



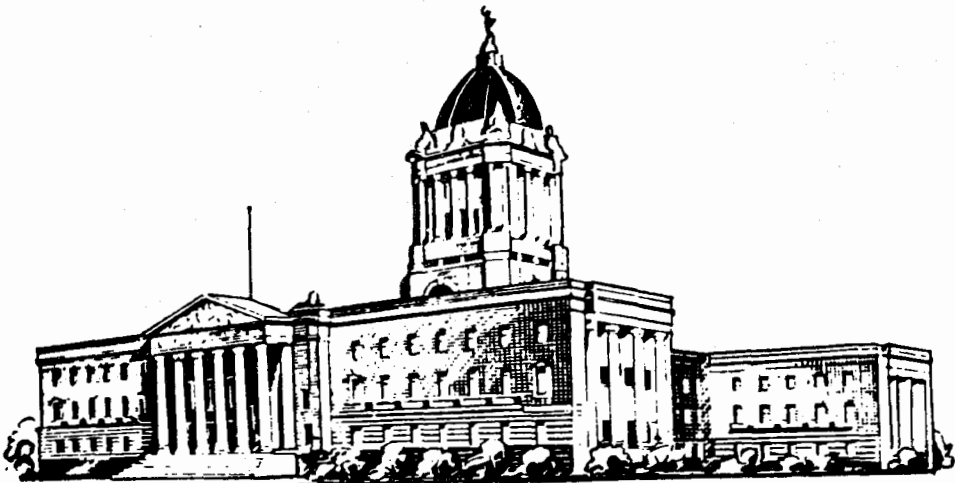
**Legislative Assembly of Manitoba**

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**HEARING OF THE STANDING COMMITTEE  
ON LAW AMENDMENTS**

**Chairman**

**Mr. William Jenkins  
Constituency of Logan**



**MONDAY, May 30, 1977, 8:00 p.m.**

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**ME: 8:00 p.m.**

**AIRMAN: Mr. William Jenkins**

**MR. CHAIRMAN:** Order please. We have Councillor Evelynne Reese, Councillor Rebchuk, St. Boniface Chamber of Commerce (Mr. Maurice Prince), Councillor Magnus Eliason, Councillor Henry Kozlowski, Councillor Bill Norrie, Councillor Jim Ernst, Councillor Morris Kaufman, Councillor Frank Johnson, Mr. Patterson, Urban Development Institute (Don Ellis and C. N. Kushner), Housing and Urban Development (S. Kahn and C.N. Kushner) re Multi Family Council, Professor E. Arthur Braid, and Pat Yarema.  
Councillor Reese.

**MS. EVELYNNE REESE:** Mr. Chairman, Members of the Board, I would like to address myself to begin with, to a comment that was made by Councillor Bockstael in regard to the French fact in St. Boniface.

I find it is rather strange that a councillor that has been elected by not only the French people of St. Boniface, finds it possible to come and say that Tache Ward is really a French ward. I would like to remind this committee that St. Boniface was always the home of all the people who chose to live in that community. It is not only the home of the French people; it is the home of the English, the French, the Scots, the Irish who first settled St. Boniface, and then all the other people who arrived afterwards.

I am not about to be segregated. I am of French origin; I come originally from Quebec. My own family on both sides, my parents on both sides, mom and dad, had arrived in the late 1600s in the Province of Quebec and I do not believe that the Province of Quebec, the majority does not want to be part of Canada. I do not believe that St. Boniface French-Canadians do not want to be part of St. Boniface and want to be segregated. I think we already have enough of a problem with Quebec without creating one with St. Boniface with Tache Ward.

I really feel that it is an insult to the other people who have come to St. Boniface and have established themselves there and that it would be sort of discrimination, prejudice, to disregard the other ethnic groups that have contributed to the history and the development of St. Boniface. I feel very uptight and a lot of anger at that type of attempt to segregate us and I think SFM may want a separate school system, may want to be segregated, but it's not the majority of the French people that want to be segregated. I do hope that if Councillor Bockstael feels that way, that he expresses it as his own individual opinion and as a Belgian, he certainly does not represent the French people of St. Boniface and I wonder now if he is representing anybody from St. Boniface when he does not give recognition as an elected representative that other groups also have developed St. Boniface.

Now I will continue with my own brief that I have prepared. As an elected representative of the Municipal Government of the City of Winnipeg, of St. Boniface Community Committee and of Nakwa Ward, it is my responsibility to point out objectively to this government that it has a moral obligation to live up to its commitments to the community committees and its people; that it has a responsibility to protect and improve the process of democracy at the municipal level of government; and that it must identify and resolve the problems that have arisen which prevent this government from fulfilling its commitments if it wants to continue to be credible in the eyes of the public.

Bill 62 as presented does not achieve any of the above objectives but worse still, it reduces the democratic process to a minimum level. The concerns of the elected representatives, the mayor and the councillors, are for more power in the hands of a few while the concerns of the citizens are wise for more power. That is, they want a government of the people, by the people and for the people by having better representation, an effective say in the affairs of their local government, greater responsiveness and accountability of the elected representatives to the people and by having local government accessible and close to the people as well as keeping its own community committee's identity.

More and more people are viewing Bill 62 as the second phase of this government's hidden agenda. Many are questioning the honesty and sincerity of this government when it introduced its new concept of one city with a system of community committees with the strong commitment that, "It must not be emphasized too strongly at this point that no effort would be spared in making the boundaries of these wards as accurately as possible a reflection not merely of existing municipal boundaries but of the established local, historical, traditional and familiar community groupings."

In addition, this government further explained on the same page of the White Paper, Page 13, "The object of this adherence to the familiar is obviously to strengthen local character and identity rather than to have them obliterated in the process of unification."

Bill 62 ignores this strong commitment made to the previous municipal areas who at the time, except for Winnipeg proper, rejected the concept of one city for fear of the loss of community input and complete loss of its autonomy over its local affairs which unfortunately happened, as predicted. Finance Minister Saul Cherniack at the time denied, on February 27th, 1971 as reported in the

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Free Press, "The Provincial Government's central city plan was the same as total amalgamation & stressed the importance of the role of the community committees under the proposal for reorganization of urban government in Greater Winnipeg. The Minister was replying to statements made by the Liberal leader, Mr. Asper, and pointed out that the community committees would function in a manner similar to the then municipal councils. Mr. Cherniack also denied saying that the community committees would be scrapped if they failed to work and stressed that one of the very important parts of the whole presentation is the community committee." On the surface it would appear that this government and its Minister, Mr. Cherniack, planned this deception since Bill 62 in its proposal of the six engineering districts as the six new community committees doesn't give a recognition or consideration to the above commitments and guarantees given to the previous municipal areas.

This turnabout would be understandable if we were dealing with a new government but Bill 62 was proposed by the same government which was in power six years ago and with very few changes having taken place with regard to its elected representatives, that is the MLAs and Cabinet Ministers.

Is this an overreaction to pressures of the municipal administration, the incumbent mayor or some ICECs or is this turnabout due to pressures applied by the incumbent mayor and the elected representatives of the previous municipality of Winnipeg or Metro?

In the Riel Report by Don Craik, the MLA for Riel, published in the Southeast Lance dated May 25th, 1977, it would appear that there is some truth to these allegations. The Member for Riel stated "When Unicity was first formed, it was accomplished by the NDP government primarily because it was supported in that move by Mayor Juba who had been a long-time vociferous advocate of such a move.

It was, in most instances, suburbs versus central city political battle principally because the suburbs were enjoying good representative local government and relating efficient services. And the people were, in the majority, satisfied with the system. But central Winnipeg and the Mayor and Council in particular were not satisfied for many reasons, with the status quo, and when the NDP government came to power with heavy representation in their ranks, from central Winnipeg, moved to form one large city government. A common cause was formed with the Mayor. The original legislation to form Unicity provided for the Mayor to be elected from and by the council, not by the citizens at large. But this was changed to accommodate Mayor Juba's opposition to this position and to retain his goodwill and support.

Is it possible that one man has become such a formidable institution that all political parties are prepared to sacrifice the communities and its people to have his support? Many more versions can be put forth to explain why this government has suddenly changed its policies and commitments for better representation for the people to less and poorer representation for the people, by a drastic decrease of councillors; from greater citizen participation and involvement with local government to less by reducing the level of autonomy at the local level and increasing the size of community committees. From greater responsiveness and accountability to the people to a minimum degree of responsiveness and accountability to the people by reducing the number of councillors, Community Committees, functions and autonomy. And from more effective say for the citizens at the community level in the policies and programs which affect them, to less say by making the election of councillors meaningless since Community Committee councillors have effectively no say in the affairs that affect local communities and are outnumbered by the central council, whose majority know little about the local needs of other communities, and cannot be voted out by the communities which have been affected by their decisions.

Since councillors are not elected at large, they cannot be held accountable through a democratic voting process, hence, no one in particular can be held responsible for the policies and the decision-making process. Since a councillor can support his or her own community at the local level and at central council, or reverse his or her vote without anyone knowing about it, or without his or her vote on the local issue making any difference at all. Since no party system officially exists, such a party can be voted out, hence, the concept of accountability has been unknowingly completely destroyed.

A possibility would be to elect councillors for central council at large, so that they would all be responsible and accountable to all the citizens of Winnipeg. However, this is unrealistic since it would eliminate most people from running as councillors due to cost and time involved, and it would even further destroy the sense of community identity and create more apathy.

It would seem that only two options are presently possible, to return more functions and decision-making to the local communities, or to formalize the informal groupings such as the ICEC, who have been in power for many years but still refuse, as a group or party, to present policies and program an electoral platform to the voters. Neither have they openly formulated any long-range policies present to council, nor have they provided any leadership although they do hold the majority positions on all standing committees of council, as well as all the positions on the Executive Policy Committee. The incumbent mayor and the ICCs have refused to publicly commit themselves to policies and programs, and that has been one of the major problems of city government,

derless.

How long with will the people of Winnipeg have to put up with this a system that allows the elected representatives to be in the unusual position of not having to account and be responsible to the people, and now ask to not have to be responsible and accountable to the Provincial Government, who has to pick up the tab whenever the City wishes to embark on large projects; but on the other hand, does not want to be responsible for the increase in taxes. It is therefore easy to understand why the City of Winnipeg has been controlled by the same group since its very beginning, and even more easy to see why the Mayor has been able to be re-elected for the past 20 years, as the system does not hold the mayor, nor any individual councillor or group of councillors, accountable and responsible for the decisions made.

Why isn't Bill 62 dealing with that major issue which is the most crucial for the preservation of democracy? Hence, what is needed is a change of the system and not just a numbers game with elected representatives and Community Committees, which resolves nothing. Most presentations we dealt with the magic word, "power". However, no one has dealt with the responsibilities that such powers entail for those who hold these powers. We have also heard the concerns of the elected representatives, those who have been given the power to govern by the electors, but not enough has been said on behalf of those who are being governed, the electors, and how they have been affected by the present Unicity Act and will be by Bill 62.

These should be the two major and central factors of the hearing in order to arrive at a just and fair distribution of powers, responsibilities, responsiveness and accountability. Therefore, at this point I deal with each separately.

The modern world that we live in, where interdependence has become vital and essential for survival, should make us all realize that the sharing of powers and responsibilities, co-operation and respect for the individual are the major ingredients to provide the kind of society where harmony can exist, and where all sectors and levels of society are treated in a just manner, while respecting each other's right to their identities, differences and self-determination.

The one-city concept was truly brought about to bring on this co-operation in order to deal with the major problems of the inner core, and not for the suburbs. This major problem has not yet been dealt with, and now there is another attempt in Bill 62 to attack the problem, but at the expense of the people, by cutting and taking away their identity to their communities, by forcing them to develop new affiliations and loyalties. When neighbourhoods or communities become too large, people don't know their and become strangers to each other.

This approach, besides creating apathy, will not resolve the problems of the inner core. This problem exists in all large urban centres, and it is too complex and costly to be resolved by putting all the powers in the hands of a municipal government alone, who wishes to have no system of accountability to another level of government or to the people. A tri-level committee of the three levels of government with equal representation must share the powers and financial responsibilities necessary to renovate the inner core, with no particular level of government having more power than the others. That would include zoning and the development plans.

I disagree with the development of a third level of government with all the powers of taxation and borrowing, as have the senior levels of government. This would only result with another level of government and bureaucracy which would feed its growth and expansion at the expense of the taxpayers, not discounting the increase in duplication of services. Therefore, it is not only ridiculous but most unrealistic to attempt to create a municipal government completely autonomous in the world that we live in today. Such complete autonomous decentralization of powers only leads to polarization, setting one force against another, instead of having to arrive at a consensus when all powers are equal.

One must never forget, also, that all levels of government govern the same people and all are supposedly elected to govern for the people's best interest, therefore this can only happen with consultation and co-operation of the three levels of government.

Ideally, the functions, responsibilities and powers of the three levels of government should be reviewed with the idea of improving consultation and co-operation and the result would be an improvement of the democratic system and its effectiveness.

In terms of the effects of The City of Winnipeg Act on the citizens, it must first be said that the over-centralization of functions and decision-making that took place was never the intention of the government as expressed in the White Paper. Hence, the responsibility of the costly reorganization of all services into engineering districts must lie with the administration, the mayor, and the elected councillors. The concentration of decision-making at central level has made local government more remote from the people. In addition, it has made all councillors responsible for matters that have no effect on adjacent communities or the city at large. On the other hand, it creates the need for employees to produce a needless volume of paperwork and to process it.

It is only reasonable for the administration and the standing committees to give greater attention to what is most critical to the city at large rather than to the faceless individual who has applied maybe purchase a narrow strip of land between two adjacent properties or a closed lane, etc. The

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attention and time given to the individual's problems from all over the city, when dealing with delegations and an agenda that can be from one to two inches thick one afternoon or one morning per week, is minimal. Even when it gets dealt with, the administration must also prioritize and again a faceless individual takes the back seat.

This is not meant to criticize councillors or civic employees but to illustrate how the fees expressed by previous municipal areas have been realized.

There have been numerous hassles on council floor by the majority of councillors regarding the lack of consultation with the community committees on strictly local matters. Since it is no longer feasible to decentralize the districts, I would suggest that each of the twelve community committees be assigned some of the personnel from either the district or central administration to specifically attend to the people's needs that are of a local nature which shouldn't require the approval of a standing committee or of central council, since community committees are also legal committees of council which should have specific functions to fulfill with corresponding authority to do so.

Let me illustrate with a few documented cases so that you may appreciate the problems of the everyday citizen and his frustrations. I do not wish to bore you with these details but they need to be said. Since 1974, residents of Speers Road and Durham Bay have attempted to purchase the lane that was closed on August 28th, 1961, by Bylaw No. 4281 of the former City of St. Boniface. Unfortunately it was discovered that the city solicitor at the time had never carried out the directions of the St. Boniface City Council as specified in the bylaw. Since 1974 the St. Boniface Community Committee has consistently recommended that the directives and provisions of the bylaw be implemented at least seven occasions: July 22, 1974, December 19, 1974, March 10, 1975, April 26, 1975, October 14, 1975, January 12, 1976 and again on January 26, 1976. Despite the fact that Section 67, Subsection 2 of the City of Winnipeg Act provides for actions that were pending by area municipalities, could be continued under the part or provisions of the municipal charter concerned until the completion of the action or proceedings, this particular problem remains unresolved. Most residents fronting Speers Road have, since 1961, fenced and improved the entire lane as part of their properties. However, the residents fronting Durham Bay in 1974 decided that they were entitled to half of the lane under the new Unicity Act. Finance Standing Committee has chosen to ignore St. Boniface Community Committee's recommendations and to do nothing. This has not satisfied anyone.

Councillors have a responsibility to resolve issues and a moral obligation towards the citizens to make decisions. We are in 1977, and citizens are still requesting that a decision be made regarding the St. Boniface bylaw. Had St. Boniface Community Committee been given the authority to act on this matter and such matters, this problem would not still be around after four years as all councillors were unanimous in their recommendation.

Another case was the request to purchase a walkway which was no longer useful since the construction of Lagimodiere Boulevard. Again, this has been tossed around since June, 1974, approved by all the departments of the administration and by St. Boniface Community Committee but turned down by the Environment Standing Committee which has no representation from St. Boniface. Residents concerned are still waiting for an answer to their request. I had two calls on this request today.

The same happened with a 22-foot right-of-way on Dugas Street. A request was received in April of 1975 and the reason given for not attending to it was that it had not been properly diarized for retrieval and was filed in error and not brought forward. The citizen's application was never acknowledged.

However, when an important development comes along, five bylaws can be passed simultaneously and all the background work and public hearings can be done in a record time of five months. This was the case involving the surplus lands of the Royal Canadian Mint. Bylaws 1013-75 to 1017-75 were all passed at one council meeting. However, the Neighbourhood Improvement Program area north of Provencher Boulevard and the rezoning bylaws required in five different sectors are all done separately. It has taken over three years to do the planning and the necessary work and it is still not completed. The residents have been frustrated in their efforts by both the Environment and Executive Policy Committees. Despite the fact that the residential area north of the CNR high line was included in the Neighbourhood Improvement Program, Bylaw No. 965-375 was passed on September 17, 1975, excluding the residential area north of the high line without being readvertised contrary to Section 615, Subsection 4 as outlined by the Director of Planning on June 13, 1975.

The residents who were deprived of a second public hearing, which should have made the amendment public information, felt outraged and informed the Minister of Urban Affairs. Fortunately the province's approval of zoning bylaws is given only if it complies with the City Act; hence, the residents have the Minister of Urban Affairs to thank for not approving the exclusion of the residential area north of the high line. However, it appeared that the resident advisory groups, the community committees and the individual councillors did not have the right to communicate with other levels of government and I have copies of the directions as sent, stating that we haven't got such right

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ording to both the Deputy Mayor and the Chief Commissioner directives to the city clerks. These directives were made void by an Order of Council.

It is sad, however, to have reached the day that a civic employee or one elected representative believe that they can dictate and set policies for the entire council. Obviously, central council and its standing committees spend far too much time on details and not enough on the development of policies and guidelines.

It is still city policy to deny the resident advisory groups to communicate and make their views known to other communities, standing committees of council and to all other levels of government through the community clerks' offices. The services of the clerk to take the minutes of the resident advisory group meetings are also denied despite the fact that all community committee local matters are dealt by the resident advisers and their recommendations then become reports made to the community committee council meetings. Those reports, aside from the communications received and delegations, make up almost the entire agenda of the community committee's council meetings. This change was made only recently on May 4th, 1977, by central council.

So instead of facilitating the input of citizens, it is being made more difficult. The same applies to access for information. In the last three years that I have been a councillor, it has been extremely difficult, and most of the time impossible, for resident advisers to have both copies for the total city's capital and operating budgets, thus encouraging a narrow parochialism.

Unless Bill 62 is more specific in defining the role of the advisers, the facilities, the resources and access to information that they are entitled to have, their interests will totally be destroyed by council, making it difficult for them to operate and by increasingly restricting their freedom of expression.

Another type of problem which is not clear in the Act is the intervention of other communities in local affairs of specific communities. This type of conflict is even less acceptable by residents of a community and brings about resentment and hostility. A case in point: On April 23, 1976, the Board of Commissioners requested St. Boniface Community, as well as the Transcona Community, to suggest names for the industrial park in St. Boniface. The Transcona Resident Advisory Group and councillors referred the matter to the St. Boniface Community as this development is exclusively within their boundaries. However, one resident of St. Boniface who did not agree with the name commended by the St. Boniface Community Committee, wrote to Transcona to recommend another name. Over this issue, some resident advisers have lost interest and have resigned.

May I suggest that the naming of the streets, buildings or parks be entirely left to the authority of community committees with the guideline that it may not duplicate a name used in another community.

I have dealt with the most unpleasant aspects of the effects that the present City Act has created and that Bill 62 would only amplify. However, these are the realities that must be made known. I would have liked to also stress the positive aspects of the Act. However, with such a short time to do so, and having already acknowledged these in my brief to the Taraska Commission, I wish to reiterate that the one-city concept was one way of dealing with the disparities but it does not have to do it at the expense of the community's identities and its people. Man does not live on bread alone. Thank you.

**MR. CHAIRMAN:** Thank you, Councillor Reese. There may be some questions that honourable members have. Are there any questions? Mr. Patrick.

**MR. PATRICK:** Councillor Reese, I missed the first part of your presentation. Did you make any point on the reduction of council or are you satisfied that the council should be reduced to 28 or 30?

**MS. REESE:** Definitely not. I think perhaps if this government wants to satisfy some of the moans or the screamings towards reduction, I think it could give them some reduction to satisfy some people or I would say mostly city councillors — and it certainly would not be an advantage of the electors — however, I wouldn't go beyond 36. I think that's the minimum that anyone can go to.

**MR. PATRICK:** You also indicated that you would like to see the council and mayor have more powers. Can you indicate . . .

**MS. REESE:** I have not indicated such; I have said that the problems that . . .

**MR. PATRICK:** Be more accountable — you used the words "more accountable."

**MS. REESE:** Yes, a system where it makes everyone more accountable. In the present system it is possible for the electors to vote out anyone at this present time in particular, because everyone aims, we are independent. You know, the total council at large is responsible for whatever happens here whether as an individual councillor I voted against it or not. Nobody wants to stand on his feet and say, "I stand for this." And so we pass the buck and we conveniently get off the floor when we don't want the public to know how we are going to vote. We go out for coffee. I think some of you would come and sit and observe how this council operates and you would have an idea what happens.

I do think unless we have either more say at the local level where the agendas of the standing committees are not from one to two inches thick and dealing with all kinds of details where everything has to be funnelled there and there's a bottleneck and months and months of waiting, that the standing committees should be there to establish the policies and the guidelines for the

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community committees or any such committee that has been given authority or to administration, to administrate those. But not to deal with it in detail as we do. I think it's totally ridiculous to have a one-city concept the size of that city and attempt to deal with it in the same way you are dealing with a small town of 10,000 people. It's just ridiculous and I do not believe that a central council should have taken all the functions and powers that it has. All it has done is create government that is no longer close to the people.

**MR. PATRICK:** What about planning? Are you concerned that the government agencies will not apply to city planning or is that a concern?

**MS. REESE:** Okay, in planning, to me the areas where the municipal government hasn't got sufficient funds and resources to be able to rehabilitate the centre core, areas where there is a need for senior levels of government to be involved, that when that kind of need is requested, then there should be — there are only two levels of government that are called upon, the municipal and provincial — there should be a committee that consults and decides. Not a negotiating committee that sees the other side as the opposition, the enemy, and this side, let's get as much as we want. That kind of attitude does not make for good government and that's the kind of attitude that we've got now. Anything that happens, the scapegoat is the government, is the Act, is the Minister so-and-so. The finger is always pointed elsewhere but towards the Council and what responsibilities they have towards it.

So I do feel, and strongly, that in today's world where we are so interdependent, that too many autonomous, completely autonomous governments, with all the same people to govern, we, the taxpayers, are going to have to feed all those levels, and often wasted money because of contradictory policies. One fights the other and undoes what another government does. There should be continuity. In this way we are not having it, in the present Bill 62.

**MR. PATRICK:** Thank you Councillor Reese.

**MR. CHAIRMAN:** Any further questions? Hearing none, thank you Councillor Reese. Councilor Rebchuk.

**MS. REESE:** Sorry, could I leave these files so that if anyone wanted to check them, that they have the facts.

**MR. CHAIRMAN:** Do you want them back?

**MS. REESE:** No.

**MR. CHAIRMAN:** Councillor Rebchuk. St. Boniface Chamber of Commerce, Mr. Maurice Prince.

**MR. PRINCE:** Mr. Chairman, members of the Committee — Power in the Hands of a Few — Councillor said Winnipeg City Council is a massive horrendous machine and should be reduced to one or less councillors. He also added, and I quote: "Here we are saying let's keep it big, let's keep everybody confused." He concluded by saying, "Bigness is not goodness."

Gentlemen, I certainly interpret power in the hands of a few as being synonymous to Bigness and undemocratic to say the least. To that councillor's way of thinking, why not reduce Bigness to decisions made by one man only. That system would certainly be efficient....but then, is this not what dictatorship is all about? I have a sick feeling that such a system would cost us our freedom. The kind of freedom of choice we are entitled to and inherent to the democratic system.

I have here a letter or a short brief that was presented to the Council of the City of Winnipeg by the Chamber. I wish to inform you of its contents:

"Since the inception of Unicity and its reorganization of the previous municipalities into districts, we of the executive of the Chamber of Commerce of St. Boniface have noticed a marked erosion in the identity of the various Communities forming the City of Winnipeg.

"The various levels and quality of services once enjoyed by our residents under the previous administration of former municipalities, has been replaced by a less efficient, costlier and more complicated, impersonal system.

"We bring to the attention of the Council of this City of Winnipeg.

1 - The snow removal on our regional and residential streets, lanes and sidewalk system in our communities.

2 - Refuse Collection.

3 - Sewer and Water Works.

4 - Police Protection.

5 - Fire Protection.

6 - Parks and Recreation and Libraries.

Not to mention other services that form part of the orderly growth and development of a well structured community.

"The District concept has brought to our Community a costlier and less efficient impersonal system. Policemen, Firemen, Garbage Collectors, Water and Sewer Repairmen, who were or completely familiar with the installations and needs of local residents, have been replaced by rotating staff that cannot ever give us an efficient system that would stem the tide of ever increasing taxation.

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"The District system" — and this gentleman, Councillor Bockstael made a remark to the effect at that was coming. "The District system will warrant in the near future headquarters for Police, Fire, Welfare, Parks and Recreation, Works and Operations in each District, thus changing what was once traditional and familiar to each local Community and which formed the very basis for the Manitoba Government Proposal for the Reorganization of Greater Winnipeg under a central Council.

"Mr. Chairman, if our tax revenue served to promote the local communities instead of Empire building, this City could become the Greatest City on the continent, because we have here what cannot be found elsewhere and unfortunately our Council is being railroaded by policy into the strict concept which is in fact destroying what was once the pride of Manitoba, our communities."

Mr. Chairman, Members of the Law Amendments Committee, our Communities are accused of provincialism. We ask you: What about New York City with its Manhattan, Brooklyn, The Bronx, Queens, Long Island and so on?

Why must Winnipeg be different and destroy the Communities that made it so that it can grow?

We are saddened to hear an inference that St. Boniface is but a few streets around a church. Gentlemen, we beg to differ.

The crest of our Community adopted by the Town of St. Boniface By-Law in 1883 attests to the fact that St. Boniface had at that time as its residents people from different countries of the world.

The crest has the Tudor rose to represent the English, the thistle for the Scots, the clover for the Irish, the fleur de lis for Canadians of French expression. The maple leaf encompasses the whole cladding future arrivals of other ethnic groups to our community. The arrival of Belgians, Polish, Ukrainians, Germans, Italians, indicate clearly the composition of our Community.

Our residents of French expression reside throughout our Community. It is our home and the home of every ethnic group that came to our Community, by choice, to re-establish themselves in this country.

I can assure you, Mr. Chairman, and members of the Committee, that the Honourable Minister of Education knows fully well by the educational system that our children of French descent attend institutions of learning throughout our Community, City and Province.

It is sad indeed to find representatives who, by choice, ignore the history and the development of our communities and the people they represent.

In keeping with the tradition of the St. Boniface Chamber of Commerce, since its formation in 1911, to work and to promote sound legislation and efficient administration at the Municipal, Provincial and Federal levels of Government, we present this brief and its recommendations in an effort to make known to the Municipal and Provincial Governments the opinions of its members and the general of the community at large.

Bill 36, that is, The City of Winnipeg Act passed on July 27, 1971, was an attempt to come to grips with the fact that over half of Manitoba's population lived in one urban area governed by a two-tier system of municipal government.

As stated in the government's White Paper, entitled "Proposals for Urban Reorganization in the Greater Winnipeg Area", individual citizens and development investors alike became confused and then exasperated in any attempt to unravel the complex lines of authority. The problems as identified in the above government's paper were as follows:

(1) The previous area municipalities and The Metropolitan Corporation of Greater Winnipeg exercised limited powers in that although Metro had planning authority, it had very limited development powers. This had been clearly identified by the following studies made by the Greater Winnipeg Investigating Committee (1955-59), the Cumming Commission (1964), the Michener Commission (1964), the Manitoba Local Government Boundaries Commission (1966-70), and others.

(2) Control of services was divided, and the power to make decisions and carry them out was fragmented.

(3) A wide disparity in the quality and level of services existed between one municipality and another.

(4) Tax revenues from a given industry accrued to the municipality in which it was located - to the detriment of the areas from which the industry drew its labour force.

(5) Fragmentation of the tax base and fragmentation of the total resources available to the community resulted in individual areas being unable to mount the kind of programs their citizens wanted and needed.

(6) Social ills, hence social costs which tend to concentrate in the core area were borne almost entirely by taxpayers in the central area.

(7) The core area which provides a wide variety of cultural, recreational and entertainment facilities, was the responsibility of the municipality in which they were located.

The conclusion arrived at was that almost all of the urban area's difficulties stemmed mainly from three main factors — fragmented authority, segmented financial capacity, and lack of citizen involvement.

The City of Winnipeg Act was presented as a new concept to resolve the above problems through



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unification of all the municipalities under Metro.

It proposed the unification of all the major local services under a single administration and to keep the local government decentralized through a system of Community Committees.

The major concept stressed throughout the government's White Paper was expressed thus: "Greater Winnipeg is in fact to become a better community, a better place in which to live and work and play, it is essential that every effort be made, not merely to improve the quality of local government, but to see to it that, in any new governmental form, the citizens of Greater Winnipeg in truth can and do have an effective say in the policies and programs which affect them."

Therefore, it was deemed essential that no municipal area of Community should be less than three representatives as the Community Committees would have "substantial administrative responsibilities and powers" at the local level. In addition, it stated that the Community Committee would have important and permanent duties too onerous for one or two councillors to fulfill. Previous to amalgamation there were 100 aldermen and 12 mayors compared to 50 councillors and the Mayor since unification.

It further stated that it would "be the function of the Committees to administer those services generally deemed to be essentially local in nature such as community centres, local parks, playgrounds, libraries and recreational facilities."

The concept of unification has, in general, been well accepted and seen as a necessity to resolve the problems previously mentioned.

The greatest dissatisfaction with unification has been centralization of services on a district basis and district budgeting with the resulting loss of local control, accountability, and administrative staff at the local community level. Hence, producing further erosion of the Community Committee, and an increase in people apathy. No one willingly gives up to a small centralized power group, its autonomy and self-determination over its own immediate environment. To continue this trend, we run the risk of having our democratic system replaced with authoritarianism of the left or of the right.

The high level of taxes experienced since unification is unjustified when compared to the level of services received. Much of the cost of unification has been towards the centralization of services on a district basis. The reclassification of civic employees on a district basis, because of an increase in geographical area, has also increased the cost of administration without a corresponding increase in services and programs.

To put it simply, the Winnipeg taxpayer is getting less value for the tax dollar spent - the employees providing the same services are getting higher salaries. The recent centralization of Park and Recreation is a case in point - over \$300,000 has been budgeted for reclassification of employees. It goes without saying that the benefits accruing the municipal employees such as greater opportunities for promotions in this new bureaucratic ladder is more attractive, but more costly to the taxpayers.

The following table shows the dates that the centralization of services occurred.

This table, which sets out the sequence of unifications, should illustrate the magnitude of the achievement involved:

Department and Date Department Effectively Centralized:

Assessment, January 1, 1972

Audit, February 16, 1972

Board of Commissioners, January 1, 1972

Budget Bureau, June 7, 1972

City Clerk's, January 1, 1972

Computer Services, June 21, 1972

Finance, January 1, 1972

Fire, January 7, 1974

Land Surveys and Real Estate, June 7, 1974

Law, February 2, 1972

Mayor's Office, January 1, 1972

Personnel, March 1, 1972

Planning, Environmental, January 1, 1972

Police, October 21, 1974

Purchasing, June 7, 1972

Welfare, May 30, 1973

Works and Operations, February 21, 1973 (Including Transit, Water and Waste Disposal, Street and Transit and Transportation)

In conclusion, as stated in the Taraska Report, the residents' advisory groups and the Community Committees were created to improve the access of the people to the local government system. The means of improving this access in The City of Winnipeg Act, was through the supervision of employees in the delivery of services at the local level, and through the development of techniques

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r communication and information in order that the citizens might become better aware of policies, programs and budgets, and that the local representative might become aware of the citizens' views on these matters. The evidence submitted to the Committee of Review City of Winnipeg Act showed that the intentions of the Act had not been implemented.

I would like to summarize the Chamber's views:

(1) To demonstrate that the centralization of services and preparation of budgets on a district basis was detrimental to the local identity and entity of the Community Committees.

(2) To illustrate that the total lack of self-determination and autonomy that has resulted from centralization on a district basis.

(3) To provide evidence that City Council and its administration from the very beginning of unification, did not want the system of Community Committees and Residents' Advisory Groups.

(4) To study the Taraska Report and Recommendation in order to determine whether or not it is representative of only the elected representatives or of the people at large.

(5) To make recommendations which are in keeping with democratic principles of adequate representation, accountability, responsibility and citizen participation.

We concluded that unification was advantageous to Metro and its area municipalities for its provisions of uniform tax base, a wholistic planning and development approach to urban growth delivery and supervision of services on a Community Committee basis, and equalization of services throughout the city.

However, we were appalled to discover that Central City Council made up of law-abiding councillors, chose to contravene the intent of many sections of the Act in relation to the Community Committee, Residents' Advisory Groups, and budgets also mentioned in the Taraska Report (page 41) which stated: ". . . that the evidence submitted indicates that the intentions of the Act had not been realized."

The Provincial Government in its wisdom had written into the City of Winnipeg Act, sections to reserve the boundaries identity and entity of the previous area municipalities and its functions to keep local government close to its people.

Unfortunately, the elected representatives and the administration had different views, and if you read the motions and policies passed by Central Council since 1972, you will see that even legal recommendations were ignored. On July 18th, 1973, the City's legal department advised Central Council of the following:

"I would emphasize that the budget provisions with respect to the Community Committees are statutory and are not a matter for internal policy decision and are spelled out in the Act, and in some recursion, and therefore in my opinion must be followed if the Act is not to be breached."

Therefore in keeping with the Chamber of Commerce aims and objectives, I ask your support for the recommendations put forward in this brief.

Therefore be it resolved that the following recommendations be adopted by the Law Amendments Committee:

(1) That the system of the 12 Community Committees be retained with its local council meetings with a minimum of 3 councillors to legally hold such meetings at the local Community Committee level.

(2) That single-member wards system should be retained as the basic electoral constituencies.

(3) That the three-year term of office of the council should be continued.

(4) That each Community Committee have one Councillor representative only on each standing committee of Council.

(5) That the Mayor continue to be elected at large and the term of office to be 3 years, and that the Mayor's primary function should be to head the municipal government, that is, the executive and the executive policy committee. He should be the chief link between the Council and its executive, except in his absence.

(6) That the Council elect a chairman to chair the Council meetings for a term of one year.

(7) That the Deputy Mayor be elected among the Councillors, by Council annually, and has all the powers of the Mayor in his absence.

(8) That no Councillor should serve on more than one committee except for those Councillors who are also members of the executive committee.

(9) That the Community Committees be made responsible for the preparation of the community district plans and action area plans and should be involved in the amendment of the Greater Winnipeg Development Plan. That the Community Committees be provided with a local planning staffed office, an information staffed office for the Residents Advisory Groups and citizens at large and a staffed communication clerk's office, to provide the necessary services to the Community Councillors, Residents Advisory Groups and citizens.

(10) That any major capital projects be by referendum.

(11) That the Residents Advisory Groups should be retained.

(12) That the role of the Residents Advisory Groups should be to assist and advise the Community

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Committees in all matters and policies concerning Central Council, community district plans an action area plans; amendments to the Greater Winnipeg Development Plan; zoning matters, budget; quality of services and any matter which falls under the jurisdiction of municipal government (which comes under the jurisdiction of the three levels of government).

(13) That the administration as well as an applicant should have the right to appeal a decision of the zoning and variance Community Committee, as should any resident of the community directly affected by the decision, with the proviso that the Standing Committee of Environment consult previously with the Community Committee involved before final decision is taken.

(14) That the responsibilities and functions of the Community Committees be increased to reflect their historical and traditional identity and entity.

(15) That the Central Council and the Community Committees should each have those powers which are appropriate to their roles and consistent with their responsibilities.

(16) That the present engineering districts which were designed for the convenience of the bureaucracy prepare both capital and current operating budgets on a community basis to be approved at the Community Committee local level.

(17) That the retention of previous municipal areas' boundaries be retained for those areas that have a population of 9,000 to 10,000 per Councillor representation — sufficient to form a Community Committee of at least three Councillors. (This proposal is taken from the white paper.)

(18) That any by-laws, policies or budgets passed by Central Council that have not adhered to the intent and the procedures and sections of The City of Winnipeg Act be declared null and void.

I thank you, gentlemen, for having given me of your time.

**MR. CHAIRMAN:** Thank you Mr. Prince. Are there any questions?

**MR. PRINCE:** I will leave this copy for your Committee.

**MR. CHAIRMAN:** Thank you. Any questions any members have? I hear none. Thank you Mr. Prince.

**MR. PRINCE:** Thank you.

**MR. CHAIRMAN:** Councillor Magnus Eliason.

**MR. ELIASON:** Did somebody say, "Make it short?" I am usually brief, Mr. Chairman, as members of the Committee. I am only going to deal with two or three points, and the first one is the question that has been discussed about whether the city should be autonomous in zoning; in other words; in provincial projects whether the province should be able to override city zoning.

I voted contrary to the submission of the City of Winnipeg brief on that because I felt that the City of Winnipeg brief was based on the wrong premise. When considering any question, gentlemen, it is necessary to sort of conjecture our position, to know where we are at, to know where the starting point is, and evidently prior to — or so I understand — prior to the advent of Unicity, provincial governments across Canada were not subject to city zonings for government projects. And so it was actually an innovation, call it experiment if you like, by this government, the Government of Manitoba, to put into the Unicity Act, or to relieve the municipal government of Winnipeg, of that. So this is our starting point.

Now the question was raised here last Saturday whether other provincial governments had followed and no one seemed to have the answer, but the supposition is that by no means has what this government brought into being here in Winnipeg, by no means has it become the practice or the thing to do with provincial governments across Canada. So I don't know what you would call it, gentlemen, but the impression was left — for instance some of the debates in the Winnipeg Council last Wednesday implied that if this power was taken away from the City of Winnipeg, that that would be a first in Canada. In other words a false impression was created. So I come back to what I said awhile ago, that obviously this was an experiment by this government. I don't know, there can be many schools of thought as to how the experiment has worked, but obviously this government must have some reservations since this legislation suggests that the tables should be turned or that the province should not be subject to city zoning, in other words that it should be the same situation as it currently with the Federal Government.

I think it is regrettable, gentlemen, if the province was obliged, for one reason or another, to remove this local control of the city or by the city. I would therefore suggest that zoning for Provincial Government projects should, at the outset, be subject to city control. But if it ever came about that the city was obviously attempting to block government policy — because we can talk about the elected representatives controlling, namely City Councillors, MLAs or members of a provincial government are also elected representatives. If such an impasse should arise, let us suppose that the province, for instance, in attempting to break the inflation in the cost of land was attempting to bring lots on the market at cost, as we might say, and let us suppose that the city government of the day, or a given city government, was attempting to block this, in other words defying government policy, then I would suggest that if such an impasse should arise, that then it be not left to the Minister, that it should be left to the Lieutenant-Governor-in-Council. In other words the government would have to assess the situation and accept political responsibility for the decision of not being guided by city zoning.

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I think this would be, gentlemen, a much fairer way of doing it. In other words basically the assumption would be that the city is autonomous in zoning, but if the city defied a decision or a declared program or policy of the Provincial Government, then the Provincial Government could take this in hand, and of course having to accept political responsibility for it, under those circumstances would they then be able to upset a decision by the city, but only in the case of such an *impasse*.

I think that will suffice, Mr. Chairman and gentlemen, for zoning. Now we come to — these are, by the way, pretty disorganized notes. Now we come to the question of the lack in this proposed bill of any semblance of a suggestion of what was suggested in the Taraska Report, namely, that there should be some form of political entities in council. I think the term in the Taraska Report that was used was the governing group or the governing majority and an opposition.

I must say, gentlemen, that I regret the absence of any recommendation in this respect in the report. I have watched municipal governments in more than one city, and incidentally Winnipeg is not the only city where I have contested municipal elections, and it has been my observation over the years that in cities across Canada — my experience is mainly across the West, but I have observed it across Canada — that candidates run in elections without any declared policy and sort of under the guise of, believe it or not, being independent, and yet they are members of some group. Why they don't call themselves a political party, I just don't know. And the difficulty for Councillors in operating in this vacuum is becoming more and more acute.

For instance the group in Winnipeg that operates in this fashion, Independents at election time and not-so-independent after the election, they are obviously experiencing the impossibility of operating as Independents because after all they must in some fashion govern the city. For instance — and I believe this to be a fact — the group which now calls itself the ICEC, which formerly was CEC and I forget what it was called prior to that, but that element in Council — and I am not referring to them critically, they are a group which has enjoyed the electoral favour to a large extent of the citizens of Winnipeg. If my observation is correct, they find themselves in a position today where they are having to make more decisions in caucus than did their counterparts of, say, ten, fifteen, twenty years ago. And to me the electorate must be able to tell by the brand and the declared policy of the candidate at election time what he or she will do if they are elected. Otherwise the electors are having to sort of buy a pig in a poke, and certainly it is difficult for the electorate today to say at election time, "We will vote for this policy," because some of those who form groupings after the election pose as independents during the campaign.

Now I am told by more experienced people than I am that it is difficult to impose any attitudes by legislation, and such a remarkable selling job has been done on this bogeyness of independence in municipal government over the years that the public actually is allowed to believe it, actually believe it, and therefore for a government or for a Legislature to pass a bill legislating into being political groupings is perhaps difficult. But if I may, Mr. Chairman and gentlemen, I think the time is coming when those who are drafting legislation for large cities such as Winnipeg will have to pay some heed to this. Not being a lawyer, I don't know how or to what extent you could have got the beginnings of his into this bill, but I am here stating that I am disappointed that there is no mention or there is nothing of the sort in this bill, because I am convinced that the electorate must be able, at election time, to distinguish between candidates and between groups of candidates, and incidentally, between candidates for Mayor, candidates for any office, their declared policies and what they stand for if and when they are elected.

Now I come to the revision or the reduction in the size of Council. Somehow I am not impressed when I come to that one. It almost sounds as though we are here indulging in a sort of a trial and error exercise. Prior to 1971 this area was — although there were more part-time people than there are now — but nevertheless this area — and it was smaller then — was governed by over 100 people. Then this government of six years ago decided to set up a Council of 50.

Now — forgive me if I say this — but almost as though one was pulling a number out of a hat they say 28 in 1977. Somehow I am not impressed.

Somebody said that I can never make a presentation without telling one story, and I am going to tell the story now. —(Interjection)— It's a clean one. You'd be surprised.

Thirty-five years ago I knew a quack doctor in Vancouver and I knew a patient that was visiting or going to this quack doctor. The doctor had been telling his patient to take two pills a day; I don't know what the pills were. One day when the patient visited the doctor, the doctor said, "Well, how do you feel?" "Well," he said, "I don't see any different." "Well, maybe you should take three pills. So, you come back in a week. Take three pills a day." Next week the patient came back and the doctor asked him the same question. He said, "I don't feel any different." Well, the doctor scratched his head and he said — by the way, this is a true story — "Well, maybe we should reduce those pills to one a day." And just in case you gentlemen are interested, I checked on this not so long ago; the patient is still living. And this was thirty-five years ago.

But this tinkering around with numbers. —(Interjection)— Well, the moral of it is that it's useless to

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tinker around with numbers. If we decide on a Council of 50 and decide it on considerable merit, as was done in 1971 have heard all those submissions: the resident advisory system, the Community Committee concept, the idea of a councillor representing a small neighbourhood, and all that.

In other words, I honestly can't see if it was necessary to have 50 councillors six years ago why it should now be conducive to have only 28. I just honestly can't see it. And I'm not going to bring in all the arguments that have been presented by various people here. But I want to point out one thing and I think I'm correct in this assumption, that the area which I am most familiar with — namely the proposed City Centre — the part of that proposed area lying between the Assiniboine River and the CPR tracks and the Red River and the St. James border would be represented by four. If I am wrong in this, I wish somebody would correct me, but that's my impression.

I want to point out that under the old City of Winnipeg the area not from the River to the CPF tracks, but the area from Portage Avenue to the CPR tracks was represented by six. And it's a considerably smaller area. Now we are proposing that this larger area be represented by only four. Well, I can't be sold on the idea. I would think that if we are bent on reducing the size of Council, I would think that it should not be reduced to, say, below 35. The city is to be given autonomy in the choosing of committees and in case the city should decide — either now or at some stage of the game — to set up, say, five standing committees, there would then be seven to a committee, or actually less because one or two could be siphoned off to the Executive Policy Committee.

But I would think that if it is imperative to reduce the size of Council, I would think it should not be reduced to below 35. Having discussed this size of Council, I can't help but say that it's my impression that the press and, oh, some politicians have done sort of a disservice in discrediting the idea of a 50 member Council. And whenever there is a semblance — and this happens in every legislative body — whenever there is a semblance of a bit of bad behaviour at Council Meetings everybody just says "Well, if it was a smaller body they wouldn't fight, everything would be well." I have observed many Legislatures in session and observed Parliament in session and I have come to the conclusion that not all the bad behaviour appears on the floor of City Council.

With regard to those services now provided by the area municipalities and which will (at least until such time as the unified Council deems it advisable to assume additional responsibilities) continue to be a local responsibility, the Community Committee would have authority to: (1) "consider and propose programs with respect to these services; (2) submit to the Central Council the proposed budgets for these services, and (3) supervise the delivery of these services."

Of utmost importance is the following passage quoted from page 19 which must be noted:

"Amounts would be allocated from the overall budget prepared for the regional government for the specified programs in each Committee area. These amounts would be considered in light of Committee program plans and budget proposals. The sum allocated would be a lump sum covering all such programs and in this way, permit local flexibility in allocation of expenditures."

The Community Committees would have no legal authority over the hiring and firing of personnel at the community level, but would have the power to direct and assign local staff.

The Committees would not require any additional administrative staff, as staff would be provided by the Central Council. The committees could operate out of existing facilities. They would have available to them office space and meeting rooms in the present municipal offices. They would also have available to them all the present municipal staffs required to carry out their responsibilities:

That is not the case now, gentlemen, I can assure you.

Given these functions, it may bear repeating at this point that the geographic areas in which the Community Committees would operate would be defined in terms of existing administrative and service areas — that is, essentially the areas described by the existing municipal boundaries. The size of the Committees would therefore be determined by the number of new electoral wards contained in each of the existing municipalities.

The following sections of the City of Winnipeg Act embodied the Manitoba Government's new concept of Urban Government discussed above. Access of the people to the local government system was provided through the supervision of employees in the delivery of services at the Community Committee level who had originally separate municipalities had the structure to supervise and deliver such services.

Section 22, subsection (1) of the Act which clearly protects this major aspect of local government reads as follows: (and it's taken out of Exhibit "A" and the Chamber has attached all the Exhibits to this brief)

Services supervised by Community Committees.

22(1) Subject to the provisions of this Act representing the transfer of services and except as otherwise provided in this Act, each Community Committee shall supervise employees in the delivery of all the services which, until the coming into force of this Act, were administered by the area municipalities, other than the services delivered pursuant to law prior to the coming into force of this Act by

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- (i) The Metropolitan Corporation of Greater Winnipeg, and
- (ii) The former City of Winnipeg respecting its Hydro Electric System.

In addition each Community Committee's annual Capital and Current Estimates were to be prepared on a Community Committee basis, thereby making it possible for councillors and citizens to identify disparities of services between Community Committees.

Section 22, subsection (3) clearly makes the Community Committee responsible for the preparation of both the annual capital and current estimates budgets. It reads as follows (taken out of Exhibit "A"):

Preparation of annual capital and current estimates.

22(3) Subject to the other provisions of this Act, each community committee shall prepare and submit the annual capital and current estimates of the costs of operating the community committee and the expenditures for the services referred to in subsection (1) to the executive policy committee.

In addition, Section 27, subsection (1) designates the services that the Community Committees are responsible for. It should be noted that the words "shall disclose" are used instead of "may disclose". It reads (taken out of Exhibit "A"):

Community budgets.

27(1) The community budgets shall be included in the city's annual current and capital budgets, and shall disclose for each community the identifiable costs of operating the community committee and the expenditures budgeted for each of the following budget groups of services, the delivery of which is supervised during that year by the community committees:

- (a) Culture and recreation.
- (b) Public works and operations.
- (c) Protection of persons and property.
- (d) Health and social development.

Review by community committees.

27(1.1) Each community committee shall review the annual capital and current budgets prepared pursuant to Clause (d) of subsection (1) of section 50 in respect of services and delivery which is supervised during that year by the community committees and, subject to clause (c) of section 36, shall make recommendations thereon to the executive policy committee.

The City of Winnipeg Act went to great lengths to specifically spell out the functions and responsibilities of Community Committees in order that residents be completely informed concerning existing potential city policies to have the views of the citizens of former municipalities taken into consideration after unification.

This was done to overcome the irresponsiveness of large bureaucratic government which would inevitably occur under Unicity. (Taken out of Exhibit "A"):

Responsibilities of community committees.

23 Each community committee shall,

(a) develop and implement techniques to maintain the closest possible communication between the city and the residents of the community, so that residents' views on policies, programs, budgets and delivery of services may be communicated to the council, the committees of the council, and the boards and commissions continued or created under this Act; and

(b) develop and implement techniques to provide the residents of the community with information concerning existing and potential city policies, programs and budgets so as to facilitate residents in discussing and developing views concerning these matters.

Meetings of community committees.

24(1) Each community committee shall,

(a) at least once a month at a regular time and place, meet to consider the business of the community;

(b) conduct a meeting or meetings to facilitate participation by residents of the community in the preparation of submissions concerning the annual current and a capital budgets (including the community committee budget) and make submissions respecting such budgets to the executive policy committee;

(c) conduct a meeting or meetings at least quarterly to consider progress reports on the programs and projects of the city; and

(d) at least once each year, hold a community conference which all residents of the

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community shall be invited to attend and participate in discussions of city programs, and at one of which shall be presented for discussion, the annual statement of revenues and expenditures of the community committee.

One major innovation of the City of Winnipeg Act was the creation of Resident Advisory Groups which opened the door for grassroot participation for organizations of local citizens to assist their councillors in formulating policies, plans and programs which would affect their community as well as the city at large. The results were in effect to improve upon the present democratic system whereby only the elected representatives and the administration have access to information and decision-making without the benefit of citizens' input.

Sections 21(1) and 21(4) read as follows (taken out of Exhibit "A"):

Residents' Advisory Group.

21(1) The Residents' Advisory group may be elected at any community conference referred to in subsection (1) of Section 24 by the residents of the community who are present, from their number.

Role of Residents' Advisory Group.

21(4) The role of a residents' advisory group is to advise and assist the members of the community committee for the community at whose conference they were elected, as to the performance of their

As it was clearly shown, the City of Winnipeg Act is based on a community system with Residents' Advisory Groups to create a system "where the opinions and hopes and fears of the average citizen can get a fair hearing" using the words of Councillor Johansson.

Unfortunately, since 1972, there has been numerous attempts to do away with Community Committees' supervisory role of services and Resident Advisory Groups.

The minutes of the Council meeting on November 15, 1972, records the following motion by Councillor Smith and seconded by Councillor Sasaki.

1770 — That Notice be given as of the passing of this motion under Section 22(7) that all functions of Community Committees be assumed by Council and any and all amendments be proposed to the City of Winnipeg Act to delete all reference to Community Committees and Residents' Advisory Groups.

It was referred to the Executive Policy Committee.

This motion was made contrary to the intent of an earlier motion passed on July 19, 1972 which follows:

Establishment of Positions of Communications Clerks for each Community Committee. File GM.

1106 — 2. Your Committee submits with a recommendation for approval and adoption the following resolution:

"WHEREAS under Section 22 of the City of Winnipeg Act each Community Committee is charged with the supervision of employees and the delivery of all services which were formerly administered by the area municipalities;

AND WHEREAS under Section 27 of the Act community budgets must be prepared annually concerning these services under the headings of cultural and recreational, public works, protection of persons and property, health and social development;

AND WHEREAS under Section 21 of the City of Winnipeg Act a Residents' Advisory Group may be elected to advise and assist the members of the Community Committee in the performance of their functions under the Act.

AND WHEREAS under Section 24 of the City of Winnipeg Act the Community Committees are responsible for conducting meetings to facilitate participation by residents in the community and in the preparation of submissions concerning the annual current and capital budget to the Executive Policy Committee and to conduct meetings, at least quarterly to consider progress reports and programs and projects of the City;

AND WHEREAS it is desirable to establish a person whose responsibility would be to act as a co-ordinator of the various responsibilities of the Community Committee with the resident advisers, the Community Committee, the Executive Policy Committee and the citizens of the community, so as to provide the most effective means of communication between the citizen and the elected representatives both in the community and in the central council pursuant to the letter and spirit of the Act.

NOW THEREFORE be it resolved that a position be created, for each of the thirteen community committees, to be known as Communications Clerks, who shall help co-ordinate all the duties imposed upon the Community Committees under the Act, as well

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as to facilitate communications between the citizens of the community, the resident advisers of the community Community Committee councillors and Community Committee department heads and the Executive Policy Committee so as to ensure the access of the citizen to his elected representative as well as an effective supervision for the delivery of services by Community Committees."

Moved by Councillor Fuga, Adoption of the Clause. The Motion was carried.

Again, on the 24th of January, 1973, the Executive Policy Committee presented the following report in another attempt to abolish the identity and functions of all Community Committees:

Report of the Executive Policy Committee, dated January 18, 1973.

Proposed Abolition of the Inner City Joint Community Committee and all Community Committees and Resident Advisory Groups. File GM-1.

166-15 Council at its meeting held on November 15th, 1972, referred the following two motions to the Executive Policy Committee, namely,

"That the Council of the City of Winnipeg take all necessary steps to abolish the Inner City Joint Community Committees and

"That notice be given as of the passing of this motion under Section 22(7) that all functions of the Community Committee be assumed by Council and any and all amendments be proposed to the City of Winnipeg Act to delete all reference to Community Committee and Resident Advisory Groups."

Your Committee referred these matters to all Community Committees for their comments by January 15, 1973. For the information of Council, copy of results of the questionnaire that was sent out is attached.

Your Committee recommends that the City Solicitor be instructed to make application at the next session of the Legislature for an amendment to the City of Winnipeg Act to give the City permissive legislation to abolish the Inner City Joint Community Committee.

Your Committee also recommends that the Community Committee and Resident Advisory Groups be retained.

Moved by Councillor Fuga, Adoption of the Clause, Motion Carried. Olga Fuga was the Chairman.

The Committee of Works and Operations on February 21, 1973, submitted the Urwick Currie and Underwood & McLellan report which in effect was recommending the six engineering districts that we have presently in existence — centralization of services. See Exhibit "B".

As can be seen, the unit known as Community Committees was enlarged to contain two previous municipal areas and was called a district. The co-ordination between the Community Committees as operating units could have been effected at a much lower cost than through the creation of larger districts which have become, due to size, less responsible to the service requirements of the citizens. The new district units are no longer under the supervision of the Community Committees' elected representatives, contrary to the Act, and are directly responsible to the administration which is non-elected.

Even more serious, the new system of budgeting is set up on a district basis, which is also contrary to section 27(1) and (2), and 28(1) and (2) as quoted previously. It now has become impossible for any councillor to identify the expenditures of his or her own community, hence difficult to be accountable to the public. These new engineering districts are only legally accountable to the administration as there is no provision in the City Act for the election of political representatives on such a basis.

Further, on July 18, 1973, the establishment of a Central Council Budget and Six District Budgets for Works and Operations was passed. The Central Council by-passed the recommendations of the legal department and although the Capital Budget identifies the projects of each individual Community Committee, the Current Operating Budget does not. The legal department stated the following and this is taken out of Exhibit "C":

I have perused the relative sections of the City of Winnipeg Act referring to Community Committees and to the procedures for the budgets of the Community Committees, including the Inner City Joint Community Committee, and in my opinion, the procedure as set forth in the communication from the Board of Commissioners in which they recommend six district budgets for works and operations would be contrary to provisions of the City of Winnipeg Act and in particular, Section 27(1) and (2) and Section 28(1) and (2). It would be possible of course, to have two different procedures on accounts, one pursuant to the sections of the Act and another for the six districts, but this does not appear to me to be a practical approach. I would emphasize that the budget provisions with respect to the Community Committees are statutory and are not



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a matter for internal policy decision and are spelled out in the Act in some precision and therefore, in my opinion, must be followed if the Act is not to be breached.

It is therefore impossible to relate the lower level of services to the budget as one cannot compare one year with another. It is also impossible to tell how much money is spent in each community.

Since 1973, all the services under Section 27(1) — that is, Culture and Recreation; Public Works and Operations; Protection of persons and property (police and fire departments); and Health and Social Development have now been centralized.

The results of centralization on the Community Committees has been the loss of most of its staff and functions, creating frustration for the citizens and councillors.

Although the Community Committees are legal committees of Council, they have no powers to respond to citizens' needs and requests. The role of both the Community Committees and Resident Advisers through the centralization of services has been made pointless, as all decision-making even concerning local matters, relating to services and policies has been transferred to district administration or to Central Council. Thus, one of the main objectives of the Act, to bring local government closer to the people, was not fulfilled.

The Taraska Report and Recommendations concluded from its findings that:

(1) Municipal government may be closer to the people, it may be more acceptable, it may even be more responsive than both provincial and federal governments, but it is not as accountable. The matter of who is to be held accountable for the decision policies and actions of the municipal government is generally obscure.

(2) Municipal government tends to be far less responsible than other levels of government in matters of policy, since individual councillors cannot be held accountable for civic policies, only council as a whole.

(3) Policy-making has rarely been viewed as a major function of municipal governments.

(4) The complexity of the new government organization has not made them more accountable responsive or accessible at the grassroots level.

The above findings are true, only because the intent of the City of Winnipeg Act was not implemented. Thus, it can be said that the system of Community Committees was not even given a fair trial. Although unification has overcome the physical disadvantages existing under Metro, such as trunk sewer and water services that could not be extended across municipal boundaries; major streets that could not be developed systematically; fire and police services that could not be coordinated; and industrial development sites springing up at random caused by the inter-municipal competition for the revenue from industrial assessment, it has not resolved the frustrations caused by the lack of responsiveness on the part of large, bureaucratic government structures.

I think that the press has done a hatchet job on this and I never liked erroneous impressions, never like when people are misled. Over the last six years there have been people in the media elsewhere who have sort of lulled the citizenry of Winnipeg into believing that if you could only reduce the size of Council all your ills would be cured, all your ills would be cured. To me people who make such statements are false prophets. They are creating thoughts and hopes in the minds of people that are false.

Having said this I think there is just one other thing that I want to refer to. See, I am a bit shorter than some of my predecessors this evening. Regardless of the size of Council, regardless of your final decision as to the size of Council, the so-called "City Centre Community Committee" should not be extended across the Assiniboine River. We had that spectacle before when the St. John's Community Committee crossed the Red River, and it was deemed to be impractical.

I would suggest, Mr. Chairman and gentlemen, that if a Community Committee area crosses a major barrier such as the Assiniboine River that it would not go for better citizen participation, a resident advisory activity. I think I am one of two city councillors who rides the transit, by the way, I am very proud of that. But, to those, for instance, in Fort Rouge who use the public transit — well let us say that these meetings would be somewhere downtown around Portage Avenue or something like that. But for people who come from Fort Rouge to have to cross the river and attend meetings downtown, hardly smacks of being a neighbourhood meeting. I would suggest gentlemen that whatever you do, this would be my plea, don't extend that City Centre Community Committee across the Assiniboine River.

Now, I want to say in conclusion . . . And, by the way, my conclusion is short, Mr. Chairman a gentleman. I want to say in conclusion that I appreciate having the opportunity of appearing before you. This is democracy in action. I trust that you will pay heed, or that you will at least . . . What is it? Somebody told me a long time ago that when a politician — I guess this applies to me, too — says he will give it serious consideration, it means that his face is sad while he is tossing that proposition into the waste paper basket.

I trust that you will give what I have said your serious consideration and I thank you for the privilege of appearing here.

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**MR. CHAIRMAN:** Thank you Councillor Eliason. There may be some questions. Do any members have any questions? Are there any questions? Hearing none, thank you Councillor Eliason.

**MR. ELIASON:** Thank you.

**MR. CHAIRMAN:** Councillor Henry Kozlowski.

**MR. HENRY KOZLOWSKI:** Mr. Chairman, members of the committee, I'm not going to bore you with all sorts of details because you have heard the submission of my fellow councillor, Alf Skowron. I've gone over this very thoroughly but the reason I am appearing here before you tonight is because you are really doing something that bothers me something awful.

First of all, I am totally amazed that in spite of all the presentations that our caucus has made to you in a group and individually, and in my capacity as a Caucus Chairman I have had talks with some of you, you didn't pay the slightest attention to what we had to say.

It's very unfortunate because we want to believe you but you don't believe us. As far as you are concerned, we just don't exist. And yet let me tell you that we are much, much closer to the people than some of you.

I have only got two points that I am terribly objecting to and one of them is that grouping a lot of power in the hands of one person — and I'm talking particularly about the planning and of course about the financing. I'm an immigrant; I've come from Europe and I've seen this erosion of democracy. I've lived through it and I sure as heck don't want to see it happen here. One man's opinion, in my opinion, is not good enough. There has to be a board. There has to be a consensus. Here has to be a majority verdict. And this is what you are trying to take away from us.

The next item is the elimination of the Community Committees. I would like to say that that is no other bad, bad step that you are contemplating right there. This concept proved itself; it works. Maybe in some instances it works better than others, but I'm speaking about West Kildonan particularly. We have a very harmonious relationship with our resident advisers and with my two fellow councillors because there are three of us on there, Abe Yanofsky, Michael O'Shaughnessy and myself. All three of us have different ideologies. Yet this is good for the people. The decisions are unanimous and everybody is heard and everybody is listened to. As for the input of the RAG group, we not only expect it; we demand it from them. And they, in fact, are part of the government.

The excuse I have heard is that you are going to eliminate parochialism. Now, how naive can you get? If I choose to run for re-election in West Kildonan and somebody asks me, "Well, what is your platform? What have you achieved so far?" Then I am going to go and tell them, "Well, I fought tooth and nail with CNR to stop them from building that piggy-back terminal in Tuxedo. I prevented the high-rise apartment block from going up in Fort Rouge, or I voted for Riverside Park in Fort Garry." Do you now what they would then tell me? "Buster, you go and fly a kite, you know. You can get elected some place else. You haven't done a thing for us here." Our electoral system is geared to parochialism whether you like it or not and you've got to accommodate the people who elect you or else you go. Those are the facts of life.

Now what is wrong with a part-time councillor? I don't see anything wrong with it. Mind you, in this case I would have to add that I am perhaps a little bit more pragmatic than my colleagues in the caucus. I could live with 36, 38, possibly 39 councillors. Part-time, mind you, because I believe that a part-time councillor has his feet firmly on the ground. He knows what it's all about. I can speak about myself. I'm on the Finance Committee and there, as a member of the Finance Committee, we disburse hundreds of thousands, indeed millions of dollars of the city's money and then comes the magic hour. The meeting is over and like Cinderella I turn into a pumpkin again, although in my case I'm a plumber, and believe me there is nothing more that punctures your ego than to clean dirty toilets, you know. My props from ten years ago still fit me today.

Coming back again, I for instance, and I know many of my fellow councillors receive lots of phone calls and not all of them deal with municipal matters. Indeed, half of them, in my case, deal strictly with provincial matters. We advise them, guide them, tell them who to call. In fact, what we are doing is we are isolating you gentlemen from reality. Because you are not in touch with the grass roots as much as you should or could be. I'm not saying all of you; I say some of you. Let's say in fact what we're doing, we are protecting you so that you may go on believing that you can do no wrong, gentlemen, and that's a fact. You can still wear your little halos; you think you are God's gift to Manitoba. That is not a fact. Because in many instances, Mr. Chairman, we apologize on your behalf and we cover up for you. Why? Because we want to believe you. That's why. Don't let us down please.

Now, let's get back to this magic numbers game — 28 — and God only knows where you got that number from because it sure as hell beats me. I don't know. Not the foggiest idea. But what you must be doing, obviously, you must be firmly convinced that 600,000 people can be most effectively and most efficiently governed by 28 people. Now, let's get that straight, 28 people for 600,000 people. Right? Great. In that case, Mr. Chairman, why does it take 57 of you to govern a population of one million. I am sure you have no answer for that, and I am sure you wouldn't appreciate a senior level of government stepping in and saying ten or eleven of you are redundant, and yet you are doing it to us, and we are pleading with you, "Please don't do that, don't; don't kill it."

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Now there is also another number, and that is 14,000 electors, which in rough figures you might say would come to about 22,000, 24,000, 25,000 population. That is people, actual, living people humans. I wonder how many of you as MLAs represent in fact 25,000 people. Now somebody says here the other day that MLAs have double the amount of people in their constituencies as some City Councillors do. Well, let's keep the record straight. This definitely is applicable in some cases, but without stopping to think I can name at least two City Councillors who are representing more people than some of you MLAs at this very date, and those are facts.

Well, I wish to conclude and I do apologize for my harshness, Mr. Chairman, but what you are trying to do, you are trying to kill one of the principles that guided me through life, and that is government for the people and by the people. You want to make it government for the people alone and I, for one, cannot accept that. I would like to say when an election comes, which it will eventually then I suppose all of us are going to be hauled out of the clothes closet where we spent the last four years, we are going to get dusted off, we are going to be relieved of all our . . . and then we are going to be set forth to please go and save our jobs for us. I mean that's the way it works, and chances are we will all do it again, only this time around my heart is not going to be in it, and I fear that if you continue with your tunnel vision and with your lemming-like attitude for some of you, Mr. Chairman, for some of you, that when it comes to the outcome of the election, I wouldn't bet a plugged nickel. Thank you Mr. Chairman.

**MR. CHAIRMAN:** Thank you, Councillor Kozlowski. Are there any questions? Hearing none thank you.

Councillor Bill Norrie.

**MR. BILL NORRIE:** Mr. Chairman, that is a very difficult act to follow, particularly when I am in the anomalous position, Mr. Chairman, of pretty well supporting what you are proposing, and Councillor Kozlowski, who is of an opposite political persuasion, is opposing it, and so you will have to try and sort that out for yourselves.

May I at the outset first of all say that I am appearing as an individual and speaking only for myself. I am not speaking on behalf of any group in Council or for the Council although I must apologize to you as a Councillor and as a member of the City Council for the city's official brief having been presented to you by the Solicitor on Saturday. I felt that that was an insult to your Committee and an insult to our own Council, and I apologize to you, for what it's worth, on a personal basis.

May I say, Mr. Chairman, as well that I think you are hearing, through these hearings, a real diversity of opinion which arises basically from the environment out of which the Councillors come and you will have detected I am sure, in the opinions and the presentations of many of the Councillors who are representing former suburban areas, a great concern for the loss of identity which their communities had prior to Unicity.

Now I represent an area of the city which is not suburban in nature. It is neither downtown in nature. It is perhaps a transitional area, residential totally in character, but those particular kinds of areas in the city did not have the legislative base for the community feeling that many of the suburban communities had. I think it is true to say that the people in my area, and I represent part of the For Rouge Community Committee, people in my area related politically at the municipal level to City Hall. They didn't relate to a Community Committee or a local council in the same way that somebody living in Fort Garry or St. Vital or West Kildonan did, and perhaps we missed something in that. I am not drawing judgments here, I am just stating realities. And so as a result of that, I think we have found Community Committees have worked and have operated and have been operated in different areas in different manners, and I think that is a good thing, Mr. Chairman, because I think one of the great disabilities that most of us on Council labour under is a feeling that the unification of the city means uniformity throughout the city. My personal view is that that was neither the intention, nor should be the result, because what has happened in many of the services that we have withdrawn in certain areas, we have withdrawn them in order to make them uniform throughout the city, and many of the procedures that we have established have been established simply to make everybody equal, so to speak, to be treated on the same basis. I don't think the citizens of Winnipeg really wanted that, nor do they resent services or other procedures being different in different areas. I think different areas of the city have different needs, and so therefore I think that the premise that most of us operate from at the city level is entirely wrong.

In addressing myself, Mr. Chairman, specifically to some of the amendments that you are proposing, might I say that I think that your proposal for reduction of the Council is valid and appropriate, and I think that there must be a rationale for it, and I think that the obvious rationale is that on the basis of the 28 suggested Councillors, they would approximately represent the same number of people on a general basis that the MLAs from the City of Winnipeg represent. In other words if you look at the proposed map, it is not easy to see what I think is the rationale and that is the ward area, if you do go to the wards, would be basically and probably pretty close to the provincial constituency area, and that certainly is a rationale. You may agree or disagree with it, but I think there is a rationale behind the reduction.

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I have been one of those, Mr. Chairman, who has supported rather strenuously and from early on the unification of the city a reduced Council, because I think it has not worked in the sense of the size of Council, and I can't think that the people of Manitoba who are represented by you gentlemen are any less well represented because you represent more people than we do, and that the people of Winnipeg are any better represented because there are more of us.

I don't really think it is the number that counts, Mr. Chairman, I think it is the concern and the quality and the activity of the Councillor, and you can't legislate that. I think if the operation of Council can be facilitated by a reduction and still maintain a proper base of representation and a rationale for it, then I see no reason to continue with what I believe to be a very cumbersome and very large Council.

You know, Mr. Chairman, there are not really 50 points of view of every issue, but if you attend many of the Council meetings, you would begin to think there are. And that in itself is a logistical problem which, of course, could be overcome if we were prepared to sit for long sessions, as incidentally I am amazed and pleasantly surprised that you people are. We have limitations on our committee presentations, Mr. Chairman, and I am very surprised that you don't and I think it is a credit to your fortitude.

**MR. MILLER:** We're slow learners.

**MR. NORRIE:** Slow learners. Well, that may be. We may pass it around a little bit.

Mr. Chairman, I think that the numbers game of course is one that we can all play. The only other suggestion that I would make, if you were to consider changing the size of the Council, and I think that if you are going to change it, you must have some rationale for changing it. I had originally suggested to the Taraska Commission a Council of eighteen, and my rationale for that was six districts with three Councillors from each district. I must admit that I did it on the basis of trying to accentuate on this side of the picture the need for reduction, as opposed to those on this side who are arguing for the continuation of the *status quo*.

But if you want a rationale for a middle ground, then I think you could look at the Council which might be a size of 36. The rationale for that would be twelve Community Committees of three Councillors each. I am not arguing specifically for the retention of the twelve Community Committees, but what I think you might do is you might consider the Community Committee as the electoral unit, and elect three from each present Community Committee boundary, but still maintain our proposal whereby the district or the larger community would be the administrative and political unit.

I would go so far, and I know this may be an anathema to many of you, but I have a strong feeling that people in Winnipeg would be better represented if there was an election at large from those Community Committee areas, in other words if there were three Councillors elected at large if you went to the 36 size. I say this for this reason, Mr. Chairman, that I think the greatest disability that the city has laboured under has been the single member ward system, and I appreciate the rationale for it and I understand it, but I must say in all sincerity, Mr. Chairman, that it has developed a parochialism — and I know many people don't like that word — but it has developed a parochialism which I think has been detrimental to the functioning of the city. I realize that we have to keep intention, the whole question of the need to be a local representative, but on the other hand there must be broad views taken of the city problems. I think that where we have run into real and major problems has been where the individual Councillors from individual wards have felt that their wards and their areas are being hurt by certain city overall policies and this is going to happen, particularly in areas of transportation. Everybody wants a bus route, nobody wants it on their street. Everybody wants a bridge, but nobody wants the crossing on their street or near them. And I readily admit to the same. I live on a street that many, many years ago, 35 years ago, more than that, was designated as a bridge route for a river crossing and I would fight that if it came. But that is the problem, Mr. Chairman. I think that if you could see it in your mind to go to election at large, if not on the six-district basis, on the twelve-district basis, that that would have a great effect.

I read in the paper that Mr. Spivak made somewhat of the same suggestion. At Council, Councillor Luken made that suggestion, and I make it to you now, and what more unholy trinity could you get than those three people making the same suggestion?

Mr. Chairman, the one clause that gives me a great concern in the bill, and I am not going to spend too much time on this because you have had many representations with respect to it, and the city's official position dealt with it, that is the section proposed, 654. I can understand, although I do not agree with, the reasons for your seeking authority to set aside plans or other zoning matters. As I say I don't agree with it, but I can understand it; but I cannot either understand or agree with your request to have wider authority which would give the Lieutenant-Governor-in-Council, the Cabinet, the authority to override every act, by-law, plan, resolution, order, decision or procedure established by Council. Mr. Chairman, that either means that you have lost confidence in local government, and that you feel you must have this residual authority, or I hope it really means that it was a drafting slip and that you really didn't intend to go as far as the Act says. You are going to go or

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that you could go. I choose to believe the latter, Mr. Chairman, because I think that the relationship between the City of Winnipeg and the Province of Manitoba has not been that bad. We have had our disagreements, obviously, as any two governments will. You have disagreements from time to time with Ottawa, I understand. I think that you don't really have to go that far, and I think on basic principles of good, municipal government, you shouldn't go that far.

I recognize the fact that constitutionally, legally, you have the power to do it. The city of course, as we heard from Mrs. Queen-Hughes and the long lecture that she gave us — very interesting — we are creatures of the Provincial Government. But I don't think that you have to do that. I think we are mature enough as a city government to handle matters which you delegate to us, and I think that is a very devastating proposal, frankly, Mr. Chairman, and I would hope that when you come to consider amendments that you will consider that and that you will set it aside.

If I may for a minute, Mr. Chairman, turn to the proposal with respect to finances which substitutes the Minister for the Municipal Board. I would like to say that contrary to the official position of Council, I agree entirely with it. The reason that I agree with it is not particularly because I have great confidence in the Minister of Finance, although I like to think he is a good friend of mine, but I feel that a Minister of Finance, no matter who he is, whether he is Mr. Miller or Mr. X or Mr. Y, is more easily got at, is more easily identified as a public and elected official, and is more easily dealt with than is the Municipal Board.

Now the Municipal Board is an appointed board, Mr. Chairman, as you are aware. The whole concept of appointed boards doing government work is contrary to my way of thinking. I feel that the political group should take responsibility for their policies, and so I feel that if the Minister of Finance feels that the City of Winnipeg has been unwise in its presentation of budget or has done something in the financial area that is detrimental to the total interest of the province, then he should accept the responsibility and make the decision, and no government should hide behind the Municipal Board or any other board, for that matter. So, Mr. Chairman, I welcome the change, contrary to the majority view of Council. I welcome the change and I would prefer, frankly, to deal with Mr. Miller than I would to deal with the Municipal Board.

**MR. J. FRANK JOHNSTON:** What about Mr. Doern?

**MR. NORRIE:** Mr. Doern is not Minister of Finance.

Now, Mr. Chairman, let me also say that there are certain amendments with respect to the Office of the Mayor, and having regard to all of the problems that relate I hesitate even to mention this, but want to try to deal with this section on the basis of a system, rather than on the basis of incumbents either mayors or councillors.

May I just say that I think that the mayor, under the present City of Winnipeg Act, has all the powers that he needs or that she or it needs to be a strong and responsible mayor. I think that the strength of the mayor is really a function of the kind of programs that he offers and it isn't a function of how he gets elected, or it isn't a function of what statutory authority basically he has, or the number of committees he has access to. There could be a situation where the mayor could sit on every committee that Council established and yet he could be the weakest mayor that the City of Winnipeg every produced.

I think, Mr. Chairman, that the suggestion that there be the possibility of an individual standing for both Council and for the office of mayor at the same time can only strengthen the office of the mayor and make it more responsible. Mr. Chairman, I think that if that happened, we would probably find for the first time that there would be a mayoralty election on the issues. I think that what this city has lacked for a long time is an election on the issues.

Again, Mr. Chairman, I want to stay away from personalities. I'm talking about a system and this is not simply for this election but it's for the next one, and the next one, and the next one. Whatever incumbent is there, he would face the same system. I first read this suggestion, Mr. Chairman, I must say, in a publication called "The New Democrat", and it was an article by one of our councillors Councillor Corrin. My first reaction was that's not a very hot idea because it's fraught with all sorts of problems. But when I re-examined it and I opened my mind, it seemed to me that there was a lot of merit in it because it's not unusual for a leader of a political party to come from his caucus. It's not unusual for the Premier or the Prime Minister to represent a local constituency and I assume that they both do both jobs very well. It's not unusual for a Minister — a Cabinet Minister — to carry two portfolios. So it isn't a question of too much work or not being able to do it. Again, it depends on the individual. And if there is a feeling, Mr. Chairman, that it's not a good thing for the mayor also to be a councillor and have to participate in local community committee meetings and so on . . . Although personally I think that that would keep a mayor back in the grass roots and he'd find out what was really going on in a community. If you feel that that isn't a good idea, there could be a system developed and you could provide for it, whereby if a person who ran as councillor and as mayor was elected to both positions, that the runner-up for his council seat could take that seat and he would vacate that and assume the office of mayor. There are a number of things that could happen.

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But I suggest to you that the concept is sound not just for this election but as a procedure, as a system of government. And so I think that that ought to be left in the amendments.

There is one problem, Mr. Chairman, and that relates to the mayor's relationship to Council. That is, any mayor's relationship to Council. As you know, at the present time the mayor is Chairman of both the Executive Policy Committee and he is also Chairman of the Council. Now the problem arises that really when councillors attempt to get information from the Executive Policy Committee at the time of its report to Council, there is nobody really responsible. There is nobody there to answer the questions because the obvious person to respond to questions is the Chairman of the Committee. And we do this in other committee areas. The Chairman of each of the Standing Committees present their reports and they are open to questions and inquiries from the floor. This doesn't happen with respect to the Executive Committee. Some people say it's because their report doesn't contain anything worth questioning but that's not always the case. It is sometimes the case.

I think that if you were to consider the possibility of making the mayor the Chairman of the Executive Committee, which of course is opposite to what you're proposing, then I would think that you should say that the mayor would not be the Chairman of Council because he would then be in a position to chair the Executive Committee, to be responsible as its spokesman, and to answer to Council for its decisions and recommendations. And that would mean, of course, that you would have to then, in the legislation, provide for someone to chair Council. I don't want to call him a speaker because that isn't the function perhaps. But in that role principally, so the mayor would then be free as an active member, as the Premier is, as the Prime Minister is an active member of the legislature to present legislation and to be responsible for his committee's report.

This is where I think we have lacked in Council. We have certainly been criticized and for good reasons from councillors for not supplying the necessary information in the Executive Committee reports.

With respect, Mr. Chairman, to the Community Committees, I don't really propose to spend very much time with respect to that because you have heard good representation from various councillors and you have heard representation from resident advisers. As I said earlier, I believe every area should operate differently and, to a large degree, it has operated differently. Some areas have been criticized because they have not operated as others have and the judgment has been made that because they don't operate the same, the other operates better. I think it just operates differently. It doesn't operate better or worse; it operates differently.

I must say that my own experience has been that the Community Committee work has been, for me, the most frustrating. It's the meeting that I least like to attend. And the reason for that is that in my particular area, we are a Community Committee which was in a sense artificially created. The West Kildonan Community Committee, or the St. James Community Committee, or the St. Vital Community Committee had a geographical and had a former political base. Fort Rouge was carved, in a sense, out of the old City of Winnipeg and people had different relationships. And it's been a matter of attempting to bring people together in the Fort Rouge area, which has not been easy. There are many diverse interests in the area. That's not my frustration. My frustration is this: that the Community Committee has nothing basically to do, with the exception of zoning matters.

Now, many of the suburban Community Committees have perhaps exercised a lot more authority than we have and it's because . . . For instance, in St. James, their Works and Operations district, its boundaries have been *pro terminus* with the Community Committee boundaries and so they have been in a position where they have really, to a large degree, carried on as they had in the past, as the old municipal council. And I give them full marks for that. It's been, for many of them, a very satisfying experience. For me, it has been the opposite kind of experience. It's been a very frustrating experience.

So I think that as you hear the different presentations that are being made to you, you have to realize that we are largely a product of our environment, as I said, and I think that you need to give some weight to those differences.

Mr. Chairman, I have wrestled in my mind, as I'm sure many of you have, with the problems that have been created — and if you haven't been aware of them, you have read about them — where there is this inner city, outer city, conflict, if you will. Maybe that's too strong a word, but certainly it's a feeling that the inner city, outer city, interests are not common; that they have diverse interests and that the voting power lies in one group and so therefore the inner city does not really get treated well.

I'm not sure, Mr. Chairman, how we can really correct this unless we move, perhaps, to break down the inner city, outer city, arrangement. And I say this with some trepidation because I really cherish for the suburban groups, and I envy them in many ways, the identity and the local feeling that they have. They really do in West Kildonan and St. Vital, and so on. They really do, I think, have a community feeling. You don't get that so much in the neighbourhoods in the inner city simply because that really hasn't been our orientation. It seems to me that what we might do is we might try somehow to relate those inner city areas to the suburban areas. I think metro, really, had the problem partly resolved because the metro wards, as you may remember, were pie-shaped and they ran from

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the interior of the city through to the suburbs. And so a councillor who sat on metro didn't represent either the inner city or the suburbs; he represented a little bit of both. And I think that makes him a better councillor because he has to be aware of problems of two areas and he can't hide behind the fact that he's representing either an inner or an outer city area. And I think also it would tend to bring the two groups together. I say that recognizing that that may perhaps be at the jeopardy of the suburban areas and I don't want, really, to do anything to dissipate that because that is something that they are very conscious of, very proud of, and it works well.

Mr. Chairman, may I just, in conclusion, say that I think that the whole question of resident advisory groups is something that I don't really want to speak very much about because the hour is late and you have been very patient, and you have heard a lot about it. But may I just say that in my view you cannot legislate citizen participation. You can make provision for it in the legislation. But I think that people relate to issues. I think that they respond to issues and if there are issues in our community, people come out. If there are matters that they want to discuss, they are there. But I don't really think you can ask the average citizen. . . . And there are many exceptions to this and you have heard many of the dedicated people that are exceptions to this who have come before you. But you can't expect the average citizen to attend Community Committee meetings where the regular and routine business of the community is being processed. I don't think that's to say that that particular citizen who doesn't come to that kind of community meeting is any less interested in his community than the citizen that comes out on the issues. He's less persistent. He is less prepared to give up his time. On the surface he might seem to be less involved but I don't think he is. And I give full marks, Mr. Chairman, to the resident advisory groups that exist and work hard and those who attend the meetings. But there are many, many citizens who don't attend and I think we ought not to discount them because we see them only once or twice a year when the issues are there. I am convinced that people will come out when there are important issues that affect them and it's very difficult to tie them into a system which is on a regular basis. But the people who do wish to do that should be given every encouragement. And we try to do that. But I don't think that we should be too concerned about the fact that advisory groups and community clinics operate differently in different areas.

Mr. Chairman, I thank you for your patience. I am amazed at your stamina and if there are any questions, I would be prepared to answer them.

**MR. CHAIRMAN:** Thank you, Councillor Norrie. I have three members of the Committee wish to ask questions. Mr. Cherniack.

**MR. CHERNIACK:** Thank you, Mr. Chairman. I want to assure Councillor Norrie that not only are we accustomed to listening but I, for one, appreciate the candor in which you have given us your opinion. I want to take advantage of your presence to ask some questions to develop some of the points you were making.

Firstly, and quickly, Section 654 which deals with the exemptions by the Lieutenant-Governor-in-Council. Reading it, I see that it's as broad as you described it to be. Now can we come to an agreement — I mean you and I — on a reduction in the scope but still a recognition that the province is attempting to regain the power that it had, and which all other provinces have and all other municipalities, of carrying out its own programs without having to comply with the city's zoning by-laws.

**MR. NORRIE:** Well, if I may respond through you, Mr. Chairman, to Mr. Cherniack's question, I would hope that the position of the city might be recognized that no change would be necessary in that procedure. And I say this for this reason. Under the City of Winnipeg Act, the city is charged with the planning for the City of Winnipeg. And I think that if you feel that that is a good power to give to the city then you ought to give it and you ought not to restrict it. Now, if you feel that somehow you must maintain some exemption for Crown agencies and so on, although I don't agree with that I can understand the rationale for it, I would hope that there might. . . . And you have made a provision for a second meeting, or a meeting to review zoning matters, 654(4), that that's probably as far as you could go. . . . In other words, there is a provision for a re-hearing, and so on. But the criticism that any government who operates under that section will always receive is that presumably the person who is appointed to report to the Minister is appointed by the Minister, or appointed by the government, and presumably would, at least in some degree, be sympathetic to the point of view that the government of the day had.

So it would be my view, Mr. Chairman, we should stick with what really was your very courageous act when the first City of Winnipeg Act was introduced, and make the Provincial Government subject to the zoning regulations of the City.

**MR. CHERNIACK:** Mr. Norrie, I suppose you know or you realize that my courageous act floundered and that when we did bring this in and establish this it was unique in Canada.

**MR. NORRIE:** I do.

**MR. CHERNIACK:** And the fact that the government now feels that it cannot continue on that is an indication that it is not prepared so to do. So I now accept the fact that you believe it ought not to be changed, but if it were changed it should be restricted in scope and breadth and also you speak of the

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earing. Would you not say that the mere fact that it's a public hearing is much more important than who makes the recommendation to the Minister?

**MR. NORRIE:** Not really, no.

**MR. CHERNIACK:** No. You think that the public would not be that much interested in what is brought before the hearing, what is developed . . .

**MR. NORRIE:** Oh, I think the public would be, Mr. Chairman, but you can draw an analogy between a concept which I happen to feel very strongly about and support, which many of the city officials don't, and that is the inquiry under the Expropriation Act. That is a public hearing. It's subject to all the representations that can be made. But the realism of the fact is that those who appoint the Quill Officer, those who appoint the Chairman of the hearing have the upper hand in a sense. They

**MR. CHERNIACK:** You do realize — pardon the interruption — your analogy, that hearing has no judicial power whatsoever.

**MR. NORRIE:** Oh, I appreciate that, and many times it's a facade that we go through. We've already decided. When I say we, government collectively, have already decided what we're going to do. And that's why I object. I think that we should never waive the provisions of the Inquiry.

**MR. CHERNIACK:** But you do endorse the review of the borrowing decision by the Minister.

**MR. NORRIE:** Only as it's set in place of the Municipal Board. You see I make the choice between the Municipal Board and the Minister.

**MR. CHERNIACK:** Oh, I see, so that given those two choices, you opted for the Minister.

**MR. NORRIE:** Yes, may I just say this, Mr. Chairman, through you to Mr. Cherniack. I think the dilemma that you face in terms of having an overriding authority with respect to planning is really the tension that you find between input of the local community and what might be the policy of a government agency. Because basically, the decisions of Council at the community committee level, at the environmental committee level and at council itself, with respect to zoning matters reflect the position taken by the people at the hearings. We talk about MHRC which is the obvious example. If you get a proposal for MHRC or from a private developer to put something in place in a local community and the local community says, rightly or wrongly, "We don't think that is the proper development for our community. We don't want that to happen." Whether it's a highrise, or townhouses, or high cost housing or low cost housing, whatever it may be, generally speaking Council would go along with that.

Now what I see happening here or the possibility happening here is that if a government, the government of the day felt that their agency's policy was so important that it had to take precedence over the feeling of the Council which would normally reflect the feeling of the local community, then really you are in a sense saying the local input doesn't count. I know you don't feel that way because the whole concept of community committees, the whole concept of the single member wards and so on is directed to getting the feeling of the local community. So I think you're on the horns of a dilemma.

**MR. CHERNIACK:** Mr. Norrie, are you not on the horns of a dilemma by saying you want an 18 person council, you want to remove parochialism by having voting on a larger area and even at large where apparently you want to remove that pressure put on by the local community, and yet you seem to say that you recognize it. Is that not a problem that you have or a contradiction?

**MR. NORRIE:** No, it's a problem that I have in my own mind.

**MR. CHERNIACK:** I mean that.

**MR. NORRIE:** Sure, because I think what you have to weigh is you have to weigh the validity of the arguments at the local level as opposed to the broader general interest and it may be in the broad general interests of the city to have a particular development go ahead in an area that doesn't want it.

**MR. CHERNIACK:** All right now I want to get to the next step which is, you spoke of the desirability of having a mayoralty election where the issues become the major part of the election. When you say that then you must recognize that there might be different policies which would create a debate on issues and if that is the case then I have to ask you as the first member of the ICEC that's come here whether there is any effort made, any effort whatsoever, of those who control council to have a policy which is one on which they can run and which they can determine so that there would be an issue as between councillors and — let me finish — the next step would then be my question to you. Was I naive — and I obviously was naive — but why was it that I was wrong in thinking that when there would be an ICEC running and there would be a group that meets in caucus that they would not override the parochial interests of any one small group for any one particular location of zoning problems, say in order to do what is good for the entire city.

**MR. NORRIE:** You never sat in the ICEC caucus then.

**MR. CHERNIACK:** Pardon?

**MR. NORRIE:** I say, you've never sat in the ICEC caucus. . .

**MR. CHERNIACK:** No, I've never wanted to either but if I had a choice I would have chosen another political party, but that's your choice or the people's choice.



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**MR. NORRIE:** I think that the problem that you face there is simply the fact that the caucus, the majority caucus — and let me make that clear, I don't speak for the caucus, I'm here as an individual — the caucus is very sensitive to the requirements of the local area. Council itself is very sensitive to the community committee response or to the ward response, simply because they know that some day they may be in that position and they want the same treatment from the majority in caucus or they want the same treatment from the majority of Council that they're being asked to give on the particular issue. Well, would you not then say that the Taraska Commission was correct in saying that we should attempt to create a form of parliamentary system where parties will be responsible for the management and government of the city and in that way have to do like any provincial government has to do, take the responsibility for the overall thrust of the program.

**MR. NORRIE:** I think they were correct to this degree, Mr. Cherniack — through you Mr. Chairman — that they recognized what was needed and that was in a sense a government and an opposition. But I don't think personally that you can legislate that. I don't think that you can pass an amendment to the Act and create a situation where you will have people running as members of parties. I have always held the view, personally, that I would never run at the municipal level as a member of a political party because I think that the issues at the municipal level are not "political" in that sense. When somebody calls you about a dog problem or a garbage problem or a stop sign problem, it isn't a Liberal or Conservative or NDP problem, it's a municipal council problem. I think that if I was a councillor labelled with a political party label behind me that that would inhibit some of the people to approach me.

**MR. CHERNIACK:** Mr. Chairman, I don't want to take advantage of the Committee — (Interjection) — No the Committee itself.

I wanted one more question, but what Mr. Norrie just said brings me to point out that I never conceived of a need for political parties at municipal level that would be the same as or necessarily relate to political parties on the national or provincial scene. So, therefore, I have to ask, why is it that in this period of time, in municipal affairs we have not had issues and policies developed by groupings — I'd like to call them parties but I don't want to think in terms of our presently known political parties provincially — in groupings or parties who will develop issues which would then be presented to the electorate at election time the way you said you thought would be desirable in the mayoralty. Why the mayoralty, when it seems to me, that the mayor does not by being elected acquire the support or confidence of Council?

Let me add one more. I'm just trying to package the question. Why are you saying the mayor should be the Chairman of the Executive Policy Committee and report for it, when he is foisted on to them but is not necessarily their choice and therefore the man in whom they have confidence to present their . . .

**MR. NORRIE:** Let me go back to the first part of your question first. The reason, Mr. Chairman that I think that the ' mayoralty election can be run on issues and should be run on issues is because it's a city-wide election. You've provided for that in the legislation. Where you have a grouping of councillors who run from individual wards which are really pretty small geographical areas, the issues that those councillors run on are pretty local issues often. As a result of that, a platform or a statement that might appeal across the city, or might appeal to one area of the city, from the same group may not appeal in the other area. So most councillors are loathe to tie in too closely with any broad based group. Now, I'm just stating my own opinion. Other councillors may disagree with me or this but it seems to me that as long as you have the very small basis of electors then you are going to have councillors who will guard their independence very fiercely. I must admit that up to this point I've been in that class.

I've forgotten the last part of your question, Mr. Cherniack.

**MR. CHERNIACK:** Related to your proposal that the Mayor should be the spokesman for the Executive Policy Committee.

**MR. NORRIE:** Yes, well I think that you can be . . .

**MR. CHERNIACK:** Well chairman. You said chairman.

**MR. NORRIE:** Yes, Chairman of the Executive Committee. I think that you can be the spokesman for a committee although you may not agree with everything that your committee has done.

**MR. CHERNIACK:** That's not what happened on Saturday.

**MR. NORRIE:** There are exceptions to every rule. But it seems to me that I'm not as concerned about the Executive Committee nor about the Chairman of it, but what I'm concerned about really is that the Councillors at a Council Meeting get information or get answers. I have seen time and time again where councillors who are not on the Executive Committee will rise and direct a question arising out of an Executive Committee report, not getting an answer.

**MR. CHERNIACK:** Well, this bill does it not take care of that?

**MR. NORRIE:** Yes, yes it does because it provides a Chairman who would then be not the Chairman of Council. And to that extent I agree with it and I think it's an improvement. All that I'm

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saying is that perhaps the person who should be making those statements or who should take the responsibility should be the chief elected person.

**MR. CHERNIACK:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Mr. Doern.

**MR. DOERN:** Mr. Chairman, following up on one of the points that Mr. Cherniack was discussing, I don't know if Mr. Norrie has read the Rea Report, which was written by Professor Rea. It was an analysis of Winnipeg City Council.

**MR. NORRIE:** I know the report but I haven't read it, Mr. Chairman.

**MR. DOERN:** I just want to read you a sentence or two and ask you to comment on it. He argued that no credit whatsoever should be given to the Citizens denial, that is with a capital C, the Citizens Party's. No credit should be given to their denial that they are a political party. In fact a disciplined party situation has existed and functioned in Winnipeg since 1919. Do you dispute that fact?

**MR. NORRIE:** Yes, I would say that a political system, or political grouping, political party system, certainly has been in effect with one exception of the factor of discipline. There is not the kind of discipline that parties at the provincial level or the federal level have at the municipal level. First of all the mayor or the leader of the party can't call an election. Secondly, you can't really discipline the member in terms of what he does because the caucus rules are such that he sits in the caucus but he doesn't have to vote the way the caucus does and so there really is not that discipline. I think that's a generally misunderstood fact.

**MR. DOERN:** On Saturday we heard the presentation of the City; a six point presentation by the City Solicitor. You were critical of the fact as were other people that this was not presented here by the Mayor or a designate. If the Mayor was not available who would you say should have been next in line or designated by the Mayor.

**MR. NORRIE:** I think the obvious answer to that is the Deputy Mayor, but that lies in the authority of the Mayor to so designate.

**MR. DOERN:** The six points that were discussed in Council and passed on to us, I'm sure there are various interpretations of their significance, but I myself feel that some of these points are not that critical of the proposed amendments. For example, the City agrees that the Council should be reduced and there's no dispute on that point.

**MR. NORRIE:** Yes, there was no designation, Mr. Doern — through you Mr. Chairman — as to the size. The concurrence was simply a reduction of size of Council.

**MR. DOERN:** Secondly in terms of the Mayor's role, there was no comment on that. There was a discussion in EPC that a motion was defeated saying the Mayor's power was being eroded, but that was defeated and Council itself did not express a view on that matter. So I assume they figured that was okay.

**MR. NORRIE:** Well, if I may just elaborate on that, Mr. Chairman. What in fact transpired was that the Executive Committee set up a meeting and invited all Members of Council to attend that meeting as it does on occasion. There was a general discussion about the proposed amendments and there were a number of discussions about the zoning matter. There were discussions and questions raised about the number of councillors. There were discussions and questions raised with respect to the power and the amendments concerning the Office of Mayor. You're quite correct there was a motion presented to the Executive Committee, which in effect said we don't like the diminution of the powers of the Mayor and the argument that his powers were not being lessened carried and the motion was defeated and it never went to Council and Council itself did not deal with it and nobody on the floor of Council raised it.

**MR. DOERN:** So in terms of the two points, the size of council, the power of the Mayor, that is accepted by City Council in terms of its comments on the amendments. It seems to me that what remains is a debate which I think is a fair debate about certain powers distributed between the Council and the Provincial Government. It's sort of like a miniature BNA Act debate about Sections 91 and 92. I have to make my own assessment as a member of the Legislature and of the Government that the reinstatement of the royal prerogative is something that is common across the country that that is not a serious matter of debate or the question of whether a Municipal Board or a Minister of Finance should regulate or comment on the city's budget. I suppose that was a little stronger though. The city indicated that they wanted complete autonomy in that regard. But I make my own assessment when I study these six points that there was general acceptance of the amendments to the City of Winnipeg Act. Naturally there is some area of dispute and that does not surprise me but that all things being considered there was general acceptance of the province's amendments. Now maybe that's too generous an analysis. Would you like to comment on that?

**MR. NORRIE:** I think in fairness, Mr. Chairman, I should say with respect to the question of the reduction in the size of Council, there was concurrence on the question of reduction but there wasn't a specific figure mentioned. The motion was passed 29 in favour of it and 16 against, so you could perhaps assume that the 16 who were against it, were against it in principle. The 29 who passed it might have favoured 18 or 24 or 36, but it was less than 50. I'm sure that in a general sense there is no

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question that the majority of councillors favour a reduction in the Council. That's what they've said. But as far as a specific number it was never tested out: Twenty-eight is as good as any. There is a rationale for it. And it's certainly much much better than 50.

**MR. CHAIRMAN:** Mr. Minaker.

**MR. MINAKER:** Mr. Chairman, I wonder if I could ask Councillor Norrie for clarification with regard to your first comments or early comments on the number of councillors and the method of representation. Were you suggesting a two-tier system where you indicated, I think, in opening that you favoured three people running at large in each district, which would give you representation of eighteen, and then you mentioned something like 36 councillors. Were you suggesting a two-tier system?

**MR. NORRIE:** Sorry if I confused you on that. I wasn't at the outset suggesting a two-tier system. I was saying that my presentation to the Taraska Commission suggested a City Council of eighteen, three from each district, as you have now reduced the Community Committees to. But I was saying, as an alternative to the 28, which is proposed, and a method of getting sort of the best of both worlds, you might retain the present twelve Community Committee areas and elect at large within those twelve Community Committee areas, for purposes of electoral boundaries, three councillors, and then they would sit as nine, they would sit in the Community Committees that they now represent. It would just be simply a method of election.

With respect to the two-tier system I even hate to introduce that. If I were writing an Act for the City of Winnipeg, I would write a two-tier system. I would write an Act which would provide for local Councils which would be fairly large, as they were, and I would call them Councils and I would give them authority and I would also provide for a central Council, but it would be elected from the local Councils, as Metro was not. So in that sense it would be a two-tier system and it would be very closely patterned after the Toronto system.

I read an article the other day and I couldn't find it to bring it with me, unfortunately, but it was written by someone out of Denver, Colorado, I believe a university political science or urban affairs person, who had done a study of government in Canada — Mr. Axworthy may help me on this if he remembers it. But they had reviewed all of the municipal governments in Canada and their feeling was that for good government and for efficient functioning and for responsiveness, the City of Toronto was, in their judgment, the most effective.

**MR. MINAKER:** Mr. Chairman, through you, Councillor Norrie, do you feel that Councillors, we will say in St. James-Assiniboia, if there were three councillors as suggested, representing possibly 14,000 electors, but possibly representing 25,000 citizens, would they have a greater workload, or do you think they would have the same workload as, say, somebody who represents possibly maybe more electors but less population?

**MR. NORRIE:** I am not sure I follow the question, quite frankly.

**MR. MINAKER:** Well, in other words in St. James-Assiniboia there is quite a large young population under the age of eighteen and when you break it down in terms of electors, it would be three representatives for the area.

**MR. NORRIE:** Under the twenty-eight proposal.

**MR. MINAKER:** Right, yes. I am just wondering how you would feel their workload might compare to an area like yourself, say, where maybe the age group is older and as a result you have maybe less population of citizens as such that the three people might represent, but . . . .

**MR. NORRIE:** I am not sure it would be particularly fair for me to comment on the St. James area. I would guess, however, that where there was a large young population who were not electors, that they would not be as likely to communicate with their Councillor or their MLA as would the older persons who are electors. Now, of course that may vary. I used to find, Mr. Chairman, when I was on the Winnipeg School Board, where we were elected at large from three wards in the city, that different areas of the city had different volumes, if you will, of representations made to their electors, depending on the kind of area it is. There are many areas in the city where people are articulate and knowledgeable and they are able to do things for themselves and they prefer to do it and they maybe do it faster. There are other areas in the city where people rely very heavily on their elected representatives. So I think, again, you have different areas and different needs and different problems. But I think in that situation, to perhaps answer more directly, I don't think it would be a problem.

**MR. CHAIRMAN:** Mr. Axworthy.

**MR. AXWORTHY:** Mr. Chairman, I just have some questions concerning the issue of boundaries that Mr. Norrie raised. I just want to clarify. You talked about a system with maintaining the twelve Community Committees and somehow working it back into six districts. Do you want to go through that exercise again?

**MR. NORRIE:** Well, Mr. Chairman, the suggestion, and this is not an original suggestion of mine, it comes out of discussions that have been held with other people, including Councillor Kaufman, the suggestion is simply this: that you might retain the present twelve Community Committee

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boundaries for purposes of election only, and from those twelve Community Committees you would elect three councillors at large. That would give you 36 councillors. Then, if you, as the proposal says, reduce the number of Community Committees for administrative purposes to six, you would then have six councillors in each Community Committee, and this is, you know, assuming that there is a relative equality of people there.

The other advantage that that proposal might have would be that you could then perhaps, and this hasn't been thought through, but it is an interesting concept, I think, that you perhaps might then have zoning hearings related to the areas in which the zoning matters are of importance. In other words in our area, if you had a Fort Garry zoning matter, you might have the three councillors from Fort Garry sit on that. If you had a Fort Rouge, three councillors on that. If you had Tuxedo, Assiniboia, you would have the councillors from that area.

So it lends itself to some adjustment, but the basic concept is that you would retain the present Community Committee boundaries as the electoral unit and elect the councillors at large from that unit. In other words you would make a larger ward and have three councillors elected, or whatever number, from that larger area.

**MR. AXWORTHY:** The question I would have would be: Would this or could this not result in having certain parts of the city be in a perpetual minority within those large districts, so that in a case where, you know, using the example that we both know best, and that's the south corner of the city, the Fort Rouge area, which is much closer to the inner city core and has strong concerns about transportation routes going through it and the very obvious contradiction is that the people in the suburbs want them to go through so that they can get home faster, and yet the people in Fort Rouge would be in a perpetual minority in that kind of district, almost continually outvoted on the basis of six to three, presuming that there was a uniformity in interest in that.

Going back to the fact that the original white paper on Unicity indicated that one of the problems under Metro was a lack of representation of the minority interests in the city, would we not be returning back to that?

**MR. NORRIE:** You're really, Mr Chairman, through you, making an argument, Mr. Axworthy, for the ward system and for the feature of the ward system which does clearly provide for a small geographical area to be represented. Now I think you have to make a choice. The arguments for that are perfectly logical and they can be rationalized and sustained. I think you have to balance them, and I think that you would get better government overall if you had the election at large, because from the point of view of the Councillor . . . .

**MR. AXWORTHY:** No, I am not arguing the election-at-large issue versus the ward. I am arguing, though, that of the six-district system as being the basis for making decisions on these matters . . . .

**MR. NORRIE:** Oh, oh, I see. Oh, am sorry, I misunderstood you.

**MR. AXWORTHY:** So those three from the Fort Rouge area would always be in the minority.

**MR. NORRIE:** You are feeling, then, that the twelve Community Committees should be retained.

**MR. AXWORTHY:** Well, I am just trying to get it from your experience because you have been involved in those kinds of disputes and know what the problems are in relation to those very critical ones on questions of planning transportation and so forth, and that if you go back to the original concept of Unicity, where there was a concern that under the old Metro arrangement, there tended to be, on the Metro Council at least, more of a bias toward outer city interests because of the nature of the electoral system.

**MR. NORRIE:** Well, the area, Mr. Chairman, that Mr. Axworthy and I both know best, the Fort Rouge Community Committee area, is a strange animal in many ways. It is neither suburban, nor is it inner city, although it is classed under the Act as an inner city Community Committee. And I don't know. When you look at the interests of certain parts of the district, particularly the area that I represent, on the southwest end, in some respects its interests are more with the suburban areas. If you look at the area on the east end or toward downtown, its interests are more toward the downtown, and so I think you are going to have that happen in any event. The only way that you really can overcome that is to perhaps retain the twelve Community Committees as they presently stand, but I say to you quite honestly that there is not much point in maintaining the Community Committees as they presently stand if they don't have any authority, and I don't think that they have authority to justify their existence.

**MR. AXWORTHY:** That was another question I wanted to come to. You indicated that Community Committees are basically ciphers in a sense, they don't really have much power other than to hold their zoning hearings, and then concluded by saying if you had your choice you would go for more of a two-tier system. Could you draw the conclusion from that that whatever the particular boundaries are, that the Community Committees should be given powers to have more local autonomy in making decisions?

**MR. NORRIE:** Yes, and I have a bit of a problem in a sense with this, Mr. Chairman. I would think that the Community Committees should be given some final authority with respect to certain zoning matters. I would say that zoning matters which fell specifically within their own boundaries and

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which were clearly of a local nature should be final in the Community Committee. Now somebody immediately is going to ask me to define what is a local issue, and I can't, and it is often a subjective question. Some people will say, "Well, this affects the total city," and others will say, "No, it's a For Rouge or West Kildonan or St. Vital issue." So I don't really have an answer to that, except in a broad and general way to say that I think that the Community Committee should have that kind of autonomy which a local Council would have, subject to the right of appeal if it was a matter that was a broad municipal or city-wide problem.

**MR. AXWORTHY:** Yes. Just one further question. I want to draw from your remarks. Were you suggesting that in effect the Mayor should be the chairman of Executive Policy Committee?

**MR. NORRIE:** I would say this, Mr. Chairman, that the Mayor should be the chairman of the Executive Policy Committee if he is not going to be the chairman of Council, simply because I think that he should be in a position to give the position of the Executive Committee. Now there is provision in the amendments of course that there be a separate and distinct chairman of the Executive Policy Committee, and some have taken the view that this is going to restrict and diminish the powers of the Mayor. I don't agree with that argument, and I think that if that arrangement is carried through, there isn't really any need, necessarily, for the Mayor to be the chairman of the Executive Committee. . . As long as there is a person who is not the chairman of Council, who, at Council meetings is in a position to answer for and speak on behalf of the Executive Committee, whether it's a mayor or whether it's a chairman, I don't really think is material, but as long as there is a designated person who can speak for the Executive Committee, then I think that would satisfy me and a lot of councillors.

**MR. AXWORTHY:** Would that, though, Mr. Norrie, be creating the position of chairman of the Executive Policy Committee as a very powerful position in its own right, considering that EPC would be the chief executive body of Council, would be controlling agendas and where the things are coordinated, managed and initiated. Would that not be creating a very powerful figure in its own right in Council?

**MR. NORRIE:** Mr. Chairman, with respect, I think there is a myth which is rampant, both at City Hall and perhaps in the community, concerning the power of the Executive Committee. Mr. Minaker knows, having sat on the Executive Committee, that in many many ways, and this has been another of my personal frustrations, in many many ways the Executive Committee is the least effective committee of the Council, certainly under the present system I would say it has been. The policy is initiated basically in the standing committees, and many of us have said from time to time it is the standing committees — in the standing committees, that's where the action is. What Executive Policy gets on those matters are the reports from the standing committees, and they pass them along as a conduit to Council.

Now, theoretically the Executive Committee has a good deal of inherent authority in terms of establishing overall policy, but that has never, in my judgment, been effectively utilized. So I don't think, Mr. Axworthy, to answer specifically your question, I don't think it would be a detriment; in fact it might be an asset to have a chairman of the committee who was not otherwise occupied.

**MR. AXWORTHY:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Thank you, Mr. Norrie.

**MR. NORRIE:** Thank you, Mr. Chairman, for your time and your forbearance.

**MR. CHAIRMAN:** Councillor Jim Ernst.

**MR. JIM ERNST:** Thank you, Mr. Chairman and members of the Committee. I would first like to compliment you on your durability, if nothing else; and secondly to thank you for holding over the hearings so that I might appear tonight.

May I preface my remarks by saying that I have been a member of the Committee on Environment for the past four years, and have at least had an exposure to the planning problems from a practical point of view that have been experienced at the political level.

Firstly I would like to say that I would oppose the proposal for a second public hearing at the City Council level with respect to subdivisions and rezonings. From practical experience in matters of variance hearings that we are subjected to now, it very often happens that the people in the community area, when they go to a Community Committee meeting, express their opinion, and if their Community Committee agrees with that opinion, go away with the thought that they have won the battle, that it is a formality now to go on to the rest of the procedures, perhaps from a lack of knowledge, but certainly they feel they have won in their community, and when they go to the Committee on Environment or the designated committee as indicated in the proposed changes, they find that you have people there, sitting there, voting on their particular local problem who have no knowledge or little knowledge of that local problem, and who can't have the same grasp as the local Councillor. In addition to that, it is very often held during the daytime when many of these people can't come to a second public hearing. Because of the great volume of these things that go on in the city of course, it is practically impossible to sit and hear . . . . For instance today the Committee on Environment sat from 12 o'clock until a quarter to 7 at night, until 5 o'clock dealing with public

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hearings, appeals on variances and so on. So there is a concern there that the second public hearing could create phenomenal problems from a practical point of view as far as the city is concerned.

We also oppose the sole power of the Minister of Urban Affairs over the Greater Winnipeg Development Plan and community plans and over the city resources to implement those plans. Much if this, Mr. Chairman, will be repetitious I'm sure, I'll try to contain it as much as possible. I think the statement is pretty obvious that if the city is going to be involved in the planning of the city that creation of community plans, for instance, where they are in effect now by virtue of the zoning by-laws that govern them in the most part, except for the undeveloped areas or those few areas which are zoned for redevelopment; to create plans of those natures would be a phenomenal job requiring abundant staff and a multitude of hearings, from which no-one would be really satisfied. Any zoning change now in an area generally results in the citizens of the area requiring the *status quo* and don't require additional public hearings, or additional changes of plans to govern their area.

We also oppose, as many others have, the exemption of the Provincial Government, or its agencies, from the City of Winnipeg plans or zoning by-laws. The matter, I think, is reasonably obvious as well, that if the city is to continue on in the planning of its city it must have some reasonable authority over what kinds of uses go on in the various areas.

It has been mentioned on many occasions that I have sat in this Chamber, Mr. Chairman, that the Provincial Government gave away this power in 1972, I believe it was, and now we should take it back because everybody else in Canada has it. Just because everyone else in Canada has it, Mr. Chairman, submit is not necessarily good, not necessarily correct, and I should compliment the government or putting it in the City of Winnipeg Act in the first place.

With respect to the power of the Minister of Finance over the city's borrowing by-laws, I would suggest that the City deserves a measure of autonomy in the spending of its money. The councillors of the City of Winnipeg, the Council, are responsible to the taxpayer for the expenditure of funds and should answer totally for that expenditure.

With respect to these particular matters, I would suggest that certain transportation projects that were advanced in early 1972, 1973, if they had been undertaken solely by the City of Winnipeg at that time, if they had had autonomous power, could have been done at a cost, Mr. Chairman, I submit of somewhat less than the 50 percent that we will be required to pay now had we had the power to do so back in 1972. It would be less than half of our share.

With respect to the size of Council, I would concur that a reduction is necessary. The only real benefactors of a reduction in size of Council are going to be me and my fellow colleagues because we are going to have, hopefully, shorter Council meetings, and so on. I don't think that a *carte blanche* reduction in Council is going to solve all of the problems of the City of Winnipeg. It certainly isn't but it is going to, perhaps, speed-up the process somewhat.

With respect to that reduction, Mr. Chairman, I concur with the six district concept, as outlined. I would point out that the Community Committee system as it's presently set up does not relate equally across the city. For instance, you would have the Community Committee of St. James-Assiniboia and the Community Committee of East Kildonan with roughly 80,000 people in their community attempting to relate on an equal basis with the Community Committee of Transcona with 25,000 people, the Community Committee of Fort Garry with approximately 40,000 people. The practical point of view is that they aren't equal, yet the practical problem that we experience as councillors is that they tend to be identified as equal.

So I think that while the six district concept not necessarily does away with all inequalities, it certainly goes a long way toward evening out the distribution across the city.

One final comment with respect to that matter, Mr. Chairman, and that's with respect to the representation proposed for the community that I represent, St. James-Assiniboia. On last Wednesday evening the Member from Sturgeon Creek indicated certain population statistics relating to representation by population. I'll just briefly review those if I may. In District One, there are proposed six representatives for 122,000 population or one per 20,000 people. In District Three, which is the north end and West Kildonan there are proposed five representatives of 97,000 people or one for 19,000. In District Four, which is East Kildonan and Transcona, five out of 107,000 or one for 21,000 people. District Six, which is Fort Rouge, Fort Garry and Charleswood, five out of 101,000 people or one for 20,000 people. District Two, the area that I represent, proposed three representatives for a population of 77,000 or one for 26,000 people. There appears to be in the other districts a grouping between 20; well one 19, two 21s and two 20s, whereas in the community which I represent there is one for 26,000 people.

If four representatives were to be included, Mr. Chairman, in our community, it would reduce it to one per 19,000 people. Now the argument, of course, can be advanced that some of the others are growth areas that will be experiencing additional development, and so on, whereas the boundaries governed by the Greater Winnipeg Development Plan and Council policy statement on areas of no urban expansion have effectively concluded development expansion in St. James-Assiniboia. That

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may be true with respect to new single-family subdivisions but we are experiencing a very rapid growth in multiple-family development, not only on existing zoned land but on proposals for redevelopment in certain areas of our community that have reached a venerable age and have now reached a point where they should be changed into new and more modern accommodation for people.

So I would suggest, Mr. Chairman, that with respect to our community that we will be misrepresented under this particular proposal and that we ought to be considering four representatives for our community.

If you have any questions, I would be pleased to answer them.

**MR. CHAIRMAN:** Mr. Cherniack. Thank you, Councillor Ernst.

**MR. CHERNIACK:** Councillor Ernst, I want to get clarification. Did I understand, when you were talking about borrowing powers, did you say that in connection with transportation that you had been held back from carrying out transportation programs? I wasn't clear just what you said about that.

**MR. ERNST:** Yes, that is correct.

**MR. CHERNIACK:** What did you mean by that?

**MR. ERNST:** What I meant was that the Municipal Board was wont to approve our capital borrowing for certain transportation projects.

**MR. CHERNIACK:** Has the Municipal Board ever refused to approve a program by you for transportation?

**MR. ERNST:** By me, personally?

**MR. CHERNIACK:** No, no. By the City of Winnipeg.

**MR. ERNST:** Yes.

**MR. CHERNIACK:** With its own funds.

**MR. ERNST:** With respect to those particular projects, they said regional street systems and major transportation arteries are historically shared 50-50 between the Provincial Government and the City of Winnipeg. They are suggesting that if you are putting 50 percent of it in, where are you going to get the balance? We're not going to approve it until you tell us where you are going to get the balance of the money and, of course, the rest is history.

**MR. CHERNIACK:** But has the City of Winnipeg ever said we will raise the 100 percent from our taxpayers and been denied that opportunity?

**MR. ERNST:** No but I'm taking advantage of hindsight, Mr. Chairman, and suggesting that at this junction in time, because of what has happened with the economy, with inflation, etc., had we gone ahead at that time — and I'm not sure whether the Municipal Board would have said yes or no — or our own, we could have completed the projects at probably less cost than our half would be at this time.

**MR. CHERNIACK:** But the fact is that tomorrow you could go to the Municipal Board with the proposal to do whatever you wish to do . . .

**MR. ERNST:** That's correct.

**MR. CHERNIACK:** . . . in the transportation program of the City and say, "We will raise the full amount out of our taxpayers," and you don't know that they would reject you because you never tried it.

**MR. ERNST:** No, that's correct.

**MR. CHERNIACK:** As a matter of fact, you wouldn't have to go to the Municipal Board at all for any program where you are prepared to pay for it out of current revenue. There's no restraint on that, is there?

**MR. ERNST:** No, that is correct.

**MR. CHERNIACK:** No.

**MR. ERNST:** But I hardly think that . . .

**MR. CHERNIACK:** Now, you did say that the City would be able to be responsible for its own decisions if it were free to carry them out, right?

**MR. ERNST:** Yes.

**MR. CHERNIACK:** Well, one of the problems I have — and I'll open up my heart to you and say that I was once a proponent of free rule for the City — one of my problems was that in the concept of a provincial structure, if the province agrees to go ahead and develop — oh, build the Woodsworth Building, or build Hydro — and if it is considered that it should not so have done, then the government of the day is responsible for the decision. The Opposition is not responsible for the decision. How would that apply in the City of Winnipeg if the City of Winnipeg decided to carry out a project? Where would responsibility lie when you have what I believe is a pretty amorphous group of councillors in that it is difficult to distinguish who they are, at any one time, on whom you could rest responsibility? Follow me?

**MR. ERNST:** Yes, I understand.

**MR. CHERNIACK:** For example, I'll just go one step further. I think the Trizec deal was a bad deal

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because I don't know how it developed or who was responsible for Trizec. I don't know who to blame, and when I come to vote or support candidates for Council I'm not sure that I can pinpoint just who is responsible for that program, and others that I may not agree with. That's my problem. Can you help me?

**MR. ERNST:** Well, I understand your problem. And certainly those who are in favour and those who are opposed to individual specific major projects, and I would suggest that there would not be any in number over any given Council term, those names are available at the Clerk of the City of Winnipeg.

**MR. CHERNIACK:** But it's not a group that is recognizable as being the ones who promoted something, the way you have it in the provincial and the federal fields.

**MR. ERNST:** With all due respect, Mr. Chairman, it is my personal opinion that the majority of the citizens of this province, this city, this country, look at "government" as government and they may wish on occasion to identify with certain particular things that create problems for themselves. But on the whole, and large, they look at government as government and don't necessarily identify with one political group, with one particular government or another.

**MR. CHERNIACK:** Right. Well we all know who is the government of Manitoba today. Who is the government of Winnipeg today?

**MR. ERNST:** The 50 members of Council.

**MR. CHERNIACK:** All of them?

**MR. ERNST:** Yes.

**MR. CHERNIACK:** So that where we have an opposition here in the Legislature consisting of a number of fine gentlemen who are in the minority, they are not really part of government. I mean, they don't consider themselves part, and the populace of Manitoba does not consider them as part of government. They are part of the Legislature but not of government.

**MR. ERNST:** Yes, but they may wish to support, Mr. Chairman, that legislation proposed by the ruling party.

**MR. CHERNIACK:** All right, so we come to the Trizec deal, and if you say government is 50 members then do I have to go out and campaign against all 50 members, on the assumption that all of them share responsibility for that decision?

**MR. ERNST:** Well, I would . . . —(Interjection)—

**MR. CHERNIACK:** Oh yes, Mr. Miller says I can find out who voted on Trizec, but I don't know who voted on some other proposal. He says, "Find out". And then I discover that a person may have voted on various things for and against and I can no longer find out who actually operates or runs the city in majority way. It's still an amorphous group. Am I wrong about that?

**MR. ERNST:** Well, no, you're not wrong. But by the same token, there is good and bad legislation introduced by every government.

**MR. CHERNIACK:** Fine. Then how do I discover who is accountable and has the responsibility of making those decisions of a nature which will mortgage future taxpayers? That's really what we're talking about, borrowing power.

**MR. ERNST:** Yes.

**MR. CHERNIACK:** So that the decision would be that the Council of today, which has every right to tax its taxpayers of the day, also have the right to enter into a program which will tax taxpayers for the next 20 years. Whom would I look to for responsibility for that decision if I don't know that there is a Municipal Board, or a Minister, or somebody else outside of that amorphous group of 50 that I can at least point a finger at and say, "You did something. You had a say in it."

**MR. ERNST:** I would suggest, Mr. Chairman, that notwithstanding the comments made by Mr. Cherniack, Council will be to blame. Period.

**MR. CHERNIACK:** Pardon?

**MR. ERNST:** Council will be to blame, period.

**MR. CHERNIACK:** Thank you.

**MR. ERNST:** Regardless of a Municipal Board or not.

**MR. CHAIRMAN:** Are there any further questions? Okay. Mr. Minaker.

**MR. MINAKER:** Mr. Chairman, through you to Councillor Ernst, Councillor Ernst, you indicated in our presentation that four councillors would seem to be more suitable, in your opinion, for St. James-Assiniboia. Can you possibly indicate to me what you feel might happen after sitting for four years on St. James-Assiniboia Community Committee Council? What kind of effects do you think might happen if you only end up with three in our area? What kind of problems do you foresee, or do you see any at all?

**MR. ERNST:** Well, there will be, of course, an increased workload. Our community, St. James-Assiniboia, is one of, generally speaking, younger people, and there are enormous problems associated with recreation, with juvenile matters, police matters, and things of that nature that would require the attention of the individual councillor responding to the citizen who calls and says, "I have



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a problem in my little bailiwick, my two or three houses in the neighbourhood, what can you do about it?"

So I would foresee certainly an increase in the workload in that respect. Of course there are practical problems advanced from any three-member committee. The absence of one member creates a tie very often and a non-decision in many cases. We have experienced that any number of times up to date with existing Community Committees of three people. When Mr. Steen was elected for instance, the Assiniboine Park area was left with two councillors for a period of six months or so. And the number of non-decisions coming from that particular area because there are two councillors with diversion points of view, created a real problem, not only for the people adjudicating their decisions but for the people being represented from that community. They were getting no decision from their community, one way or the other.

**MR. MINAKER:** Thank you very much.

**MR. CHAIRMAN:** Mr. Johnston.

**MR. J.F. JOHNSTON:** Councillor Ernst, it keeps coming up that the City can go to the Municipal Board on large transportation problems on its own if it so desires. Now, in this day and age, the city — Winnipeg and all cities in Canada — with the extensive costs of transportation and all urban problems, the cities definitely need help from senior governments to get them done. And in the City of Winnipeg, because it's over half the population now of the Province of Manitoba and gives many services to all of the province, the senior governments should be participating in these things and, in effect, when they say, "No, we will not participate because of the extensive costs today," it effectively shuts off the city being able to do it. Would you agree to that?

**MR. ERNST:** Yes, I would.

**MR. F. JOHNSTON:** That's really what I wanted to find out. The large projects that the city goes into, which are an extensive cost to all urban areas, do need help from senior governments or they are effectively knocked off.

**MR. ERNST:** That's correct.

**MR. F. JOHNSTON:** Thank you.

**MR. CHAIRMAN:** Thank you, Councillor Ernst. Councillor Morris Kaufman.

**MR. KAUFMAN:** Thank you, Mr. Chairman. I'd like to indicate, firstly, that through the debate here, and the debate over the years in Council since amalgamation, there have been many words used. I make reference to those words and I suppose the words that will be used in my presentation, words such as parochialism reminds me of second year university. In a course on semantics an example was given that if a person 6'1" weighing 130 pounds walks into a room, one person might describe him as skinny whereas his friends may describe him as slim. I find that as the debate rages over parochialism, citizen participation and so on, it sometimes boils down to pejoratives rather than analysis.

I'd also like to indicate, Mr. Chairman, that I propose to make some general comments and I would remind, with respect, that by virtue of their being generalizations there are exceptions. I make this comment as one who entered municipal politics upon this City being amalgamated and therefore not having had the benefit, or the disadvantage, of being involved in former municipal politics. When amalgamation was originally introduced while the suburbs complained, I, as an inner city resident looked forward to more participation by the citizens, because the large former structure was being broken up. As I served time on Council reality intruded and some things became fairly obvious, albeit I acknowledge that they may have become obvious in hindsight.

Number one, amalgamation was too quick and therefore the work of the first Council was basically taken up with administrative amalgamation. Secondly, former suburban councillors, and there were exceptions, but former suburban councillors who were opposed to amalgamation were trying to overdecentralize, if you will, or reverse the amalgamation. Former Winnipeg representative with some former suburban support and in particular metro people — and I refer both to administration and elected representatives — didn't think amalgamation went far enough and accordingly continually tried to overcentralize. These were people, Mr. Chairman, who in private conversations made their views quite known, so it wasn't necessary to infer their positions from their actions.

From Day One, there were people on Council who said that this was a mistake. What should have been done was the suburbs should have been taken over by the Winnipeg Council or there should have been a 12 man council. So when you and your committee, Mr. Chairman, analyse the performance of the structure that the Legislature has created you must take these things into consideration.

The other matter that was obvious was that Metro Winnipeg feuds were still going on, both within the administration and within the political body. I must add that the last minute change, in retrospect of the election of the Mayor at large was a tragic error because it didn't go far enough. It changed the method of election but didn't make the corresponding adjustments in the structure. Therefore what you wound up with, Mr. Chairman, was a structure that was designed for parliament and the change

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effect mixed two systems together.

With all the problems, some avoidable, some not, a game quickly developed, namely called "pass the buck". The game succeeded because it was partially true. The Act was too narrow and cumbersome and restrictive. One of the favourite whipping boys, Mr. Chairman, from almost Day One of the councillors, the development industry and so on, was the size of Council. I have personally always considered it within certain boundaries a trivial issue. By that I mean if you were arguing whether to go with 50 or 38 or 43 or perhaps even 36, you were dealing with relatively a trivial issue. If, of course, you were talking about reducing it to 12 or 15 then you were changing the nature of the structure.

And I'd like to point out, Mr. Chairman, with respect to, say, what the development industry has suggested and some councillors, that it's the size of Council that delays decision-making, particularly in zoning. Because the debate has taken place so long and so vociferously, I think this obvious point has to be made, that if a zoning matter has to pass through a minimum of four votes, that is the Community Committee, Environment, Executive Policy Committee and Council, getting about referrals and so on, it doesn't much matter whether those four votes take place among five people, seven people, nine people or fifty people, except I suppose, as Councillor Ernst said, "The debate may be longer." But essentially you're going through a four vote process with the intervening time, with the requirement for notice, with the scheduling agendas and so on. So tinkering with the numbers of the bodies that take the votes isn't going to make a substantial change to the time that it takes to pass a decision through from initiation to conclusion.

Another part of the "buck-passing" was the posturing of people that they couldn't do anything about a matter either because a committee was too ineffective or other excuses. And in the case of the Mayor, I might add, he was provided with legitimate reasons for that position when he did take it, because the formal powers in the Act, even prior to these suggested amendments were fairly minimal.

As I said before, Mr. Chairman, the one good thing about the amalgamation, if nothing else, was the fact that people in the former City of Winnipeg had more access to government. I might mention parenthetically that earlier this evening I was at one of the more pleasant activities of an elected person. I was at the Harrow School Recreation Association. They were presenting awards to past residents. I arrived early and I took a straw poll or I questioned people that I knew there how they felt, not about the specific number of councillors but about the general idea of a reduction in the size of council, and Fort Rouge being amalgamated with Charleswood and Fort Garry. I asked for an off-the-top-of-the-head answer. The answers ranged along the lines of, "We'll be lost." "We'll get drowned." "We'll have no contact with our Councillor" — and so on. So the notion that communication will be reduced is not simply a notion that is being presented by special pleading by elected people.

Now I must say this, Mr. Chairman, with due respect but in candor, that after reading the amendments it occurred to me that you would think *prima facie* that access of the people to government and the efficiency of government are in inverse proportion to each other, so that generally speaking more citizen participation means less efficiency in terms of time that it takes to make decisions, and conversely more efficiency is less citizen participation — the example being the much-touted 12 or 18-man council.

I must confess, Mr. Chairman, that in this latest bit of tinkering, namely Bill 62, a very difficult feat has been managed. The inverse proportion has been broken and Bill 62, in my view and with respect, is going to reduce citizen participation and effectiveness and reduce the efficiency of municipal government at the same time. I would also submit, Mr. Chairman, that Bill 62 is ignoring some crucial issues and I would like to get to more detailed points.

I'd like to make clear, Mr. Chairman, that by participation I mean not only access to information and the right to be heard but the ability to be as close as possible to ultimate decision-makers. If there was anything wrong with the Community Committee before, and I believe Councillor Norrie touched on this it was that all the Community Committee could really do was listen to the citizens. The other problem was that in the inner city we didn't even meet regularly with our administration. It's interesting to note that Councillor Ernst has no objection to the amalgamation into six districts. An examination of the old map and the new map might clarify why St. James does not have as many objections to the changes in the district boundaries as Fort Rouge might.

Under the new proposals, Mr. Chairman, that is making the Community Committee one district boundary, the difficulty of not meeting with your administration would be cured with one exception which I'll mention in a moment. By that I mean at least the district, and Six, I speak specifically of District will actually interface with its administration. And that's not a point to be minimized because keeping in mind my definition of citizen participation being close to the levers of power, if the Community Committee that they meet with does not even have its administration there, if the administration is, as at present over at District Six, and they are meeting in small community committees then to that extent they are removed from the levers of power. Even that rationale, by the

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way, is broken with an action which is totally incomprehensible to me, except that it's consistent with an act that jumps from place to place, from rationale to rationale, responding to individual issues and people in power rather than trying to create a rational structure.

And the point that doesn't make sense to me at all is what is being done under the proposed map to the north-east corner of Fort Rouge. That corner is being put in with District One which means that they will not even have the one residual advantage of the proposed changes, namely of meeting with their administration. And the flip remark has been made to me by one of your administration, "We'll change the administrative boundaries." That ignores two points. Number one, the administrative boundaries for better or for worse were created with some efficiency and engineering rationale in mind. They took into account, I suppose, such realities as rivers and the difficulties that creates for trucks and equipment to move across and so on.

The other thing that remark ignores is that by doing that you then open up the whole issue of what the community committee boundaries should do. I mean the one advantage that making them conform to the administrative districts has is that it's some clear consistent rationale with all its deficiencies. But even that one residual advantage is broken by changing the maps of the north-east corner of Fort Rouge. So even within a rationale that I don't really agree with, there is an exception that just absolutely does not make sense.

I'd like to submit, Mr. Chairman, that under the proposals a Councillor's job will now be full-time and in my view he'll be lucky if - he can get the work done as a full-time job. I happen to be fortunate in terms of time devoted to Council in the sense that I sit in Fort Rouge which is a fairly built up area. The Councillors from Charleswood continuously and bitterly complain about many subdivision meetings and rezoning hearings. It's wide-open country that's subject to development. People that live in the area have fairly strong views about what they would like their area to be like, so you get fairly strong and vociferous conflict between the need for housing and the desire of people to develop and the desire of people in an area to keep it as it is.

What you are proposing for District Six is that the councillors who will sit in that district take on the zoning hearings and subdivisions of Charleswood, Fort Garry and Fort Rouge with its transportation problems and then sit on a committee and then sit on Council. Assuming they can get all those minimum jobs done, I seriously question what time or inclination they will have with all the best intentions and desires in the world to respond to individual garbage and dog problems.

The other issue I'd like to address myself to with respect to Community Committees is this whole fixation on former municipal boundaries. I know that there have been submissions to you and that there are members of the government who are fairly fixed on this mirage or instant cure. If only we can erase the former suburban boundaries then this parochialism or this antagonism will be over and everybody will be one big happy family and make decisions quickly and efficiently and administratively.

I wish I could find another word for suburbs. We can dispose of the words, former city of Winnipeg by simply referring to the City Centre or City Core. I wish I could find another word for suburb because I think it confuses the issue. You can refer to them as the rim, the periphery, or whatever. You can erase all the boundaries you want. You're not going to erase the very real conflicting interests and issues of a person living on the periphery and a person living close to the centre. With all due respect to Councillor Norrie I do not agree that Fort Rouge is semi-suburban. For that matter, I believe that River Heights all the way to Kenaston, within transportation issue context, is inner city in the true sense of the word. And these conflicts can't be wiped away with strokes of pen or legislation. They're real. They're there. The only real question is what are you going to do with them? How are you going to create a structure that resolves them in some rational compromise between those who want to drive and those who don't want to be driven over.

Now both those interests must be accommodated in some form of rational compromise and they have not been compromised to any great extent in such a way in the present council and taking that Fort Rouge Community Committee and drowning it as Mr. Axworthy said, in a district that is predominantly periphery. Councillors are also not going to give you that compromise. It will give you a city that is oriented, if not toward freeways then under the new jargon four-lane arterial streets with some limited access. That's a great consolation to the people living on Jubilee Street, that they don't live on a freeway. They just live on a very high density truck and car route. With respect, Mr. Chairman, if that issue was addressed instead of the artificial issue of former political boundary then I suggest that the approach should be to create political entities that will result in council in some form of equilibrium, in some form of a stalemate and hopefully out of that equilibrium will come some rational compromise. That equilibrium, Mr. Chairman, has not existed in Council up to now and that situation will be made worse by the proposed amendments.

I'd like to commend the legislation for the change to Executive Policy Committee. Upon reflection the suggested amendment which in my view hopefully will have the effect of eliminating members at large. The point, frankly, didn't really occur to me until I saw the suggested amendment. If I recall

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irectly the amendment indicates that the membership will have members at large only if it's necessary to make up at least seven. That is combined with another good amendment which allows council to set its own committees. I think the chances are fairly good that at least five standing committees would be established. Just arbitrarily, it would be Works, Finance, perhaps another committee for zoning and development, another committee for transit and transportation and certainly a standing committee. There has been a desire expressed on Council for Parks and recreation. You would then have the situation, Mr. Chairman, of having five — not counting the chairman and Mayor who is ex-officio — you would then have five standing committee chairmen on Executive Policy. Maybe in retrospect it was wrong to create an Executive Committee that has standing committee chairmen who appreciate by virtue of their work, the responsibility they have vis-a-vis administration, vis-a-vis their committee and so on and members at large who don't really have that weight on their shoulders. Perhaps that has contributed as much as anything else to the ineffectiveness which I concur with wholeheartedly that Councillor Norrie has referred to.

Mr. Chairman, Councillor Norrie has already alluded to my suggestion of some way to reconcile the desire to interface the community committee with its administration and at the same time to throw down the political accountability of the elected person. And so, if one does not accept the ward as being too narrow, I submit with respect that one should not go to the other extreme of electing a person at large over the proposed new community committee which would be District Six.

I'm advised by people who are familiar with urban history, that that is a classical way of drowning out minority interests. That is a classical way of drowning out small inner-city suburban interests. And parenthetically I might say that the classical way of doing it is taking the city and dividing it up into pie shapes and electing at large off those pies. You will never get a decision that reflects the city centre interests or even a compromise between the city centre interest and the periphery. So if you don't see fit to retain the present community committees, then I would reiterate my suggestion which was alluded to by Councillor Norrie and that is that you try to work out some combination whereby the present community committees would be constituted as wards, three councillors perhaps elected at large off that community committee, there are general meetings where their administration would take place with the new proposed community committee, that is District Six, but they could still have the functions, Mr. Chairman, of firstly having the zoning hearings. I'm submitting that the present community committee area is wide enough to remove some of the parochialism and would divide the workload and they can still hold meetings to exchange information with their constituents in the sense of receiving delegations and providing information to the constituents.

If I may just go back on one point which I omitted, Mr. Chairman. On the Executive Policy Committee, it seems to me that the numbers proposed creates some problems because — and you can play numbers games with 28 — but if you assume five standing committees, I'm advised that a study in the States came to the conclusion that the ideal number for committees is seven to nine. Below seven apparently you don't get enough of an input of divergent views; above nine apparently you get too many and it becomes cumbersome. Well, if you accept that position, if you accept five committees, you are going to run into difficulties with 28 representatives.

I obviously can't pass over comments about the Act without referring to Section 654. I am beginning to get the idea that at least the unlimited power to override any city decision with respect to any person was either unintended or else is being reconsidered and may be restricted to planning. I would submit, Mr. Chairman, that what ought to be done with Bill 62 is that all sections relating to provincial powers with respect to exemption, whether with respect to other people, provincial agencies, or the province itself, and in particular all sections that are positive in a sense, where the province can direct the city to create the plan or in the alternative take it over be deleted, and that the only legitimate provincial function with respect to planning ought to be some concurrence or veto power or some input into the general development plan of the city, and within that general development plan, the city ought to be given the freedom to make its own decisions as reflecting its constituents views.

I might parenthetically mention a pet peeve, if I may, but it has been adopted by the Works Committee, and that is I have never understood the anomaly of the jurisdiction of the Highway Traffic Board over the city with respect to stop signs and speed limits. We made a mistake on Taylor Avenue. We, a few years ago, approved a 40-mile-an-hour speed limit on the recommendation of our administration. That went to the Highway Traffic Board. It was approved. Subsequently the screams and the bitter complaints started coming in from Taylor Avenue. Aside from that particular issue the act of the matter remained that we, as a municipality, can't respond to the constituents' demands. Now is the issue of whether Taylor is 40 or 30 miles an hour really of such great provincial concern or great interstate commerce concern, that a provincial body has to approve Winnipeg's change of speed limit back to 30? We have been frustrated, Mr. Chairman, so far in attempting to implement the concerns and wishes of our constituents in that particular minor step.

There is one other point I would like to refer to, Mr. Chairman, not as something that ought to be

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deleted from Bill 62, but as something that ought to be considered. Much debate and discussion has taken place with respect to capital programs and the fact that we could finance them ourselves, and so on. I think that a lot of the questions, inadvertently I am sure, ignored the reality that it is very nice to say to somebody, "You go ahead and build your own \$30 million bridges, nobody will get in your way," knowing full well that we can't afford the \$30 million bridges. So perhaps rather than what has been going up to now, and I make these remarks, Mr. Chairman, particularly with the requirements for a five-year capital program on the city, that requirement is a farce. It is a farce because what is happening up to now is the province really doesn't want to acknowledge the fact that it has a substantial input into major transportation routes in this city by virtue of this minor point of its 5 percent capital contribution.

Now it is time we all acknowledged that reality and stop operating as we have up to now, where the city introduces a capital program, then the province basically reacts, either by saying no, or as it did with the Osborne Bridge, redesigning it, and what powers is the province using when it gets the city to redesign an Osborne Bridge? It uses the very real economic power that it has, and it wields this economic power because the city, like all cities across Canada, are not financed properly.

So to ask the city, as the legislation does now, to create a five-year capital program which presumably developers and people who want to move and so on will rely on, but to ignore the legislation, the fact that that five-year capital program can be completely frustrated by Provincial Government contingencies and so on, is really not providing fully for the rationale of the five-year capital program. And as much as everybody talks about freedom, I think the economic fact has to be acknowledged and the legislation amended in such a way that when the city produces its five-year capital program, it should consult with the province jointly, and once the province and the city have agreed on a five-year capital program, the province ought to be committed to it legally, and the five-year capital program ought not to be amended at that point without mutual consent.

Mr. Chairman, I submit, with respect to the Mayor, that the province stop fence-sitting on it and acknowledge reality. Reality, again, is that the people of Winnipeg want the Mayor to be elected at large. The province has agreed with its last-minute amendment and with its present non-change of the amendment. However the people of Winnipeg, Mr. Chairman, do not want a figurehead. When they say, "We want a Mayor elected at large," they say, "We want a Mayor that has the powers to exercise the responsibility that we give him." So I submit, Mr. Chairman, that the Mayor should be given commensurate powers and responsibilities. And just as examples of the type of things that might be considered are: budget review step prior to executive policy committee; a veto power over Council decisions; the possibility of being chairman of the executive policy committee — it should be permitted, it should not be made mandatory, but he should surely have the right to be elected by Council or executive policy committee — and I would submit, Mr. Chairman, that he should be given the power of appointing chairmen of committees. And then the people of Winnipeg will have truly what the province has acknowledged they desire, a Mayor they elect at large, give political clout to who has the responsibilities and powers under the Act to discharge that clout. And if he does not do it the way they want to, at least they will have one person to look to for why he did or didn't do something.

I make one last and reluctant recommendation, Mr. Chairman. The City of Winnipeg has been through a municipal upheaval, and in the long run I believe, I firmly believe, that it's for the better. These amendments, aside from everything else that's wrong with them, confuse things further. There is a possibility, Mr. Chairman, of the government of the day changing, and there is a possibility that the new government will again want to introduce amendments, so that potentially the City of Winnipeg is going to be put through three upheavals within a period of six years. Those upheavals cost money and they cause people frustration and they result in injustices on individuals and small groups. I would submit, Mr. Chairman, that if you feel strongly as the amendments indicate, that the present structures can't function for another three years, you have an option which I personally don't favour, and that option is of extending this Council's term for one year; then the structure of the City of Winnipeg government can be an election issue, and the structure can be made up and presented to the people coherently and rationally rather than tinkering with what has already been tinkered with.

As I indicated, Mr. Chairman, I don't think that drastic option is necessary. It is my view that with some modest amendments with respect to freeing up the chance to set up committees, perhaps with respect to Executive Policy Committee and whatever technical amendments are forthcoming, this Council can function just fine as it is for another three years.

Again, Mr. Chairman, I indicate that the approach ought to be, regardless of the pros and cons or particular issues, one of rational consistent approach rather than a introducing amendments responding to a specific problem such as MHRC or responding to a specific individual and so on.

**MR. CHAIRMAN:** Thank you, Councillor Kaufman. Mr. Axworthy.

**MR. AXWORTHY:** Mr. Chairman, I just have one set of questions that relate to I think the same point that Councillor Norrie brought out related to boundary changes. I would take off from the point of Councillor Kaufman's last remarks that perhaps the major concern of this Committee should be to

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raft a more modest proposal, to use Mr. Swift's terms, in relation to City Council and not make it a major overhaul. Would you include in that a modification of the boundaries as both you and Councillor Norrie seem to be recommending towards a maintenance of a twelve community committee system with election at large within those and then conform them in a community committee on the six district level?

**MR. KAUFMAN:** Yes, I indicated, Mr. Axworthy, through you, Mr. Chairman, that while my reference would be for twelve Community Committees as they presently exist, I accept the reality of the six administrative districts; I don't propose to cause another upheaval in the City by trying to change them back. They had a certain rationale when they were implemented and I am very much concerned about the fact that the present Community Committees do not interface with their administration. The suggestion of electing on the present Community Committee boundaries but having meetings with the administration on the present district boundaries seems to be a reasonable compromise of those two problems.

**MR. AXWORTHY:** I just have one question relating to that. Do I gather that you would want to give certain specific powers, say over the holding of zoning matters, to those three councillors elected at large within the old original Community Committee districts and would that be put in legislation or would that be left up to the by-laws and procedures of that new Community Committee?

**MR. KAUFMAN:** Well, to spread the workload and to preserve some power for the present Community Committees, I would want to see present zoning powers with the present Community Committees and they can then spring off that and speak with a voice of that particular, whatever you all it, ward or Community Committee. So that your concern and my concern about the present Inner City area getting drowned completely in the larger structure would be ameliorated to some extent because there would be still be an identifiable legislative unit operating within that larger structure.

**MR. AXWORTHY:** Yes. Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Mr. Cherniack.

**MR. CHERNIACK:** Mr. Chairman, I want to thank Councillor Kaufman, I think that you have given us a very good overview with some good suggestions. The last point you made is where I bog down a little. That is the understanding of the one power of the Mayor, you suggest, to appointing the chairmen of committees which is almost akin to the right of the Premier to appoint a Cabinet. I don't quite see how it relates in any way to anything I know. I mean, surely you cannot say that the Mayor elected at large is similar to the leader of a political party elected who becomes a Premier. I have difficulty with that. The other points I understand clearly about the power of the Mayor.

**MR. KAUFMAN:** Mr. Chairman, I will answer the question. I would just like to preambule by saying that these were examples of the type of things, of the general thrust of giving the Mayor some real powers for which he is held accountable and which he can discharge. On that specific point alone, I really don't quite understand what is wrong with it.

**MR. CHERNIACK:** Well, it seems to me that the Chairman of a Committee should first and foremost have the right to speak for the committee and, in doing so, should show that he has the confidence of the committee. That seems to me to be the logical sequence of how a chairman gets to be appointed. You know, you've been here part of the evening and you may realize that I favour a party politics approach where there is accountability so this is where I bog down, on this one point that you've made, chairman of committees. That seems to give a power which is maybe too vast. The power of a Mayor to me should be to create a check and a balance and an overview and an influence, much of which depends on the personality of the person rather than the position. Again, I don't want to debate the whole issue with you; I just want to zero in on this one appointment of chairmen because that I just don't understand.

**MR. KAUFMAN:** Well, Mr. Chairman, I find myself in a difficult position because I agree with what Mr. Cherniack has said. I have one problem with it. The logical extension of that position which I agree with is that the Mayor ought to be elected by Council. What I am trying to do in my submission is to suggest amendments that accept the present situation of the Mayor being elected at large as a legislative and political reality. So I find myself in a bit of a dilemma in that I am trying to suggest amendments that adjust to that reality which intellectually, if you will, is not consistent with the rest of the structure of the City of Winnipeg Act. So, while Mr. Cherniack is correct, through you, Mr. Chairman, in his general observations on the way that committees and groups operate, I can't accept his suggestion with respect to this present structure because the Mayor's election does not follow that rational suggestion. So to correct the fact that everybody around City Council seems to feel that he acts as a check and a balance and an overview, nobody is prepared to accept responsibility for day-to-day action. While it may be irrationally perhaps inconsistent and not the ideal objective, at least it will give you one person to whom the people can look and say, "Look, you have got this power and this power and this power; how come you didn't do this; or how come you did this?"

**MR. CHERNIACK:** Well, you may have heard me refer to Trizec — I don't know if you were here when I referred to that.

**MR. KAUFMAN:** I don't consider myself part of the Council on that decision, Mr. Chairman. The

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examination of the votes will confirm that.

**MR. CHERNIACK:** Here we are finding at least a negative way of finding responsibility. How could the power of the Mayor, used in any way he would see fit, indicate a responsibility for a decision on Trizec or not? The way you picture it?

**MR. KAUFMAN:** The particular example picked is probably a bad example, because I was going to suggest that he could exercise it through a veto and, of course, if he has the veto power, Mr. Chairman, and doesn't veto it, he is, I submit, accountable to the people for that.

**MR. CHERNIACK:** Are you recommending an absolute veto?

**MR. KAUFMAN:** I would be leary about that, Mr. Chairman. If we accept the checks and balance system and if we accept that people on council are elected, then we might perhaps, with some usefulness, look to a system whereby a two-thirds over-ride proviso but at least the people will know that he attempted to and, in reality, I think it is quite difficult to muster a two-thirds over-ride of a veto. The Council has to feel pretty strongly about an issue before they take that step.

**MR. CHERNIACK:** Well, would you not agree that a Mayor elected at large, being the only person so elected at large, that his position alone would have a tremendous impact on a Council that carries out a major decision such as Trizec, in opposition to a Mayor's efforts to persuade them otherwise? Would that not be as equally effective as a veto to be overruled by a subsequent vote.

**MR. KAUFMAN:** Mr. Chairman, in response to that question, I can only look to Mr. Cherniack questioning of Councillor Norrie in suggesting that he can't find the powers in Council. Well, these subtle powers that the question implies also exist on Council and I suppose if it was that easy to identify these subtle powers, then the questioning of Councillor Norrie shouldn't have taken place because not only could one go examine the votes of Council but one could study Council very carefully, sit with it day and night, eavesdrop on all private conversations and suggestions and innuendoes and determine who runs Council. I really rest with that answer. I don't think the people ought to be required to run around and check on a subtle influence being exercised behind back rooms.

**MR. CHERNIACK:** I agree. I agree. Thank you, Mr. Chairman and Councillor Kaufman.

**MR. CHAIRMAN:** Any further questions of Councillor Kaufman? Hearing none, thank you.

**MR. KAUFMAN:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Councillor Frank Johnson. Mr. Patterson. Oh, is Councillor Johnson here? Mr. Patterson.

**MR. ALLAN PATTERSON:** Mr. Chairman, and Members of the Law Amendments Committee, this brief will be brief. My name is Allan Patterson. My residence is 14 Birch Bay, Windsor Park, which property my wife and I have owned for over 20 years.

I have before me a copy of the minutes of the 12th regular meeting of the St. Boniface Community Committee for the year 1976-77, held last Tuesday, May 24th, 1977. The last motion of this meeting moved by Councillor Kotowich and carried, with Councillor Reese opposed, reads as follows: "That the Manitoba Law Amendments Committee be informed that the brief of the St. Boniface Resident Advisory group relative to proposed Bill No. 62 is not representative of the majority of the St. Boniface Resident Advisers and that it does not have the concurrence of the St. Boniface Community Committee."

The first part of this motion to the effect that the brief presented to this committee by the St. Boniface Resident Advisers is not representative of the majority of the advisers is not true. The truth is that whether or not the brief is representative of the majority of the St. Boniface Resident Advisers is unknown. Councillor Kotowich was merely expressing his own opinion and hope in making that motion and presented no hard evidence to support it.

The facts are as follows: An *ad hoc* committee of resident advisers, of which I was a member, drafted the brief. It was then presented to a duly constituted meeting of the St. Boniface Resident Advisers and, after some discussion and some revisions, was adopted by a majority of those present. This approved brief was presented to this committee on Wednesday evening, May 25th, 1977. It cannot be said that the brief either is or is not representative of the majority of the St. Boniface Resident Advisers. If all those who were not at the meeting were completely for or against it, they would then be a strong majority one way or the other. But such a point is utterly irrelevant. The point is that a majority of those present at a duly constituted meeting of a group is considered to represent the will of the group. Those group members who choose not to attend the meetings forfeit their vote. Their will is unrecorded and unknown.

The brief that was presented to you is then the official position of the St. Boniface Resident Advisers. It is, to say the least, discourteous and, in my opinion, improper and unethical for Councillor Kotowich and his supporters to attempt to denigrate the Resident Advisers and to influence this committee to a motion that is irrelevant and not based on fact.

Therefore, I respectfully ask this committee to ignore the first part of the St. Boniface Community Committee's motion when it is presented to you, since it is not true. The only true part of the motion

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the effect that the brief of the St. Boniface Resident Advisory Group does not have the concurrence of three of the four St. Boniface Community Councillors. Thank you, gentlemen.

**MR. CHAIRMAN:** Thank you, Mr. Patterson. Are there any questions any members of the committee may have? Hearing none, thank you. Urban Development Institute. Mr. Kushner.

**MR. KUSHNER:** Mr. Chairman, is that the housing? Which is the next one you have on your list, Mr. Chairman?

**MR. CHAIRMAN:** Housing and Urban Development.

**MR. KUSHNER:** Well, I'll speak to both of those, Mr. Chairman. I'm not speaking to the bill as a whole. I'm speaking on some technical amendments to the Act, Mr. Chairman, which my clients tell me has given them some problems. I'm sorry I haven't got the copies prepared — I just got them this morning — but I'll be happy to present them in written form to the Minister tomorrow sometime.

To begin with, Mr. Chairman, under Section 372 of the Act — and this has nothing to do with Bill 62 — there is provision there that the City Council either by petition from some residents or of its own initiative, can bring about certain improvements, local improvements and levy certain moneys against designated property. The recommendation that I wish to make to the Committee is, that section (b) put in there, 372(3) I think it would be the proper place for it, for the creation of a local improvement district. There is no provision for that in the Act at all, and this applies particularly to the surrounding areas where large developments want to be developed, and rather than wait for the City to initiate, there should be provision for a developer to ask for a local improvement district to be set up as they have under the Municipal Act, for the usual protection of the residents of the area. This, Mr. Chairman, will result in easier financing of projects which the City may not be prepared to undertake, but at present cannot do it. As I said before, I will be happy to give the Minister a draft of this if he wants to have it.

Under Section 545, Mr. Chairman, we have an unusual situation that deals with the City of Winnipeg — and I'm referring particularly to the water utility, where the City of Winnipeg can shut off the water, and they can sue the occupant of the premises for not paying the water bills. But the anomaly of the situation is this, Mr. Chairman — I'm reading from the Section of the Act itself — after dealing with the enforcement provision where the City can proceed to do certain things, the last part of that section says that the City can then add the amount of money owing on the taxes of the property. Now that's clearly a mistake in the legislation. Surely it was never the intention of the legislature to have a tenant who pays rent, who pays his own utilities, who leaves a deposit with the City of Winnipeg for the water meter that's put in there, and who absconds during the night, that the owner of the property should then be liable for the water bill. It just doesn't make sense.

And incidentally, this was brought to my attention, I question the legality of that in the Court. The wording of it is anomalous. The first are the words "such property" in two different places, and the property refers to personal property; whereas in practice what has happened — and I have a case here in point, one owner was sent a bill for \$1,400, and the owner wrote to the City complaining about this and got a letter back "we are going to look into it," but they never do, they never follow the tenants, they don't try to collect the water bill. Now, there is no equity in this at all. It's not as though there were one meter for a whole building, where the owner is responsible for it. There is a meter in each individual home. We are talking about private homes that are rented out, the tenant pays the water bills, then suddenly disappears. Several months go by and there is a water bill, and if the owner doesn't pay, it goes on his taxes. I suggest to you, Mr. Chairman, that that should be corrected and gain, I'll be happy to draft that and give it to the Minister.

The next section is Section 600(1). Again, there must be an error. If the Minister has a copy of the Act in front of him, I will refer him to it. That deals with an application for a zoning by-law. It makes various provisions, and under the very last subsection Mr. Minister, if you'll see that, any . . . provided that an agreement dealing with any of the matters referred to in Clauses (e)(1) and (e)(2) and I suggest that (e)(3) should have been added there have you got it in front of you, Mr. Miller? — Section 601, the second last line (e)(1), (e)(2) — there should be an (e)(3) added there. I don't understand why it was omitted. It must have been a mistake, and nothing else.

And now, Mr. Chairman, I come to a rather important section, and this is the last one. (e)(3). . . All that says is, "provided that an agreement dealing with any of the above matter referred to in (e)(1) and (e)(2) shall be in accordance with the by-law." I think (e)(3) should also be added so that should also be part of the agreement in the by-law — nothing else.

Well, Mr. Chairman, the last and possibly the most important one is Section 607. This is a peculiar situation, Mr. Chairman — under 607 (1), where there is an application for zoning or rezoning, and it is granted, then there's an application for a building permit. Now when it comes to the building permit, the situation has become such that developers now do not buy land or take options on land subject to a zoning by-law. They now buy land or take an option subject to a building permit being granted. The whole concept is gone. The case in point that I have in front of me is where the developer owns land that has been zoned properly under a city by-law, and then he applies for a permit to build in accordance with the building by-law. Now under the Act, the Council can hold back that permit for



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60 days. After the 60 days or during the 60 days, the Council can hold back for another 90 days. We frankly I don't understand this at all. The zoning has been approved, the building permit is applied for it seems to me that seven days ought to be enough. If, on the other hand, as the Act states, there is change going through on the zoning and is tied up either in the Minister's office or some other place but there will be a change, then I think the Council should hold it back. But if there is no change contemplated, here's what happens in practice; the land is zoned properly, the building permit applied for, there is a delay takes place and the developer decides to drop it. Another person picks up and goes through exactly the same procedure; the zoning by-law is okay, he applies for a building permit, and he is held up for 60 days. We have had instances, Mr. Chairman, where building permits have been held up to such an extent that developers just dropped it, and no reasons is given. No surely there is something wrong. I can understand the authority in Council to make sure that planning isn't interfered with, but once the zoning is approved, why the delay in the building permit?

Now, there have been — instances I can't give you concrete examples. . . I've been told about them — where a councillor would simply phone up and say, "say, hold that up, I don't like it." And the administration will hold up the issuing of the building permit. Quite frankly, it may very well be that we are now talking about the administration of the Council, but I suggest to you that by putting it in legislation the way you have now, you have given the administration a chance to stop something that shouldn't be stopped in itself.

And so, I say to you, Mr. Chairman, that again there should be changes here. I'd like to present them to the Minister with this in written form because these are technical changes and it's hard to discuss in open meeting here; I'd gladly give them to him tomorrow if possible. That's all I have, Mr. Chairman.

**MR. CHAIRMAN:** Thank you, Mr. Kushner. Are there any questions? Hearing none. Thank you Professor E. Arthur Braid.

**PROFESSOR BRAID:** Mr. Chairman, Members of the Committee, thank you for being so patient — four and one half hours is a long time to wait. I hope I won't keep you too much longer. My name Art Braid and I'm a member of the Faculty of Law at the University of Manitoba. My interest in this particular hearing is more of a homeowner, and a resident of a district outside the central core, than is with any other background I may have. I'm very interested in matters concerning development plans and zoning by-laws. I've been very active in the Charleswood area with respect to the Community Committee etc., dealing with these matters that affect the residents of Charleswood.

What do I object to in this particular bill? Well, first of all, the fact that the bill or the proposed amendment will cause the Act not to bind the Crown which has the effect of exempting Crown Agencies such as MHRC from its provisions, is my first objection.

The second, is the removal of the Municipal Board as the final arbiter of zoning matters and substituting in its place, ministerial discretion.

Let me comment generally on the importance to a homeowner of zoning and zoning change. Nothing I think raises the ire or interest of a homeowner more than zoning changes. Even taxes and the raising of them do not have the emotional impact that a change in living environment has. Or only has to read the local paper such as the Lance, Metro One, Transcona News, to see the prominence that zoning matters play in the life of a local community. Zoning affects the quality of life from a social, economic, and environmental point of view, and is an emotionally charged issue. Homeowners are vitally concerned with the nature and quality of their neighbourhood environment. Whether the proposed zoning change is to permit an abattoir or a warehouse to be constructed, or duplex or a seven-storey apartment, or indeed any change in existing use, the residents are concerned to preserve their way of life to which they have grown accustomed.

Change however is sometimes necessary in the interest of public need, convenience, and public welfare. Therefore, some procedure or mechanism must be devised to balance the local community issues with the larger community needs. The homeowner must be satisfied that there is some procedure or mechanism whereby he can receive a full and fair hearing by persons who are capable of and in a position to exercise an experienced and objective judgment. In other words, the decision must be one that is rendered free from such influences as are likely to cause the person affected to lose confidence in the system. He must not be left with the lingering doubt or belief that he did not get a fair hearing or that the matter was prejudged due to behind the scenes politicking or mutual backscratching. Politicians, whether they are municipal, provincial or federal, may naturally believe that they are the very best people to decide issues such as these affecting zoning. For after all, do they not in most cases, draft or establish the policy upon which those decisions are made? Were they not elected to represent the interests of their constituents, and therefore, is it not merely "democratic action" that they should have the ultimate authority to decide all issues affecting the welfare of the constituents?

I suppose this argument might have some validity or force if the person who had the ultimate authority to decide zoning matters for, say East Kildonan, was the representative for East Kildonan. Unfortunately such is not the case. Decisions are made by the whole Council or by a Committee thereof, such as Environment Committee, the membership of which will contain maybe or

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representative from East Kildonan. He may be the voice crying in the wilderness. The others hold no belief either for him or for the local concerns that he may express. For their own private reasons, they will decide as they wish. How often has the City's Committee on Environment overturned a decision of a Community Committee against the wishes of the members of that Community Committee. I from Charleswood, know of several occasions where this has happened in the Assiniboine South area. It is not to say that Environment Committee is wrong in these cases. Indeed the decision may have been the correct one, and it is merely that the residents do not understand. But I say to you that the fact that a committee such as that, makes a decision and is not a committee in which I think homeowners can have confidence that they have applied proper objective criteria and paid proper regard to the local situation.

At present, Mr. Chairman, there is an appeal from such political decisions to the Municipal Board. This is a non-political independent tribunal composed of persons of ability, who are knowledgeable in the area of land use and land planning. Granted, they are appointed to their positions by the government and therefore their appointments, in that sense, may be said to be political. However, once appointed, members of a Municipal Board are not only honour bound but they are legally bound to discharge their duties objectively and independently of outside influences. They operate solely within the guidelines set out in the statutes under which the Board has jurisdiction. The record of the municipal board for independent and objective judgment and for reasoned judgments is excellent. The strength of the Municipal Board is its legal duty to act impartially, independently and judicially. Its track record is sufficient justification for the confidence of the people and the institutions whose public and private interests it is to balance. I think that you only have to look at the last two chairmen to realize the integrity of that Board.

Some City of Winnipeg councillors and, of course, the city planners, wish to substitute the committee of Environment or Council itself in the place of the Municipal Board. This would be unwise. I say to you that the Municipal Board, on matters of zoning in particular, is the buffer between political or administratively convenient decisions and their impact on the community. I would further submit that it is only some city politicians and city planners who are vocal in wishing to abolish the Municipal Board involvement in these matters. It is not the homeowners of the city but particularly it is not the homeowners of the suburbs.

What about Bill 62 in particular? First, dealing with the exemption of Crown agencies from the City of Winnipeg Act, this provision is repugnant of any sense of fair play at all. It leaves to the political and bureaucratic mystique, decisions that have a substantial impact on the quality of life of most Winnipeg residents. There is no defensible reason and I submit what other provinces have done does not make it defensible. There is no defensible reason why the government itself should not be required to prove the merits of its proposals as any private developer would. Projects have the same impact whether sponsored by public or by private developers. I agree with certain other presentations that have been made to you earlier with respect to this particular provision, so I will not make any further comment on it.

Second, dealing with the proposed removal of the Municipal Board as a final arbiter on zoning matters and substituting in its place the discretion of the ministers. Contrary to the views of some councillors, in my judgment the proposed amendment is more desirable than giving the ultimate decision on zoning matters to the city and its councillors. However, if this Bill is not amended, it remains to a decision made by a politician and hence a decision which is subject to the same objections and abuses that I outlined earlier. These final decisions should be made outside the political arena. The Municipal Board is a far superior mechanism to protect and balance the private and public interests than ministerial discretion, as I've indicated before. The councillors of the City of Winnipeg would probably — I heard it tonight, from Councillor Norrie — would probably prefer ministerial discretion to Municipal Board decision because, depending upon what party is in power provincially they may have some means of influencing such a decision. Whereas such attempts to influence representations that have been made to you earlier with respect to this particular provision, I will not make any further comment on it.

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influence recall that when I was on Metro we were all very upset that some appointed body sitting in room somewhere would have that final authority. We thought a politician would be more accountable. But you're taking the other point of view, which I understand. But I have the impression though that these, and the Minister can correct me, that the proposed amendments in the Bill removing zoning changes, zoning variations from both the Municipal Board and the Minister and that, understand, would not be acceptable to you.

**MR. BRAID:** No. No, indeed.

**MR. CHERNIACK:** You want the — and the Municipal Board now, under the present Act, does have authority over it.

**MR. BRAID:** Yes. Yes.

**MR. CHERNIACK:** You mean, zoning variations come before the Minister now? No. Re-zoning comes before the Minister now and then can be referred by the Minister when there are objections from hearings.

**MR. BRAID:** I think he normally does that as a matter of course, doesn't he, if there's some tangible objections?

**MR. CHERNIACK:** When there are objections? Well, I want to get it clear. Do you want not to have any change or is there a change that . . .

**MR. BRAID:** I would prefer not to have any change in the jurisdiction of the Municipal Board respect to land use planning and etc., other than what we have.

**MR. CHERNIACK:** In other words, what there is today is the way you, in your experience, have learned to work . . .

**MR. BRAID:** That's correct, Mr. Chairman. I can quote you several times or at least, I know two or three, where the Municipal Board, I think, has come to the protection of the citizens where there has been a very unwise decision taken by council.

**MR. CHERNIACK:** But on the other hand, you do want to have a say at the local level?

**MR. BRAID:** Yes, Mr. Chairman.

**MR. CHERNIACK:** But you would not accept that unless there is an appeal for revision, is that correct?

**MR. BRAID:** I think that a decision made at the local level from which there is no appeal is a decision for no zoning change at all in almost every case and I can see situations where there ought to be a zoning change and therefore there should be some body that can take an overview. All I am saying is that Council is not that body. The better body of the two is . . .

**MR. CHERNIACK:** Would you clarify? Why is Council not that body assuming that Council has the interest of the whole city at heart?

**MR. BRAID:** I think they tend not to take an interest in what happens in East Kildonan if they are living in Fort Garry and they say what's good for Fort Garry is good enough for East Kildonan. They fail to appreciate the differences and distinctions in the local Community Committees. I think it's — I've seen it happen where Environment Committee indeed does override local Community Committees. Not on, I think on the merits of the thing, but perhaps just by passivity and I would rather that the matter have a full airing, with evidence under oath before a body which is required to act judicially, and to give written reasons for its decisions so all can see.

**MR. CHERNIACK:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Mr. Axworthy.

**MR. AXWORTHY:** Mr. Chairman, Professor Braid made some statements that I would just like to pursue.

The first one is that he said that the track record of the Municipal Board would justify its continuance. I think he probably is as well aware as most other members of the committee that there's always a tendency of different administrative tribunals that develop certain biases or patterns of biases in their outlook. Have you examined the so-called track record of the Municipal Board to determine which interest they in fact have supported over time?

**MR. BRAID:** No, I have not made any empirical study of that.

**MR. AXWORTHY:** So this is just sort of a general assessment, rather than one based upon some evidence.

**MR. BRAID:** Absolutely correct.

**MR. AXWORTHY:** I was hoping that maybe you had.

**MR. BRAID:** No I haven't, unfortunately.

**MR. AXWORTHY:** You also said though, that you felt that the Municipal Board had, on occasion overturned decisions by Council which you considered to be unwise. Can you give me an example . . .

**MR. BRAID:** Yes, I can give you one example. In Charleswood, right behind where I live, before I lived there, so it didn't involve me at that time, we had a row of R16 Housing and the proposal made by a developer was to put a three-storey apartment block in a vacant lot right beside the R16 housing which was river lots. It would be right, in effect, in the back yards of about ten or twelve houses along . . .

ere.

If there ever was a proposal that was without merit' that was the proposal. It would create drainage problems, privacy problems, light problems and yet the City Council at that time and a Board of Adjustment, I believe it was at that time, approved it' without dissent. Municipal Board unanimously rejected that zoning change. They made a trip to the site' all of them, to examine it. They heard evidence under oath. The submissions that were made, I am told, I wasn't there, but by the former mayor of Charleswood, who informed me that the submissions made at the Board of Adjustment and the submissions made at the Municipal Board, where there was a judicial type hearing, were substantially different. Merely from the fact that they act in a way in which it is difficult to generalize.

I can generalize here. You caught me out already on one. I couldn't do that before the Municipal Board. I'd be under oath and I'd be challenged and it's not the same kind of hearing at all. Different nature. And that's one example that I can think of where that has been done.

**MR. AXWORTHY:** Okay. Mr. Chairman, I just have one other question that part of the objectives of these amendments is presumably to eliminate steps in this whole planning procedure because it's considered to be too timely and costly. Would you be prepared or support, or from your perspective, you representing the interests that you do, to simplify the arrangement whereby the Community Committee might deal with the zoning matters and then simply go to Council and then have, in a sense, a final submission to the Municipal Board. There would be a fairly large barrier to make that submission. In other words, it just couldn't be by rote or by automatic submission, it would have to be a matter of done on a fairly high tolerance level.

**MR. BRAID:** Yes, I agree with that and I think it should only be, perhaps even the Environment Committee should deal with it as a final decision maker within the city before it went to the Municipal Board. Yes.

**MR. AXWORTHY:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Mr. Steen.

**MR. STEEN:** Mr. Chairman, prior to the Unicity Act zoning matters went to Metro and before either Zoning Board or a Board of Adjustment, which was not made up of elected persons but appointed persons. Which system do you think is better — having councillors in the Community Committee handling the zoning matters or having an appointed Board such as Metro had and then having the decision go on to Council.

**MR. BRAID:** No, I think there should be an original input at the local level, so that any body in the future has the benefit of the opinion of the local community, because I think that's where most people actually put in their submissions — that's where the feel is, they feel intimidated by further or higher yards. I would not eliminate that, I think that's very very important and if there was a Board that was appointed, whether it's Municipal Board or another board, I would prefer that.

**MR. STEEN:** At the local level?

**MR. BRAID:** No, no, as the final arbiter. I'm not in argument with the Municipal Board as long as it's not a decision made by persons who are not charged with a duty to act impartially, objectively and free from outside influences.

**MR. STEEN:** But, Mr. Braid, you do favour the present set up where the zoning matter starts at the local level before the local councillors?

**MR. BRAID:** Absolutely.

**MR. STEEN:** That's fine.

**MR. CHAIRMAN:** No further questions? Thank you Professor Braid. Mayor Stephen Juba.

**MR. JUBA:** Mr. Chairman, members of the Committee. I would like to clarify some of the misunderstanding possibly that has transpired in the past by virtue of me not presenting the City of Winnipeg's resolution that was passed dealing with the amendments to the Winnipeg Act.

First of all, I would like to point out that the members that have served here in the past will readily appreciate that most of the presentations are made by the City Solicitor to a Law Amendment Committee and members of Council can also make representation if they so wish to speak on their own behalf. So I hope members of this Committee don't get any impression that I did not want to make the presentation on behalf of the City Council. It was a political resolution that was slipped in pretty late. In fact, you were meeting and I thought that we would adjourn at 8:45, which was the arrangements made by City Council and at 8:45 they then decided to stay in session and as councillor Norrie said — and he was one that insisted I make a presentation. Can you feature me, councillor Norrie wanted me to speak for him, a Rhodes scholar, and with my limited command of the English language, and he wants me to speak for him. Well, I think you know the motives as well as I do.

But nevertheless, Council decided to stay in session and I did have to leave the following day and for your benefit because the Government of Manitoba are partners, the International Association of the Handicapped had singled out our Convention Centre as one of the finest in the world. We take great cause for being proud of that and they also presented us with a plaque. I had to be in Toronto because they signed a contract, whereby the World Congress would be held in the City of Winnipeg in 1980. So unlike some of the noises that have been going on, I'm not scared to appear before the

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Committee.

I would have done nothing more than what the City Solicitor has done, because it was a political one. You heard Councillor Norrie even saying, vote 28, 20, 19, and this is the way the vote went. So no matter what you say to presenting the city's views, they would get up and say, "He didn't say this or he didn't say that" but I've been around politics a little too long to fall for that one. The City Solicitor did the job and as he has done in the past. I'm here, not representing the city as such, and furthermore if they wanted to speak for me, why did they have so many councillors make presentation here. So you know darn well they did not want me to speak for them, they can speak themselves. They are quite capable to do so.

First of all, I would like to say that the Winnipeg Act although far from being perfect, is quite acceptable particularly in that there will be modifications from time to time — process of evolution until such time as you get a good workable Act. This will come in due course of time, and it doesn't mean that members of Council or the citizens should not be critical of the Act as it is right now. As you have heard up to the present time, there is a lot of room for improvements.

But, for anybody to suggest like Councillor Norrie had suggested, somebody said that the best form of government would be a Metro System like they have in Toronto. Well, I would challenge any politician to go to the citizens of Winnipeg, and tell them that that's what they are going to propose, to go back to the old system. Now, if I'm a judge and have the pulse of the community, if you held a referendum of going back, I would say that ninety percent of the voters would vote to retain a Unified City with all its shortcomings.

So, I'm trying to say that the Act in the first place or the principle of the Act in the first place was a good one, but there's a lot to be desired — a tremendous amount to be desired.

Before I proceed, Mr. Chairman, I've been out. . . I did serve some time in the Legislature and don't know if there has been any changes in your procedure, but I was always under the impression that the Minister spoke and when he did speak, he established his government policies. Has there been any change, Mr. Chairman, in that basic principle of government? No change, well then I can only assume that on Monday, May 16th, Hansard, the government's policy has been established conclusively by what the Minister had to say.

**MR. MILLER:** Not conclusive.

**MR. JUBA:** Pardon me?

**MR. MILLER:** What the Minister would be saying would be the principle of the bill, but not the actual Act itself. It still has to go to Law Amendments.

**MR. JUBA:** But the Minister speaks for the government.

**MR. MILLER:** On the principle of the bill, yes, that's. . .

**MR. JUBA:** But Ministers also speak for the government, and I presume this is why under the parliamentary procedure, the government selects and appoints various Ministers. These are the basic policy people. Am I correct in that assumption? I just read Hansard on that particular day, and I see what the government policy is. It's apparently quite evident. The policy — I'm not going to go through the details, I'll have my day in court on this particular aspect. But, what I'm trying to say is that the government policy that has been established and it is government policy because nobody in the government has refuted the statements that were contained in Hansard, at least to my knowledge there has been no correction. So, we'll let that stand as it may, and I think that the matter will be brought up at the proper time. It is quite apparent. . .

**MR. CHERNIACK:** You mean the Minister of Urban Affairs who introduced the bill?

**MR. JUBA:** No.

**MR. CHERNIACK:** Well, then don't try and trap us into agreeing that any Minister states public policy on an issue.

**MR. JUBA:** Are you suggesting, Sir, that any Minister could be irresponsible then?

**MR. CHERNIACK:** Mr. Mayor, I have respect for you. I wish you would have respect for us as well.

**MR. JUBA:** I have, yes.

**MR. CHERNIACK:** But, when you spoke about the Minister speaking on the bill, surely you meant the Minister of Urban Affairs who introduced the bill. . .

**MR. JUBA:** No, no. . .

**MR. CHERNIACK:** . . . Well then, you should have told us.

**MR. JUBA:** I think that all members know, the Minister I'm referring to. . .

**MR. CHERNIACK:** Well, they do now. . . —(Interjection)—

**MR. JUBA:** Well, I did mention Monday, May 16th. . . Quite an extensive debate on this particular matter. —(Interjection)— So, nobody in the government has disputed the statements made by the Minister, so I have no other alternative but to believe that this is government policy.

**MR. CHERNIACK:** That's your choice.

**MR. JUBA:** It is my choice. Now could you tell me how else I could look at it, Sir?

**MR. CHERNIACK:** You're wrong.

**MR. JUBA:** Well, then the government didn't say anything, then it's quite all right for members to make statements. . .

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**MR. CHERNIACK:** The Minister of Urban Affairs introduced the bill in principle. . .

**MR. JUBA:** Yes. Well, this is kind of an odd government then if that's the case, that you could reduce and say anything you want . . .

**MR. CHERNIACK:** Nobody's stopped you from saying what you wanted.

**MR. JUBA:** I know. And you want to disassociate yourself from one of your Cabinet Ministers, it esn't make. . . Pardon me? — (Interjection) — It doesn't make sense as far as I'm concerned. I have take responsibility, I don't appoint anybody in Council, they've got 50, and I take full responsibility. ad in there, it tells you — so, the point is that nobody has refuted the statements made by the nister. — (Interjection) — ::

The basic thing I'm trying to say. . . The government from Day one . . .

**MR. CHAIRMAN:** Do you have a point of order?

**MR. WALDING:** Mr. Chairman, I wonder if you would remind the members of the Committee that a delegate is trying to address the Committee and that they should not interrupt. It's developing o a debate.

**MR. CHAIRMAN:** I wish honourable members would give the delegation the privilege of dressing the Committee without interruption.

**MR. JUBA:** I've got a hearing handicap, Sir, and it's embarrassing at moments like this, — in politics it's a blessing, but nevertheless, it is embarrassing that I can't hear you, Sir.

**MR. CHAIRMAN:** I said to the honourable members to not interrupt you while you were speaking to show you that courtesy, which we show to every member. . .

**MR. CHERNIACK:** Mr. Chairman, I have a point of order on that, and I'm serious. The Mayor, in asking his presentation asked for confirmation that a statement made by a Minister on a certain date government policy. If he asks for a confirmation, he invites a response and he got one, Mr. chairman. I'm prepared not to debate with him, but then he shouldn't debate with us.

**MR. JUBA:** I'm not debating. . . I just asked a question. . .

**MR. CHERNIACK:** Well, that's a debate.

**MR. JUBA:** From Day One, when the new Winnipeg Act was drafted, it was drafted in such a way at the mayor would not be elected. Then for some unknown reason, there was a change of mind and e mayor was elected. There's been no change from that day on — no duties clearly spelled out, no sponsibilities clearly spelled out with a few minor exceptions of Chairman of the Executive Policy ommittee and serving on the Board of Commissioners, and chairing the Council meetings. And en right now, a statement made by Mr. Cherniack, who said that the people elect the mayor, and by at the mayor has a clout and he is effective. Well, then he argues on the other hand with another ember to the contrary. The point I'm trying to make — if the government would like to follow rough with their original plans and not have a mayor elected, and I can see their concern because innipeg is quite large, half the population, roughly speaking of the Province of Manitoba. He may a little too concerned that the mayor has too much of a clout, not in authority in Council, but I think litical clout. That seems to be the problem. That seems to be the thing that hurts.

If that is the case, they have the similar situation in Mexico and Mexico City, is the only city where ey don't elect the mayor — they appoint a governor — he is appointed by the government.

This government has the authority over the City of Winnipeg. On one hand you talk about going to a parliamentary system — on the other hand. . . It doesn't seem to make sense as far as I'm ncerned, because the municipal governments are absolutely one hundred percent under the risdiction of the government, the official government. It doesn't make sense at all to try and make e comparison that they could operate like a legislature or the House of Commons. They can't erate that way, because they do not have the kind of constitutional powers that the other overnments have.

It appears that the government would like to have its cake, and eat it although they have the uthority — they could change the Act any time they wish — so they come up and concoct a new heme whereby, every councillor could run for mayor too. What is it, to take away the clout that the ayor has, the political clout? So you can't say how many votes that the mayor got, to try and get the hole bunch in the act, well can you imagine 15 councillors running for mayor, and it would be olish if they all didn't run really, because it's good publicity, doesn't cost you any more, and run for ayor and council , he gets elected in two seats. So, as a councillor, he's going to be appointed to a ommittee. As a councillor, he will also be appointed Chairman of the Committee, and as the mayor could also sit in as an ex-officio member. Yes, in a few votes there, I don't know how you're going unscramble the difference when he's acting as a councillor and when he's acting as a mayor.

You say sure he could resign, so I would suggest to you that if this is the case, that you want oing on a by-election, it doesn't make too much sense. I think that the Act should be designed in ich a way that it can be a workable Act. We've had enough in the old Act that wasn't workable, and ily by the good graces of the majority of our top personnel administrators' despite the poor Act, ey did a pretty good job, and I don't think you want to complicate the situation any more than it is at e present time. I find it very difficult to comprehend how this is going to work. By having

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councillors, and the councillors running for mayor, and you have. . . I can imagine the situation that's going to exist, the animosity that will take place, it's going to be awful. Don't worry about Steve Juba — don't you worry about him — because what's going to happen when Steve Juba is not there — you're going to have a mess on your hands, a mess like you've never seen before, griping and . . . You have to hang around it for awhile and see what's going on, how it goes on, it's pathetic, and with this kind of a situation where a number of councillors will be running for mayor, one said something at one election meeting, an argument ensued. Can you imagine the situation. I hate to imagine, what the end result is going to be like, it will be pathetic.

I would suggest that you give the City Council authority to — and it would have to be conditional of course, whereby any member had removed any files from the City of Winnipeg without the knowledge of the Department head or the committee or Council, that Council could suspend the councillor. I think that the authority should be granted and it should be in the Act, granting Council that authority. As you could appreciate, when you're dealing with various expropriations, court case or whatever the case may be, somebody could take the file out, and without the authority or the knowledge of the department head. I think that that is, there should be some section in the Act, that generally gives Council some authority or some authority for discipline in such a case or similar cases, I'm just giving you an illustration there.

There's been a lot mentioned about party politics on the local level. Well, I don't know how it's going to work. It certainly will not work in the interests of the citizens and the taxpayers. It may work in the interests of political parties, political party's, but not in the interests of the taxpayers' because your local government hasn't got the kind of authority that the province has. They are wholly reliant on the province, and therefore, is there room for partisan politics on your local level?

I head the official delegation and we had a little problem. I met with the Minister, but I think he was quite satisfied that the members of the official delegation did not get involved in partisan politics. We want it so, because we are wholly at the mercy of the Provincial Government, and I think that if you had party politics, partisan politics. . . I want to qualify that. If you want to have organization municipal groups and that, I mean your line party, where they can't be an association between the governing body in the Government of Manitoba, and that of the local level. I think it's very very dangerous, if for example, if you had an NDP was a majority on City Council, and City Council is normally referred to as a cradle of politics, they come up here to see some of the polished politicians now just simmer down. Don't say nothing, you could hurt the Party's standing, and they go away empty-handed. They haven't got the freedom to speak as they would like to speak. So, really, partisan politics has no room on local level if you are interested in the taxpayers of the City.

I had intentions of going through the Act but I think it is confirmed now that the government's position regarding what was said in Hansard and I will spare you the time and I won't go through that. But what I would like to say is that the Act needs changing and it will require more changes as time goes on. The number that you have selected — 28 — is a good figure. There is nothing wrong with that at all. It's almost another 100 percent gain because first we had 110 politicians which was whittled down to 50; and from 50 down to 28. It is a 100 percent gain so it is working in the interest of the citizens. I see no harm in the 28. If you could go down to 18 it would be more workable, but not this time around — maybe three years from now you could whittle away again. There's nothing wrong with that, and to suggest to some members of Council that the vote was such that they all did not support the figure of 28, everybody knew that the figure was 28, because the government had indicated that the figure was going to be 28 and members of Council knew what it was going to be whittled down to and I think it is a pretty good figure to use at this time around.

There was some mention about whether or not we should appear before the Municipal Board or should the Minister be responsible. I know there are pros and cons, but the City of Winnipeg has made representation to the government — I think the Minister is well aware of this — that they were little disenchanted in the past experience of presenting a case to the Municipal Board; they were disenchanted. They said, "It should be an elected representative; a member of the government, so if he makes a mistake he stands or falls under the decision he makes." So I just want to make that point quite clear that the City did make representation urging that it be an elected representative, and not somebody that has been appointed to hold a position. Of course, Council's decision was that we have our autonomy and not bother going to either the Municipal Board or to the Minister. That causes another problem. If you go to borrow money, it makes it very difficult. I know Wall Street would have caused us a lot of trouble. So you could argue. Now I am supposed to make the City's presentation as they suggested. Now, whose side am I going to argue; some of the arguments advanced for and against, that's why I decided that the City Solicitor could just read it out to you what Council passed and let it go at that, but there can't be a case made. I just wanted to point this out that the City of Winnipeg did recommend and we did tell the Minister that we wanted an elected representative to be responsible.

Well, I think that pretty well winds it up. I find it very difficult to understand the logic of the

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councillor running for Council and Mayor at the same time. If there is any merit in that suggestion, any merit at all, I would suggest that you practice what you preach. Why can't a councillor hold a seat on the Legislature as well as hold a seat on City Council? That would make more sense because the Legislature sits for three or four months, whatever the case may be. I know that the workload here — I'm not talking about the Minister's and that — but the workload is not that difficult. It's not that difficult at all. So, if it's good for a councillor to run for two positions there, then I think you should change and clean your own house and make it possible that a councillor could run for both the Legislature and that of City Council. That makes more sense. I held the two positions and I know that it was maybe a little difficult but, in the meantime, with the councillor being elected, and Mayor at the same time, you are going to have barrels and barrels of problems, believe me you are.

With that, unless there are some questions, I am half asleep to tell you the truth, so . . .

**MR. CHAIRMAN:** Thank you, Mayor Juba. I have Mr. Cherniack who wishes to ask you some questions.

**MR. CHERNIACK:** Well, Mr. Chairman, I appreciate the lateness of the hour but then I think we have been working longer this evening than the Mayor has and I appreciate his presence.

**MR. JUBA:** I was at it since six o'clock this morning.

**MR. CHERNIACK:** I know this is the morning. I said, this evening. I do want to ask the Mayor whether he now recognizes that the person who speaks for government policies is the Minister responsible and the Premier and other people in a democratic system have a right to voice their opinions. I point that out only that when I made a speech — which I think the Mayor didn't read — where I refer to his ability as a Mayor, I was voicing my opinion just like Mr. Doern voiced his opinion and we know that the Mayor and the Minister of Public Works have a vendetta going for them. For us to participate in that would really be wrong. So I am just asking the Mayor whether he read what I had to say about his record.

**MR. JUBA:** Are you a Minister?

**MR. CHERNIACK:** No, I am just a Member of the Legislature.

**MR. JUBA:** Well, I qualified my statement by saying a Minister.

**MR. CHERNIACK:** Ah, then I think the Mayor ought to think back to the time when he was in the Legislature and to know that even Ministers have a right to express a point of view, but only the Minister of a department presenting the departmental bill speaks for government policy as does the Premier. If the Mayor doesn't remember that, I will move on to something that is more current.

I am interested in what the Mayor has to say about a councillor removing a file apparently without knowledge or authority. Was that considered a legal right that the councillor had so to do? Was it not a crime?

**MR. JUBA:** Well, apparently, members of Council are of the opinion that it is quite all right to do so.

**MR. CHERNIACK:** Well then, giving Council the right to remove him wouldn't have worked in this case, so they thought it was all right for him so to do.

**MR. JUBA:** Well, I'll leave it to your discretion as the number of legal cases and documents is here, that's classified even to members of Council.

**MR. CHERNIACK:** Sure. Sure.

**MR. JUBA:** As a lawyer, you would appreciate what I think.

**MR. CHERNIACK:** Yes, I would have thought it was a crime.

**MR. JUBA:** I thought it was but let me tell you what happened. I introduced a resolution to Council and it came as a surprise so they had it stand as notice. It came up two weeks later, then it was referred to EPC for consideration. It was Councillor Norrie that moved that it be filed, swept under the carpet and forget it. That's what happened.

**MR. CHERNIACK:** Then another question, Mr. Chairman. I believe Mayor Juba you do know that any councillor — well we have proof of that — any councillor could run for the Legislature and, if elected, would then have to resign. You don't quarrel with that principle do you?

**MR. JUBA:** No.

**MR. CHERNIACK:** Well then, would you not, at the Municipal level, give credit to the voters of Winnipeg to decide whether they wished to elect a person who was running as councillor and mayor, to elect him as mayor. Would you not say that they would have that right to make the decision?

**MR. JUBA:** What this brings about, it closes the door to a group and it gives them the preferential treatment or authority, the ones that are in office, and you are building a barricade for anybody else to come in. I will tell you why I know because I came in from the outside. I had no party to work with; I had to do it the hard way, but if you make up your mind that you want a certain thing, you could accomplish your objectives.

**MR. CHERNIACK:** Well, but doesn't every person in an elected . . .

**MR. JUBA:** No, what you are doing now, what you are doing now, is you are creating a situation that is going to be unbearable in that Council. On the assumption that there are 12 councillors that's running, there is only going to be one elected and they got elected as councillors. During the course



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of the campaign, you do sort of embarrass or maybe create some ill feelings between the candidate and it stays with them. Can you imagine this kind of environment prevailing in Council? It's bad enough without it.

**MR. CHERNIACK:** I thought it prevailed now.

**MR. JUBA:** Pardon me?

**MR. CHERNIACK:** I thought it prevailed now.

**MR. JUBA:** It does but don't compound the problem. If you know I mean if you want to take you have got a headache' headache away temporarily, hit your finger with a hammer. But you wait for a little while longer you have a headache and a sore finger.

**MR. CHERNIACK:** But surely Mr. Mayor you would recognize not only the right but the civil responsibility that any person has if he wishes to offer his name for office. Would you then say that a councillor should not be entitled to be a councillor if the people don't accept him as a mayor?

**MR. JUBA:** No, but you're letting him run for two offices at one time. This is the part that is going to cause you a tremendous amount of problems.

**MR. CHERNIACK.** Oh, as between the few who are running against each other.

**MR. JUBA:** That's right and at the same token which you're doing, you are helping to build up a certain category because there's lots . . . well, I did it myself. I'd run for anything that came along a one time just to get my name before the public but it's an old one, you did the same thing.

**MR. CHERNIACK:** Well that's right.

**MR. JUBA:** But why should councillors or members running for council, have this sort of a right to run for two posts at one time?

**MR. CHERNIACK:** Well, simply I am saying, would you not leave it to the discretion and good judgment of the electorate to either support them or reject them in that attempt?

**MR. JUBA:** You would have such a mess. On the assumption 15 councillors would run out of the 28 councillors if they are all going to run, 28 of the city members, and you have a number of other candidates, can you imagine the size of your ballot for the Mayor?

**MR. CHERNIACK:** Yes.

**MR. JUBA:** You can imagine it.

**MR. CHERNIACK:** Yes.

**MR. JUBA:** And what are you trying to prove; what are you trying to accomplish?

**MR. CHERNIACK:** Mr. Mayor, I am just asking you whether . . . You don't give the opportunity to the electorate to make the decision. Isn't that really their right and their opportunity?

**MR. JUBA:** As the legislators, I think you have a little different responsibility — to try and bring about legislation that's workable, that will work — or is it to destroy, to get that into such a mess, to destroy the election for the Mayor, to a point where somewhere down the line you say, "Fine, the Mayor will be appointed by Council."

**MR. CHERNIACK:** Well, Mr. Mayor, you can suggest devious methods but we don't have to accept your suggestions.

**MR. JUBA:** That's a few lessons from yourself, sir.

**MR. CHERNIACK:** But you did it; not I, you did it. So let's move on to my last question, Mr. Mayor. You say that 28 councillors is an acceptable figure. Could you advise us, from your experience, as to the number of Community Committees and the value of the Community Committees and how many councillors there ought to be per Community Committee. We have had the two suggestions — 6 and 12.

**MR. JUBA:** I have no objections to what you've laid out. You've got your 6 districts and I think you have got to have some sort of a pattern. It may create some injustices but I think that the way you have got it laid out is quite acceptable as far as I am concerned. .

**MR. CHERNIACK:** So you do recommend the six.

**MR. JUBA:** I am not too familiar with the logic you put behind it but I am saying it is quite acceptable as far as I am concerned. But recommending and acceptable is two different things.

**MR. CHERNIACK:** Well, that's why I am trying to get an answer because with your experience you should be able to help us considerably. That's why I am wondering now whether you feel that community committees will be able to represent the local character, the local needs and desires of their electorate.

**MR. JUBA:** I think so.

**MR. CHERNIACK:** That's what I wanted to hear.

**MR. JUBA:** I'm quite certain it will.

**MR. CHAIRMAN:** Mr. Axworthy.

**MR. AXWORTHY:** Mr. Chairman, I would like to ask Mayor Juba, we have heard several representations about the need to have the Mayor's office more accountable and you yourself said that you would like to see a clarification on the powers and duties and responsibilities. Do you have some feeling about what other additional powers, duties and responsibilities should be given to the Mayor's office to make it more accountable or give it more ability to deal with legislation?

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**MR. JUBA:** Well, I do think that in the old Winnipeg Act — now I will just give you an illustration that can happen and has happened. Council will approve a clause — without going into details — there's a typographical error in that. Now, as you know, a typographical error could mean an awful lot. One zero could make a difference between a hundred thousand and a million dollars. So, I am trying to say that under the old Act, normally what happens, the department heads go through Council's agenda, see what they have done and if there is some errors, they would automatically go to the Mayor and he would suspend or veto that particular section. I think there is a misconception of what a veto means in this sense as far as the City was concerned. It doesn't mean that a Mayor could veto anything that Council does; it doesn't mean that at all. It deals with financial matters and even then, the veto has to be ratified or at least supported or rejected at the subsequent Council meeting. So it was a delaying tactic for a period of up to two weeks, that's all it meant. There has been a time when I can recall there was an issue and there were some that determined to put the issue through Council. They were short of three or four votes and then by — it was purely coincidental — the four members were delegated to attend a convention out of the City. A Council meeting was going to take place and that issue was going to be brought back in. Well four of those that were opposed were delegated to a convention that they normally would not have received that privilege. Now, I was made aware of that and I told them, I said "Don't try and pull that one off because if you do, I will veto it." and they didn't. But you can't play those type of games. So there is room for veto but not in the sense that people seem to get the impression that veto means that the Mayor can could say, "Do this and do that," I mean, he hasn't got the powers of the Premier or anything. I'm just trying to say that within certain limitations he should have that authority. According to the Winnipeg Act here, your bill, I would like to ask, what do you define the responsibilities of the Mayor because it just says the Mayor shall be this and that, but if you look in any dictionary, what is the responsibility of a Mayor, none of you would agree. He's a Chief Magistrate. What I am trying to say is that there is nothing in the Act that gives me authority. In the old Act it had that the Mayor shall be the head of the City thereof. The Mayor shall be the Executive Chief Executive Officer but it did spell out. How would you feel, for example, if you were Mayor and you go to a department and he says, "I'm on the administration" — and not at the top. "We're not going to look at that because I don't want it." I said, "But the elected representatives want it." "I don't want it though" and that's where it stopped. You can't do anything about it.

**MR. AXWORTHY:** That's under the present bill.

**MR. JUBA:** Eh?

**MR. AXWORTHY:** That's under the present bill. I was going to ask, Mr. Chairman, to Mayor Juba, under these amendments the office of the Mayor is taken off certain committees, EPC and Board of Commissioners and so on. From your experience, would that be . . . would that affect your ability to act as Chief Executive Officer for Council by not being chairman of EPC or not being on the Board of Commissioners and simply being . . . How is that going to affect the operation of the City from an executive administration?

**MR. JUBA:** Well, if the Mayor is taken away from the Board of Commissioners, the administrative arm, and there is no liaison it is just sheer madness. Show me one city where they've got it that way. Not where the the Mayor sits on with the Commissioners. It's not that you influence them, that the Mayor influences them but there are times when Council is talking about introducing certain type of legislation and they are just working on it. In the meantime, if the administration is not aware of it, they could bring something in that was counter and it is going to cause a lot of hard feelings.

**MR. AXWORTHY:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Mr. Wilson.

**MR. WILSON:** Mr. Mayor, pertaining to demanding . . . I was just saying, are you, from what I could gather from what I heard you say, you are sort of demanding that the government consider an amendment to oppose the running for both offices for election in the same year. Is this based on your feeling pertaining to what might have happened to Richard Daley of Chicago when he died, the scramble for his job? Is this the type of thinking that you feel might happen?

**A MEMBER:** Talk about Manitoba. Never mind Chicago. Talk about Manitoba.

**MR. JUBA:** I don't No, I don't think that it has any influence on that at all. I am just trying to say that it would not make way for good government because the number of candidates that would be in the field are probably serving, or some of them would be serving on that committee, there would be a lot of animosity built up during the election campaign.

**MR. WILSON:** So you are suggesting that the government consider an amendment then?

**MR. JUBA:** I can't see that any more than the government saying you can hold two offices, here in the Legislature and the City Council. I can't see any . . . in fact, there is more logic to that than there is having run for both Mayor and Council.

**MR. WILSON:** Yes. One other thought. I noticed that . . . well, both you and I when I was on Council supported the Winnipeg Square with Trizec and the Bank of Nova Scotia. Do you feel that some of the changes and amendments in this bill are a result of certain members around this table —

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at least I have heard them say so — that it's a crystal-balling, it's a bad deal, before the project is completed. Do you think that's the type of . . .

**MR. JUBA:** Well, there are mistakes made by the government. We had an Act and I am not faulting the government for the Act and I was so disenchanted on two occasions that I walked out of the meeting in disgust and I think you could remember. I walked out in disgust but then, after all, there's nothing I could do about it.

**MR. WILSON:** And the last question or thought. Do you think there will be a large amount of saving to the taxpayers if we are going to close down six Community Committee offices and their staff? Do you think there will be any great saving there?

**MR. JUBA:** Oh, I don't think that that would make too much difference really because I think where you may close down six, you may find a tremendous improvement and much more activity in the others so it would take a lot to convince me that there is going to be a saving. I don't think that you can look at the economics. I think it's such a reality in that you have got six districts, you have got to have some kind of a foundation to work on, a good strong foundation and the six districts is a foundation, a basis, and that was designed and when we amalgamated the police, amalgamated the fire, you know what I mean, and nobody thought it could go through that easy. Mind you, we've still got problems and we will have problems for some time to come.

**MR. WILSON:** I noticed, Mr. Mayor, that you sort of indicated that you were against rigid party politics at the Municipal level, a parliamentary form of government. Would you agree that the NDP members of council and the ICEC members of council under the *status quo*, would you think that they have had a right to speak out. I mean, it is not a parliamentary system. You see, they've been accused why not have party politics because some people infer that it is there already but I see a difference in the two levels of government in that members of Council seem to be able to have that right to speak out. Is that your experience?

**MR. JUBA:** Sure they have the right to speak out but I don't think when you take ICEC, I think they had members from all parties, didn't they once nominate an NDP too?

**MR. WILSON:** I think so; I'm not sure.

**MR. JUBA:** Isn't that right? If my memory serves me right. Pardon? — (Interjection) — Well, I'm just trying to say that it was a citizens' group and I see nothing wrong with that kind of an organization because once you align yourself in a partisan way, then it makes your relationship between the government and your local government quite difficult. It all depends who's in office and who's not in office. I think the Minister here could verify one particular meeting here not too long ago about some problems that were created and by virtue of it not injecting any partisan politics, I think the citizens of Winnipeg were the benefactors. I think we could prove that over and over again. Base the thing on the merits of the question, not on partisan politics, because you haven't got that kind of authority on the local level. You are wholly at the mercy of the Manitoba government, the Manitoba Legislature.

**MR. CHAIAN:** Mr. Johnston.

**MR. F. JOHNSTON:** Thank you, Mr. Chairman. Mr. Mayor, you were referring to statements made by a Minister of the Crown. The Minister is a member of the Treasury Bench of the Lieutenant Governor-in-Council which you don't shed that coat one day or one hour and put it back on any time you feel like it. The fact that the — (Interjection) — that is correct. The fact that the Minister of the Crown has made a statement not only referring to the Mayor but several members of Council at the same time, your statement seems to me to say — and I might agree with you — that the fact that the First Minister who does talk policy and the Minister who is in charge of this bill has not refuted the statement or disciplined that Minister, you can only accept it as their position.

**MR. JUBA:** That's correct. That's what I tried to clarify here. — (Interjection) — pardon me? I think would like to point out it is not that I didn't . . . that particular Minister. He has no particular love for me I can assure you but the point here was that in the Winnipeg Act — if my memory serves me right — it says that everybody should take out a building permit, including the Crown. I think the word "and Crown" was injected in there. Then the Minister decided to build facilities across the Memorial Park but he never bothered going for a permit, although he was told that he should get a permit but he was above that with the City of Winnipeg and he didn't need one. It was his act, it was in his Act, we didn't put it in; he put it in, so that's when I turned around to impress upon him that he has to abide by the rules like everybody else — I brought his office to the front of the Parliament building there.

**MR. JOHNSTON:** Mr. Mayor, I have two more questions, the next one being that the Minister that made these statements and was quite upset last Saturday that you didn't appear, could have had maybe the courtesy to stay tonight while you were here to ask you questions. — (Interjection) — The delegate does not have to answer if he doesn't want to. Mr. Chairman, if I may ask the Mayor one more question. The Member for St. Johns referred to the Mayor's broad experience in municipal affairs especially in the City of Winnipeg. He asked you if you thought that the districts were all right which you said you thought were all right. Is that the first time that anybody from the government has asked you any questions regarding the structure of this bill which pertains to the City of Winnipeg?

**MR. JUBA:** The amendments or the . . .

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**MR. JOHNSTON:** The amendments.

**MR. JUBA:** Unfortunately the Minister wouldn't talk to me about it. The Minister in charge. Even after the bill had been announced that the bill was presented for first reading, I believe, . . .

**MR. CHAIRMAN:** No, order please. Under the rules of the Legislature, the Minister cannot make statements on the bill until the bill has been distributed in the House for second reading. Now he could . . .

**MR. JUBA:** I am just explaining that this is what happened that he introduced and I asked if I could get a copy and he said, "No." He wouldn't even give it to me then so I didn't know too much about what was coming.

**MR. JOHNSTON:** Well, Mr. Mayor, I'm meaning even before the bill was written and I won't say you personally, did you have any knowledge of the province working with anybody in the city — Mayor, councillor, administration, regarding the amendments in this bill?

**MR. JUBA:** Not to my knowledge. We haven't had any discussions.

**MR. JOHNSTON:** Thank you.

**MR. JUBA:** As far as the Minister being present, I stayed here because I thought he would be here. I assumed he would be present.

**MR. CHAIRMAN:** Mr. Miller.

**MR. MILLER:** Mr. Chairman, I am wondering was the Mayor in the loge when I introduced the bill for second reading — which was the first time that I spoke on it — was he in the loge when I commented and commended the Mayor and the Council for what I consider the excellent manner in which they were able to move into an entirely new Act over the last five years.

**MR. JUBA:** Oh, yes.

**MR. MILLER:** You were there. And so do you not think by my saying that, my stating that and in that position I took was somewhat contrary to what you may have heard from other members who poke latterly?

**MR. JUBA:** Well, yes, you mentioned that but we never had any discussions with the City of Winnipeg as such but you had told me after it was introduced, yes.

**MR. MILLER:** The other question is this . . .

**MR. JUBA:** I wanted to know what some of the details were but . . .

**MR. MILLER:** The other question was this, with regard to the bill itself, no one saw the bill until it was distributed which was about two days prior to the actual introduction for second reading. The question really is, there was a review committee established and to see members on that review committee, everyone was invited to make representation. Did you, Mr. Mayor, make representation to that committee?

**MR. JUBA:** Well, if you want to go into that, I could explain to you but I mean, I didn't have a snowball of a chance and I will tell you why. Your Chairman of that committee — we never saw eye-to-eye in Council and he wanted to be the Acting Mayor and he got his group to appoint him as Acting Mayor and I said you wouldn't see the inside of my Council Chamber. He didn't because I wasn't absent and this went on two years, that's the Chairman, the other case was Mr. Levin from Metro and that was I think, George, you were on the Committee then. The vote was 5 for Levin and 4 for Henderson and I had a hazy recollection at that time that I had a vote so I voted for Henderson and made it a tie. They said "Now what?" I said, "Well, I've got another vote now that it's a tie." I created a tie and then I voted for Henderson so that was the other member of your committee so two out of three. Well, if they didn't look too kindly on me they had a good reason I suppose. I don't fault them for that.

**MR. MILLER:** Mr. Mayor, are you suggesting that two citizens who undertook to sit on the review committee would be so biased that they would not want to listen to you or would ignore what you have to say and that is the reason that you didn't appear before committee to express your views on the workings of the City since 1972?

**MR. JUBA:** They were in to see me. Oh yes, but I didn't appear before the Committee.

**MR. MILLER:** I see. So you did have discussions with them, however.

**MR. JUBA:** Pardon me?

**MR. MILLER:** You did have discussions with them?

**MR. JUBA:** All they wanted to hear, yes.

**MR. MILLER:** I see. You mentioned that you didn't have access to the bill. The day it was distributed in the House, even before second reading, 75 copies were sent to City Hall.

**MR. JUBA:** Oh no, just a minute now. I wasn't making reference from the time the bill was distributed. I wasn't talking after that by any stretch of the imagination. I'm talking that I didn't have any prior information as to what the government was going to do. I think this was what I thought the question was. That was what I was answering. Once the bill it was introduced, it's true, because you always make it a habit, Mr. Minister, of keeping us informed.

**MR. MILLER:** Mr. Mayor, when you say I always make a habit of keeping you informed it is usually, is it not, on matters which are being discussed between the City and the province relating to City

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matters, not legislation.

**MR. JUBA:** Oh yes, but many of these discussions that take place with an official delegation is classified because we want to have the rights to be able to talk freely without having it being use against anybody that might make a statement to the record, we have a pretty good relationship and think you could speak for yourself in that department. I think that we do have a good relationship

**MR. MILLER:** Mr. Mayor, those are not matters that are before the Legislature and are in the form of a bill. The last item, you were talking about the veto and instead of the word veto, perhaps we could call it the suspension of a resolution of council, in the case that you mentioned, where through technical error sometimes a by-law can pass, a resolution can pass, and through a technical error the wrong amount is inserted. Then from what I gather from your comments, you would concur you would feel that there should be some method whereby the Mayor can suspend the action of resolution until the next subsequent meeting. Do you feel that would be a safeguard?

**MR. JUBA:** It is almost absolutely necessary.

**MR. MILLER:** Fine. Thank you.

**MR. CHAIRMAN:** Mr. Walding.

**MR. JUBA:** I could give you an illustration. For example, if the City is negotiating, buying some property.

**MR. CHAIRMAN:** Mr. Walding.

**MR. WALDING:** Mr. Chairman, through you to the Mayor. About a month ago, one of the Winnipeg dailies carried a report that you perceived a serious danger to the democratic process. Did that remark refer to this bill?

**MR. JUBA:** I said that if necessary, I will pursue the matter if I deem it expedient.

**MR. WALDING:** Yes, but that danger to the democratic process, was this Bill 62?

**MR. JUBA:** No, I didn't say . . . I didn't tell them and I'm not going to tell you either.

**MR. WALDING:** Do you still see that danger?

**MR. JUBA:** It could be. I don't want to comment on it right now.

**MR. WALDING:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** No further questions? Thank you, Mayor Juba.

**MR. MILLER:** I move Committee rise, Mr. Chairman.

**MR. CHAIRMAN:** Committee rise.

**BRIEFS SUBMITTED — NOT READ**

**MANITOBA ENVIRONMENTAL COUNCIL (Mr. Andrew Little):** Re: Bill 62, An Act to amend the City of Winnipeg Act  
129, Page 38, Section 653 rep. and sub.

The existing City of Winnipeg Act, (in Sec. 653) requires that the Executive Policy Committee report to Council on:

- a) the environmental impact,
- b) any unavoidable adverse environmental effects and
- c) alternatives to the proposed action, with respect to every proposal for the undertaking of a public work which may significantly affect the quality of the human environment

In order to meet this requirement the City Council has adopted an excellent set of guidelines based on similar legislation in the United States and other parts of Canada. The combination of Section 653 and the city's guidelines provide firstly: a valuable executive tool which build into departmental decision making the consideration of environmental aspects, and secondly: an open and explicit analysis which is the prerequisite of rational decision making.

Therefore in the interest of comprehensive project planning and the council and public's right to information which provides for decision making both rational and democratically responsive, we strongly recommend the retention of Section 653 without repeal or substitution. (A more complete presentation of the Manitoba Environmental Council's position and concerns are available in our submission to the "Taraska Commission".)

We apologize for failing to appear before your committee at the proper time. Our Council member responsible for this submission had been called out of town on an urgent matter

**PAT YAREMA:** I would ask you to consider amendments to Sec. 120 and Sec. 600 (1) The City of Winnipeg Act. Re Sec. 120, there is evidence on file with the Hon. Minister of Municipal Affairs, Mr. V. Uruski, indicating discrimination and coercion are common practice by certain councils in the Additional Zone.

I can offer documented evidence if the Committee is interested.

Re Sec. 600 (1) as amended in Bill 109 Statutes of Manitoba I can offer evidence that the change is

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is section is costing the new home buyer in the \$50,000 range with minimum down payment approximately \$60 per month more over a period of 25 years mortgage than it would had the City ayed in the business that it was intended Municipal Governments should be, that of providing rVICES for the rate payers at less cost than they could provide them for themselves.