed?

MR. SCHREYER: Yes I think so, yes we do. Thank you. We have to be sure that Mr. Graham is not kept out in the cold.

MR. CHAIRMAN: Mr. Moug.

MR. MOUG: Mr. Chairman, I'd like to ask the Mayor if he doesn't think it would be an advantage for the Deputy Mayor to sit in with the Commissioners at their meetings at all times so he would have a better idea of what's going on and some continuity for days when you are out of town and meetings when he has to take the chair at the regular council meetings. Wouldn't there be an advantage to have the Mayor informed in this manner?

MR. JUBA: If it was for that reason I would agree with him, I would agree with you. It is not for that reason. I think if you use the statement to carry it in the press that he represents a group and that that group should have representation on the Board of Commissioners, and I'm trying to say is I don't think anyone group should have any preference in that particular area, that's what I'm trying to say. Did I make myself clear?

MR. MOUG: Yes, but I think that it enters into politics with that move and that's of course something we try to keep clear of on city council. At least we would hope we could keep clear of that on city council, not have politics involved with local level of government, but what I mean is, what I'm trying to ask you Mr. Mayor is - Mr. Chairman, what I'm trying to ask the Mayor is, is it possible for the Deputy Mayor to pick up the reins on short notice when you have to get on an aircraft and go out of town on business, city business, for him to pick up and have any continuity in the Mayor's Chair at a council meeting or at the meeting of the Commissioners

MR. JUBA: It would be advantageous. There's no question about that, yes if the function is performed with the original intent, yes I would say yes and not only that any member of council insofar as that's concerned, the more he knows about the operation, so much the better. No, I have no objection ...

MR. MOUG: Well, Mr. Chairman, I'm going to ask this question with the possibility of getting my head shot off because I know the Mayor's very capable if he takes a notion in his head to do such, but you mentioned later, after mentioning about the Deputy Mayor, you mentioned that the disenchantment amongst council

(MR. MOUG cont'd). . . .members it would be better to make larger committees so that the council members would have some idea of what's going on in committee meetings so when they go to council meetings they would have some idea. Now is that contradictory with what your line of thinking is about the Deputy Mayor attending meetings of the Commissioners? I tried to ask that as nice as I can and hope I'm not...

MR. JUBA: No I don't think so because right now there's a deliberate attempt to build up a permanent job for the Deputy, in fact we've done it already. It is a permanent job, a full time job, I presume full time from a pay point of view. That's been established. We just have to accept this. No I don't think there's any conflict there because what I'm trying to say is that a lot of disenchantment comes in when a lot of the members are not serving on any committee. You don't know what's going on and I can tell you this much, the point here is then if the deputy sat in he'd be able to inform, but he's informing the group that get the seats on the committees, but the group that's not being informed neither have seats on committees nor are they represented by a spokesman at the Commission meeting, Do you see what I mean?

MR. MOUG: Well, Mr. Chairman, then it would cause me to ask the Mayor does he think that it's a political pressure group that is trying to make a full time job for the Deputy Mayor or is it something that's single handed by the Deputy Mayor alone?

MR. JUBA: Well if I had positive proof, you could only voice an opinion of what's going on. I had for example, two councillors came to me today and gave their views that they were ICEC and they're not going to support him, they are just waiting for an opportunity to drop out. They said there was a handful and I think it's common knowledge, but I'm not going to be judged I don't know. I don't sit in with them, you know what I mean, other than what's going on.

MR. MOUG: That's all Mr. Chairman.

MR. CHAIRMAN: I believe that exhausts our questions. Mr. Graham.

MR. GRAHAM: Mr. Chairman, through you to the Mayor, I would like to ask the Mayor for his views on a proposal that I put to the previous speaker regarding the constitution of the Board of Commissioners and I would ask the Mayor if the Board of Commissioners was comprised of the Chief Commissioner, the Commissioner of Environment plus the Chairman of the Environment Committee, the Commissioner of Finance plus the Chairman of Finance and the Commissioner of Works and Operations plus the Chairman of that Committee and the Mayor, would that be an unworkable committee. Would it slow down the work of the committee or the board?

MR. JUBA: I don't think so. No, you know it all depends which one, do you want a thing to work or do you want it to fall flat on its face? It's just as simple as that; it could work. There is no question about that.

MR. CHAIRMAN: I believe that, is that satisfactory? I believe that concludes the question period. I wish to thank you Mayor Juba on behalf of the committee for being present with us this evening. I believe I'll call on Mr. D. C. Lennox now, so that we can conclude all our presentations on Bill 46 before proceeding on to another bill. Mr. Lennox.

MR. LENNOX: Thank you Mr. Chairman, I'd just with the permission of your committee would like to file some comments with respect to some technical points first with regard to Section 28, Bill 46 and also a suggested amendment to the wording that is in the Bill now for section 599 and also as a supplement to my prior comments last week on Bill 38, some more detail with respect to the effect of that requirement for the proposed amendments which would render mandatory notice to owners and tenants within a rezoning area and a distance of 500 feet around it. I have copies of these comments and I would just like to file them with your committee now Mr. Chairman.

MR. CHAIRMAN: Would the clerk just pass the copies along.

MR. LENNOX: Thank you very much Mr. Chairman, I would ask your committee to give consideration to those.

MR. CHAIRMAN: We'll proceed on then to our final presentation, that to be made by Charles Chappell. Will you please advance to the microphone Mr. Chappell.

MR. CHAPPELL: Mr. Chairman, I represent the rural municipality of Springfield. I am led to understand that dealing with section 102 of Bill 38 certain amendments have been proposed or a motion will be made. I would indicate Mr. Chairman that the rural municipality of Springfield is in agreement with the proposed motion which would be introduced in this matter but I also wish to indicate, Mr. Chairman, that the rural municipality of Springfield, at the convention held for the Union of Manitoba Municipalities in November of 1973, had a resolution carried by the convention where the UMM requested the government of the Province of Manitoba

(MR. CHAPPELL cont'd). . . . to amend the provisions of the City of Winnipeg Act so as to provide that all real and personal property holdings belonging to the City of Winnipeg shall be subject to taxation, including school taxes by any municipal corporation or local government district in which such property is situated. At the present time, Mr. Chairman, the Act provides that holdings of the city of Winnipeg in municipal corporations other than the City of Winnipeg are exempt from any form of taxation. The Act does provide further that the city of Winnipeg may enter into an agreement with that municipality on an annual basis whereby it binds itself to pay a grant in lieu of such taxes. This is an authority, Mr. Chairman, which no other municipal corporation in the province of Manitoba possesses. Every other municipal corporation is subject to paying taxes for its holdings of both personal and realty outside of its corporate jurisdiction. Therefore, Mr. Chairman, the rural municipality of Springfield submits that the special status conferred upon the city under section 659 should be repealed and their holdings should be the subject of taxation of other municipal jurisdictions in the same manner as any other municipal corporation.

I would also indicate, Mr. Chairman, that my remarks are not meant to be critical of the city of Winnipeg; in the past they have on a gratuitous basis without agreement provided full dollar per dollar value to the rural municipality of Springfield in the form of a grant. The only item which the municipality is concerned with was the Statutory grant in lieu of taxes of \$15,000, but I understand that under the proposed motion if this section were repealed then it would be a simple matter of obtaining agreement of the city whereby it annually bound itself to pay a grant in lieu of any taxes which would otherwise be imposed. Thank you.

MR. CHAIRMAN: Are there any questions members wish to direct to Mr. Chappell. Mr. Premier.

MR. SCHREYER: Mr. Chairman I'd like to ask Mr. Chappell if - it's my impression that something has happened here because in recent days or recent weeks there have been discussions between representatives of Winnipeg and the R.M. of Springfield and that there was mutual agreement as to the deletion of a sub-section of the Act and as I understand you're now suggesting the deletion of an entire section, has something happened in recent days to indicate that either of the two parties are no longer in agreement?

MR. CHAPPELL: Mr. Chairman, I believe that it was indicated at a recent meeting at which representatives of the Rural Municipality of Springfield met with Mr. Toupin and officials of the Department of Urban Affairs, that the rural municipality of Springfield was prepared to proceed on the basis of the repeal of sub-section 3 but was still opposed to the principle embodied under the provisions of section 659, that I believe the municipality was advised that this was a policy decision which the government would be looking at and for the time being it would be wise to proceed just with the repeal of the sub-section which the city had requested and the municipality is prepared to concur in this action at this time. But the principle embodied in section 659 is still opposed by the rural municipality of Springfield Mr. Chairman.

MR. SCHREYER: Although you would confirm, Mr. Chappell, that in monetary terms there would be no difference, at least in the foreseeable future.

MR. CHAPPELL: To this time, Mr. Chairman, there has been no difference in monetary terms. Proceeding on the assumption that the city of Winnipeg would continue to proceed and make the annual grant on the basis on which they have made it there would be no monetary difference, but the rural municipality of Springfield is of course relying solely on the goodwill of the city in this regard. I believe the Act says the city may enter into an agreement, it does not say "shall," Mr. Chairman.

MR. CHAIRMAN: Mr. Adam

MR. ADAM: Mr. Chairman, Mr. Chappell, the grants in lieu of taxes, you receive now, Springfield receives - are they equivalent to the amounts the municipality would receive if it was done on the assessment basis? You know I'm speaking of the property that the City of Winnipeg has.

MR. CHAPPELL: Mr. Chairman, I believe that the Act provided for a Statutory grant of \$15,000. Sub-section 3 of section 659 said that the city shall annually pay by way of an annual payment in lieu of all such taxes or rates the amount of \$15,000 to the rural municipality of Springfield. It's my understanding, Mr. Chairman, that the intention of this section was to provide this \$15,000 annual grant for the holdings of the water district, the Greater Winnipeg Water District. The actual dollar figure, Mr. Chairman, last year was approximately \$25,000 and although the Act only specified that the City was required to pay \$15,000, \$25,000 was

(MR. CHAPPELL cont'd). . . . actually received. On the basis of the assessment for the holdings of the water district I believe that rather than the sum of \$15,000 being realized on the basis of the mill rate and assessment, this figure may be increased somewhat now.

MR. CHAIRMAN: Are there any further questions? Hearing none I wish to thank you. Mr. Enns

MR. ENNS: Just one question of Mr. Chappell, there seems to be in the presentation made by Mr. Chappell a kind of an undue emphasis on the goodwill of the city of Winnipeg and my simple question is, has he any indication to believe that that goodwill will be not forthcoming. In other words, that the assumption that he is working on you know has no foundation or fact that in fact this...

MR. CHAPPELL: I have no reason to believe Mr. Chairman that the city will not continue to follow the policy it previously followed but similarly I have no indication that they won't follow that.

MR. CHAIRMAN: Well I believe that that concludes the questions. Thank you. We'll proceed now to consideration of the bills before us. We stopped the last day with the consideration of Bill 4 and I believe we were on section 18, Bill 4, section 18 pass. Mr. Johnston.

MR. J. FRANK JOHNSTON: ...not go quite that fast.

MR. CHAIRMAN: We'll give you a moment to get your notes ready. Is everyone ready? Mr. Johnston.

MR. J. FRANK JOHNSTON: Mr. Chairman, as I recall we were discussing section 25 regarding the word "real" or "personal".

MR. CHAIRMAN: You're correct Mr. Johnston. The last one I had signed was section 17. We'll start in at section 25.

MR. J. FRANK JOHNSTON: Well Mr. Chairman there was discussion about this and it ended with I believe the Member from Birtle Russell suggesting that we think about the word "real" the words "or personal" in this section as to whether we should add that to the legislation and we have discussed it and we feel that the word personal being added into the legislation does make it pretty rough and that we would like to suggest that the words "or personal" be taken out, which would mean the deletion of section 25 actually and having the bill remain as it is with just "real" tax.

MR. CHAIRMAN: Mr. Howard Pawley.

MR. PAWLEY: I think Mr. Chairman, we would be prepared to concur with the suggestion for deletion of the word "or personal". Do we need a resolution to that effect? I suppose we do.

MR. J. FRANK JOHNSTON: Well Mr. Chairman if we need it and the government is in agreement I think it should be the Minister that presents the resolution.

MR. PAWLEY: Ray just asked me a question, what is the specific objection you actually have to the use of that word?

MR. J. FRANK JOHNSTON: Well, as we discussed the last time, the "personal" takes in the personal belongings of a person, the insurance money coming regarding those personal belongings would be - go to the municipality or they could attach it for the amount owing.

MR. TALLIN: Could I explain something on this. To begin with this section relates to insurance moneys payable on property on which taxes are payable. There is authority in the Municipal Act for municipalities to assess personal property. When that happens and that personal property is destroyed and insurance moneys are payable in respect to the destruction, the same thing would happen as if the taxes had been payable on real property and there had been a damage claim on an insurance policy in respect to the real property.

MR. CHAIRMAN: Does that satisfy your objection?

MR. J. FRANK JOHNSTON: I'm just not quite with Mr. Tallin there. Maybe we could clear it up when I say that...

MR. TALLIN: Could I give you an illustration? The municipalities tax personal property in the way of pipelines. The pipelines are insured, taxes may be payable but unpaid on those pipelines. If there is damage to the pipelines and because of that damage insurance moneys are payable, this says that the insurance moneys will be applied on the taxes, the same rule which now applies to a person's house which is real property, and it doesn't say that all the goods and chattels of anybody will go, it's only insurance moneys in respect of personal property on which taxes are payable and as far as I know no municipality taxes any personal property now other than pipelines, is that right?

MR. FRANK JOHNSTON: So in fact Ray, we would not be claiming the taxes against the insurance on the personal property that we relate to the taxes on the real property. It would only relate to those taxes on personal property.

MR. PAWLEY: Well then I think it's much more consistent to leave it in.

MR. TALLIN: Yes

MR. CHAIRMAN: Will we proceed? Section 25 pass. Section 26 pass. Section 27 pass. Mr. Graham.

MR. GRAHAM: Dealing with section 27 I want, I would like to have the Minister of Municipal Affairs more or less bring us up to date on the status of the municipal government in that area at the time and what he sees happening with that municipal government in the near future.

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Well Mr. Chairman I see in the not too distant future this is one of the first order of Local Government Districts that will proceed to approach to if not complete municipal status. I think there is a desire in the community that they move towards a municipal status. During our hearings in the Leaf Rapids itself there was that indication that there was a desire. I think that the fiscal viability will be there and certainly with the amendments that we've passed in our Local Government Districts Act there'll be much more flexibility on our part in order to either bring them transitionally towards full municipal status, if not to proceed to full municipal status but I think the sooner we get them out of their present basis the better.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Another question Mr. Chairman. Could the Minister give us approximately the assessment of the Local Government District there at the present time?

MR. PAWLEY: Maybe Mr. Reimer our provincial assessor who's here would give that.

MR. C. M. REIMER: I speak strictly from memory now but it runs in my mind the assessment in total runs at the moment in \$12 million but this is something which will, that figure won't remain at \$12 million because construction at Leaf Rapids is progressing very rapidly, so that the additions to the current tax roll will amount to some pretty substantial figures, but just what they will amount to in the current year it's pretty hard to predict but there is a substantial tax base now but then again, there's a lot of activity going on.

MR. GRAHAM: A still further question Mr. Chairman, either to the minister or to the chief assessor, Mr. Reimer. With the change in Mineral Taxation in the province will the assessment of the mining property change as far as the Municipal Act is concerned or will it be a static factor.

MR. PAWLEY: Well Mr. Chairman, I wouldn't want to answer that with great certainty because I don't believe that Bill dealing with Mineral Taxation has yet been introduced to the House and I would suspect that we would have to wait until the introduction of that Bill to know with certainty. I'm not aware of it affecting the Municipal Taxation insofar as Leaf Rapids would be concerned.

MR. GRAHAM: Well am I correct then in the fact that, or what I believe to be correct that assessment of the mining property is purely on surface structures is it, it has nothing to do with the amount of ore body or anything of that nature. It's strictly surface is it.

MR. PAWLEY: Yes it's surface only at the present time.

MR. GRAHAM: Mr. Chairman, further on the Leaf Rapids Development Corporation at the present time grants in lieu of taxes are now paid to the provincial government are they not with the Local Government District the grants that are paid in lieu of taxes do come to the provincial treasury do they not?

MR. PAWLEY: I understand this being the first year they haven't paid anything yet. This is the first year of operation.

MR. GRAHAM: I'm not talking about that. I'm talking about the Leaf Rapids Corporation is to pay grants in lieu of taxes. Now those grants will be paid to the provincial treasury until there is a municipal corporation of its own entity there. Is that not the case?

MR. PAWLEY: Maybe Mr. McNairmay would like just to

MR. MCNAIRNAY: Mr. Chairman there is a Local Government District of Leaf Rapids in existence and that's what this section is for, to provide that the Leaf Rapids Development Corporation will pay to the LGD grants in lieu of taxes on property which it still owns as it divests itself of this property to the LGD of course it will be relieved of that burden but while it's still developing and

(MR. McNAIRNAY cont'd) those properties that the Corporation still owns this section provides that they will pay grants in lieu of taxes to the LGD. That's the purpose of this section.

MR. GRAHAM: Now but the Local Government District is a complete entity of its own.

MR. PAWLEY: Yes

MR. CHAIRMAN: Shall we proceed? 27 Mr. Moug

MR. MOUG: Well I just had one question Mr. Chairman. I was wondering why a grant in lieu of taxes rather than it says it would be payable to the equal amount of taxes if property were not so exempt. Why go through this procedure when they could simply pay the tax dollar equivalent to anybody else that would be in that area. Why not just pay taxes on the assessment and the mill rate. Why go to a grant in lieu?

MR. PAWLEY: Well the reason for that Mr. Chairman is, would be on the basis that it is a Crown Corporation, in the same way as in reference to all Crown Corporations under the Assessment Act, payment would be by way of grant in lieu. We are dealing with the Manitoba Development Corporation and the Crown Corporation, the Crown entity.

MR. MOUG: My second question would be in the same section but 796 sub 8 it says that it will not apply to property used by Leaf Corporation, Leaf Rapids Corporation in connection with construction of the townsite. Why would the townsite be taken out of there versus other properties? Why pay on some of the property and yet on the townsite itself it would be exempt.

MR. PAWLEY: It says sub section 7 does not apply to property used by Leaf Rapids Corporation in connection with the construction of the townsite.

MR. MOUG: Yes, why leave that out, why have that exempt and the balance paying? What is the balance, what do they have there other than the townsite, do they have property that they're not building on as yet and they're going to pay a grant on that in lieu and yet where they're constructing in the townsite itself, it is exempt to sub 7. Sub 7 doesn't apply to the construction of the townsite in Leaf Rapids.

MR. CHAIRMAN: Mr. Uruski.

MR. URUSKI: Mr. Chairman, I would just like to maybe shed some light on it I believe that the interpretation of that section would be for buildings that the Corporation uses as maybe bunk houses or storage sheds in relation to construction. It wouldn't be any other property. It's in buildings in connection with construction not the buildings that they are constructing. I think that lights it up Bill.

MR. CHAIRMAN: Mr. Graham

MR. GRAHAM: Why should that be exempt?

MR. MOUG: They're construction shacks.

MR. GRAHAM: That doesn't matter.

MR. MOUG: Construction shacks temporarily moved in so they can use them.

MR. URUSKI: I don't know let's get the experts,

MR. MOUG: I think that's what the Bill means.

MR. URUSKI: Yes it's probably in connection like you say the camp

MR. MOUG: Bunk houses, cook houses and everything.

MR. GRAHAM: and the office buildings?

MR. URUSKI: No, no, I believe what the intent is here is that the, probably the camp site or temporary construction huts for workers that are, maybe living in there and that they will be dismantled and moved out or removed from the construction site once any works that are under construction are completed. They are not a permanent structure, these buildings would not be permanent. If there would be, I'm sure a , like the LGD building and that, well that be part of the LGD building but this would be just a temporary hut.

MR. CHAIRMAN: Mr. Graham

MR. GRAHAM: Mr. Chairman, under another amendment to the Municipal Act we are now making it possible to assess taxes against temporary structures or moveable structures such as mobile homes and other things and yet we are not being consistent here in that the Leaf Rapids Corporation is going to be exempt from all of their own personal property in that townsite, whether it be construction shacks or their office or any other. I don't think we're being consistent.

MR. CHAIRMAN: Mr. Schreyer.

MR. SCHREYER: Well Mr. Chairman, while we're in this quandry that further I would indicate to Mr. Graham that part of the problem that is attempted here to be resolved is that historically Crown Corporations have enjoyed a certain tax exempt status, either in whole or in large part and in a sense that has become academic now by virtue of the fact that in most cases the grants in lieu are 100 percent relatable to what normal taxation would be. Then in addition to that fact you have the fact that certain Crown Corporations are by specific statutory section directed to pay normal municipal taxation but in being so directed are at the same time exempted from certain special levies having to do with the hospital district costs etc. By way of example, Manitoba Hydro pays municipal taxes but not for all separate levies of the Municipal Tax Bill.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Mr. Chairman, I'll accept what the First Minister has said but I think that we have a different circumstance here in that individuals as such find it very difficult to build property in that area in that Leaf Rapids Development Corporation is in almost in fact, the entire municipal townsite. Leaf Rapids Development Corporation was given almost exclusive building rights in that area and it has to be treated in a different manner. It's not just any Crown Corporation. It is the Crown Corporation and the main building authority in that area.

MR. URUSKI: Mr. Chairman that in Leaf Rapids there were other contractors insofar as the construction of housing and the like, there were other contractors building homes in Leaf Rapids and I think that the section here in 8 is analogous to a contractor moving into any municipality or any town or village in rural Manitoba and possibly building, making a development of 8 or 10 homes and moving in 20 or 30 of his workmen into a campsite in the town, I don't think a village or council of that municipality would charge them a levy for the time that that crew would be living in bunkhouses and the like within that municipality. I don't believe. I have never been on a municipal council but I do believe that when contractors move into a community they do not pay any special levy vis-a-vis their quarters for their workmen and the like.

MR. CHAIRMAN: Mr. Graham

MR. GRAHAM: Mr. Chairman, I don't know if the Minister for Autopac was absent from the Legislature but I believe and I can't, I'm just paraphrasing I can't quote the exact words but when the development was announced in that area the First Minister announced that this was going to be the first community that was totally planned and the Crown Corporation was set up with the exclusive right of doing that and that was the purpose of setting up the Crown Corporation, so it has a monopoly and it's a monopolistic entity in that respect and this is quite different from other municipal corporations where there are Crown Corporations involved along with other enterprises to make up the total of municipal package.

MR. CHAIRMAN: Mr. Uruski

MR. URUSKI: Mr. Chairman that is probably correct insofar as the development and the planning end of it goes, but insofar as the contracting and construction of property and preparation of lots or building of homes I believe that there were homes constructed not only on behalf and done by the corporation but also by I believe the mining company constructed a number of homes in Leaf Rapids as well, but according to plans that were established by the corporation. That is true.

MR. CHAIRMAN: Does that answer your question.

MR. GRAHAM: Not entirely. I want to proceed now to another aspect of this and it says that sub section 7 does not apply to properties used by Leaf Rapids Corporation in connection with the construction of the townsite or to the property that is exempt from municipal taxation for reasons other than that set out in clause 228.

Mr. Chairman, I would like to ask the Minister is it not a common practice in most municipal corporations where progressive assessment is levied against the property as construction proceeds. Here it would appear that there will be no, no assessment as long as construction is in progress.

MR. PAWLEY: I understand no but I would let Mr. Reimer deal with that.

MR. CHAIRMAN: Mr. Reimer.

MR. PAWLEY: It's when it's completed I believe that the assessment is . . .

MR. REIMER: There is provision in The Assessment Act for property to be not assessed until it is substantially completed or occupied and this carries on for a two-year period. After two years if it's still under construction then it would be assessed and put on the roll. But for a two-year period there is a total

(MR. REIMER cont'd) exemption from assessment while under construction.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Mr. Chairman, the reason I was a little familiar with that, maybe I was too slow building, it took me three years to build my house but I know that I was assessed before I did have the house completed.

MR. REIMER: This is a fairly recent amendment to the Assessment Act, Mr. Graham.

MR. CHAIRMAN: Mr. Johnston.

MR. F. JOHNSTON: Maybe I could an answer about just the assessment like to use the example being built in Leaf Rapids at the present time, there's the shopping centre and community centre and when that is complete Leaf Rapids Corporation will pay grants in lieu of taxes on that building. That building is owned by Leaf Rapids Corporation, it's been built by them but will it be owned by Leaf Rapids Corporation and they in turn will pay grants in lieu of taxes.

MR. REIMER: Well I would assume so, yes, under the provisions . . .

MR. F. JOHNSTON: Under the provision of this Act.

MR. CHAIRMAN: Does that satisfy your objections, shall we proceed. Mr. Graham.

MR. GRAHAM: Mr. Chairman, I would like to add one other question. Will the grant in lieu of taxes be the same, exactly the same as if it was assessed as private property.

MR. PAWLEY: Yes.

MR. GRAHAM: It will be the full assessed value, will it?

MR. PAWLEY: Yes.

MR. GRAHAM: Is it possible for us to get, not exact, but approximately the amount of property that is privately owned and that that is owned by the Leaf Rapids Development Corporation in that townsite.

MR. PAWLEY: I would suspect that information could be obtained. It seems to me that really that's a question that should more fall within the ambit of the discussion with the Minister of Mines and Natural Resources. I'm sure we can obtain that information in any event.

MR. F. JOHNSTON: One more question I'd like to pursue that Mr. Graham started out with and Mr. McNairney did give an explanation but a local government district, their moneys basically come from the province to operate. So grants in lieu of taxes on buildings owned by Leaf Rapids Corporation, the money really is going back to the government then and is there going to be a stipulation that it must be used in Leaf Rapids?

MR. PAWLEY: Well it certainly would be my understanding that all moneys that are received by the Local Government District of Leaf Rapids would be used by that district for the purposes of the community of Leaf Rapids. There's no diversion of funds to other government purposes.

MR. SCHREYER: It's a standard arrangement. The question as put wouldn't have occurred to me. Now that the question has been put, subject to correction, but I'd be most surprised if the funds raised by way of grants in lieu of taxes are used any differently than if they were full and normal taxes, used for the purposes of the LGD.

MR. PAWLEY: It would be used in the same way as the taxes and moneys that are raised in any other local government district. It would certainly be my understanding.

MR. F. JOHNSTON: I think the First Minister is right here. If the income of grants in lieu of taxes is taken into the income of the Local Government District then let's put it this way, if they need more money, it's made up as it is now. But the money in grants in lieu of taxes from the Corporation would definitely be used in that area. I mean you could conceivably be looking at a book entry type of thing, government-owned corporation paying the government LGD.

MR. SCHREYER: Really it's no different than there is a Crown asset in, let us say, the LGD of Piney to take it to the most removed other Local Government District. The Crown would pay full grants in lieu of taxes and those revenues would be used in an intermixed way with all other local levy revenues of the LGD and for general LGD purposes. So it's not really a book entry, it's really local government revenue.

MR. F. JOHNSTON: Okay.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Mr. Chairman, to the Minister of Municipal Affairs. If the corporation pays grants in lieu of taxes on their property, would that property appear on the assessment rolls that are at the LGD office?

MR. PAWLEY: Yes.

MR. GRAHAM: The reason I ask the question, I believe it is the intention of the Leaf Rapids Development Corporation particularly in the housing end of it to eventually place for sale to individuals the property that they are building. Is that not correct?

MR. PAWLEY: Well I think eventually some of them, I believe there's a number of different types of housing that has been constructed but certainly the bulk of the housing would eventually be sold to those that are inhabiting them. -- (Interjection) -- Yes, and I understand much of it is already privately owned in Leaf Rapids, a great amount of it at the present time. But whether it is or is not, it would be on the tax rolls paying the normal rate of taxation to the Local Government District.

MR. GRAHAM: The only reason I raise the question so that prospective buyers would be able to know in advance what the taxes were on that property and at least in the past year.

MR. PAWLEY: Oh, yes, I am certain and assured that the amount of taxes would be indicated in the roll of the Local Government District for that particular piece of property.

MR. CHAIRMAN: Mr. Moug.

MR. MOUG: I have just one question, Mr. Chairman, I was wondering in every instance here than in sub 7 when you mention municipality, actually you're referring to a LGD?

MR. PAWLEY: That's right.

MR. MOUG: And the line in there where it says "pay to each municipality on which property the corporation is situated" that is something that's in there for the future as well, that doesn't exist at the present time. They're all in the one. Leaf Rapids Corporation for all intents and purposes are in one LGD only at the present time.

MR. PAWLEY: I don't believe there are any taxes that would be paid to any area except the Local Government District of Leaf Rapids. Mr. Reimer, there's no assessment that doesn't fall into the Local Government District of Leaf Rapids here? There's none of the properties that fall into the surrounding area; Northern Affairs would be the only other area, I suppose, that could be possibly . . .?

MR. REIMER: I'm not aware of any property assessment which is outside boundaries of the LGD.

MR. CHAIRMAN: Mr. Johnston.

MR. F. JOHNSTON: . . . "Leaf Rapids Corporation shall in each year pay to each municipality in which property of the corporation is situated the grant in lieu of taxes." That indicates that the Leaf Rapids Corporation may conceivably do some building in other municipalities and if so they would have to pay grants in lieu of taxes.

MR. PAWLEY: If they did, yes.

MR. F. JOHNSTON: If they did, yes.

MR. CHAIRMAN: Shall we proceed. (Sections 27 to 31 were read and passed.) Title passed; Preamble passed. Bill be reported.

We'll next take under consideration Bill No. 25. Bill 25, an Act to validate an agreement made between the Provincial Exhibition of Manitoba, The City of Brandon, and the Government of Manitoba.

(Sections 1, 2, Schedule "A" were read.)

MR. URUSKI: Mr. Chairman, I believe Schedule "A" is the . . .

MR. CHAIRMAN: It's the whole thing is it.

MR. URUSKI: Yes, Schedule "A" is the . . .

MR. CHAIRMAN: Fine, does that take care of the whole thing?

MR. URUSKI: Yes.

MR. CHAIRMAN: Title passed, Preamble passed. Bill be reported.

The next bill under consideration will be Bill 30.

MR. MOUG: I move, seconded by Mr. Uruski that committee do now adjourn.

MR. F. JOHNSTON: May I speak to the motion?

MR. PAWLEY: Yes, I would like to hear the comments by Mr. Johnston.

MR. F. JOHNSTON: Well I guess, by leave, you can't speak to a motion to adjourn.

MR. CHAIRMAN: I believe you spoke first though.

MR. F. JOHNSTON: Mr. Chairman, the Provincial Assessor has been here for three meetings on Bill 30 and I believe he's got a lot of work to do in other areas and I think if we cleaned his Bill No. 30 off tonight he won't have to come back again.

MR. PAWLEY: I wholeheartedly endorse Mr. Johnston's . . .

MR. CHAIRMAN: Is it agreed that we proceed?

MR. SCHREYER: I think by leave, Mr. Chairman, there has been some suggestion that we might adjourn now but for the reasons exactly stated by Mr. Johnston, if we could consider the next bill and then I would propose not that we take up any bill beyond that but if possible, I'd like to at least distribute certain proposed amendments.

MR. CHAIRMAN: Agreed? (Agreed) Bill 30. Section 1(d). Shall we proceed page by page?

MR. GRAHAM: Mr. Chairman, on Section (d) (viii) with the clause regarding horses which are—in my opinion the word "riding" there should be more clearly defined. Is that meant riding horse or horses that are ridden for pleasure only?

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Mr. Reimer.

MR. REIMER: I believe the intent is to exclude horses which are normally used in the riding stables as a business operation. This, I believe, was the intent.

MR. GRAHAM: Mr. Chairman, I raised the issue in the Legislature when this bill was on second reading and I'm sure that there are many horses that are ridden for business purposes in conducting a farm operation, farmers that ride horses for rounding up their livestock and such. Now could we get an indication of whether it is the intention to assess on the basis of that type of operation or is that an exemption?

MR. PAWLEY: Well it would be the intent to certainly not include in the consideration any animals that would be used for pleasure purposes. Insofar as horses that are used for purposes of livestock, this rounding up, etc., that would be in the same category I would state as cattle, sheep or goats or swine. The Union of Manitoba Municipalities' resolution on this which in fact gave way to the development of this provision requested the elimination of animals that are kept as pets, hobbies, and used for activities other than the production of agricultural products. So if the horses were in fact used to assist in the operations of the farm, the earning of income on the farm itself for the production of agricultural products, than they would certainly not be -- it would certainly not be intended that they be included under the term "riding". If on the other hand it was horses that were used for no other purposes but pleasure, riding horses on a pleasure basis, then that would be a different category.

MR. GRAHAM: Well Clause (viii) there is the exemptions "horses other than those horses used for riding". Now I believe that you intend that it be riding for pleasure purposes only.

MR. PAWLEY: That's right. -- (Interjection) --

MR. GRAHAM: No, it doesn't say that.

MR. PAWLEY: It doesn't say what?

MR. GRAHAM: It doesn't say riding for pleasure purposes only.

MR. PAWLEY: Or kept for riding. Maybe Mr. Tallin would tell us whether he feels that we had . . .

MR. TALLIN: I don't think you had because I think as soon as you start using a horse for work, for instance, using that as a cow horse, it's no longer kept and raised for riding, it's kept and raised for working and that was what we were trying to . . .

MR. GRAHAM: Many of them have never seen harness, all they've ever seen is a saddle.

MR. TALLIN: But they're working, the rider is using them for work.

MR. PAWLEY: They've been used to round up cattle.

MR. TALLIN: Yes.

MR. PAWLEY: It certainly would not be the intention of Mr. Reimer to interpret or to carry through with assessment based on the proposition that horses that are used for work purposes, for rounding up animals would be included in this pleasure category.

MR. GRAHAM: I feel that it's still rather vague and I would like to see it more clearly identified.

MR. PAWLEY: Pleasure riding or . . .? If it's felt, make committee more confident, we could add the word "pleasure" to "riding".

MR. CHAIRMAN: Is it agreed that we insert the word "pleasure" then.

Mr. Uruski.

MR. URUSKI: Mr. Chairman, there is a certain dilemma if we use the word "pleasure" because I am sure that there is the odd farmer that may have a horse amongst his stock that may be used for pleasure and I'm sure that the assessment branch would not be going out to that same farmer whose part of his stock is used

(MR. URUSKI cont'd) . . . for working and he may have one horse that his child or children or friends may use and that horse may be used for pleasure. I don't know whether that would be included in that. I doubt that.

MR. TALLIN: The definition doesn't rest on its own then. You have to look at how the word "farm stock" is used. A farmer gets exemption if he is raising farm stock. Now the exclusion is that if he's raising horses for showing, purely for showing, not for working, he is not a farmer. If he's raising horses for racing purposes, he doesn't get the exemption. He may get the exemption for other reasons though. A person who raises horses for racing on his land may also be raising grain or other kinds of stock. But it doesn't mean that he necessarily uses it. But if that's the only basis on which he claims to be a farmer, he wouldn't come within the farm exemption.

MR. CHAIRMAN: Shall we proceed. (Sections 1 and 2 were read and passed.)

Section 3 --

MR. GRAHAM: Mr. Chairman, dealing with the mobile home, while I admit that --I believe this is permissive legislation, is it or is it compulsory?

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Yes, this is permissive. In other words the -- it has the effect of making mobile homes subject to assessment under the circumstances outlined in the section. But the amendment and Mr. Reimer can correct me does leave the municipality with the option of levying a license fee if it chooses to do so or opting in favour of having the mobile home assessed. So there is an option in there as to which direction the municipality proceeds.

MR. REIMER: If the municipality chooses to license under the licensing by-law, then the mobile home would not be assessed and taxed. Any trailer which is licensed under the Highway Traffic Act also would not be assessed and taxed. But in the event that a municipality does not provide for a licensing by-law then the mobile homes would become liable to assessment and taxation.

MR. GRAHAM: Then, Mr. Chairman, I pose the question of the farmer who lives in his mobile home and owns land in more than one municipality and moves his mobile home to the other municipality while he is working that particular land. Would he be possibly assessed twice in the same taxation year.

MR. PAWLEY: Well he would be prorated as to the two municipalities if he was part of the year in one part and the other. He would be prorated would he not, Mr. Reimer, between the . . .

MR. REIMER: Well the possibility is there that the mobile home being located in one municipality would be assessed and placed on the roll in that municipality and if during the year that mobile home were moved into another municipality, it could be placed on the roll in the second municipality and could be taxed on a pro-rated basis in that second municipality.

MR. GRAHAM: Could he then apply for a rebate on a prorated basis from the first municipality?

MR. REIMER: He could apply; whether he would get it or not is another question.

MR. TALLIN: If you're talking about a farmer who comes within the meaning of farmer for the purpose of--his building would be exempt in any case.

MR. CHAIRMAN: Mr. Uruski.

MR. URUSKI: The intent of this section is mainly because there are farmers who have homes, mobile homes as homes and presently that the municipalities are levying a monthly rental rate on the homes and in effect their homes would be exempt had they been on the assessment roll. And that has posed the greatest problem. Am I correct?

MR. REIMER: That's one of the problems. Another problem is where a municipality has mobile homes located in various locations in the municipality, that is they are not confined with any mobile home park, it becomes administratively very difficult for that municipality to put into practice a licensing by-law and it would be administratively much tidier if those mobile homes were assessed like any other home in the municipality. Both the municipalities would prefer this and in most cases the mobile home occupants would feel that they were being placed on the same status as any other homeowner in the municipality.

MR. CHAIRMAN: Shall we proceed.

MR. GRAHAM: Well, Mr. Chairman, I was just wondering if there was any possible way that we can ensure that the owner of a mobile home is not assessed twice in the same year, taxed twice in the same year in two different municipalities if he has moved.

MR. PAWLEY: I don't know how that assurance could be given because if he

(MR. PAWLEY cont'd) moves from A to B and he pays his tax bill in municipality A, he might very well be required to pay his tax bill in municipality B on a prorated basis without any guarantee, he would be able to receive a refund from municipality A. I don't know any other way we could deal with this insofar as the two municipalities would be concerned.

MR. CHAIRMAN: Are there any further questions?

MR. GRAHAM: I just posed it as a real live problem then, Mr. Chairman. I have no answers or no solutions for it either.

MR. CHAIRMAN: (Sections 3 to 11 were read and passed.) Section 12.
Mr. Graham.

MR. GRAHAM: On Section 12, I believe this applies to pipelines, does it not?

MR. CHAIRMAN: That's right

MR. GRAHAM: These are pipelines that carry oil and gas as well as water?

MR. PAWLEY: No I believe only oil and gas to my . . .

MR. GRAHAM: I was just wondering if this is -- it's oil and gas only and not water.

MR. TALLIN: It's just oil and gas.

MR. CHAIRMAN: Mr. Moug.

MR. MOUG: Well that's . . . is a longstanding fight between the R.M. of Dauphin and the Town of Dauphin. -- (Interjection) -- No, but how will this effect it, it's a pipeline that's carrying water.

MR. TALLIN: Just oil and gas.

MR. MOUG: But does it say that?

MR. REIMER: . . . in the definition. In the Act.

MR. MOUG: I thought maybe we had solved the Town of Dauphin problem.

MR. PAWLEY: Do you want to change the wording quietly here.

MR. MOUG: Include the Town of Dauphin.

MR. CHAIRMAN: Section 13 was read and passed. Mr. Reimer.

MR. REIMER: "Used in the transportation of petroleum, petroleum products or gas." It's defined.

MR. MOUG: Oh.

MR. GRAHAM: Very good.

MR. CHAIRMAN: Title passed; Preamble passed; Bill be reported.

Are the pamphlets being distributed.

MR. SCHREYER: I think, Mr. Chairman, that the proposed amendments have already been distributed. And I might add for information of honourable members that the amendments that are contained in those sheets are amendments which have been - I think members would be interested to know - have been discussed with the City of Winnipeg and the City Solicitor and are agreed upon.

MR. CHAIRMAN: We've had a motion that we adjourn. Committee rise.