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Legislative Assembly of Manitoba
STANDING COMMITTEE
ON
MUNICIPAL AFFAIRS

29 Elizabeth II

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The Honourable Harry E. Graham
Speaker*



FRIDAY, 18 JULY, 1980, 2:00 p.m.

MANITOBA LEGISLATIVE ASSEMBLY
Thirty - First Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, A. R. (Pete)	Ste. Rose	NDP
ANDERSON, Bob	Springfield	PC
BANMAN, Hon. Robert (Bob)	La Verendrye	PC
BARROW, Tom	Flin Flon	NDP
BLAKE, David	Minnedosa	PC
BOSTROM, Harvey	Rupertsland	NDP
BOYCE, J. R. (Bud)	Winnipeg Centre	NDP
BROWN, Arnold	Rhineland	PC
CHERNIACK, Q.C., Saul	St. Johns	NDP
CORRIN, Brian	Wellington	NDP
COSENS, Hon. Keith A.	Gimli	PC
COWAN, Jay	Churchill	NDP
CRAIK, Hon. Donald W.	Riel	PC
DESJARDINS, Laurent L.	St. Boniface	NDP
DOERN, Russell	Elmwood	NDP
DOMINO, Len	St. Matthews	PC
DOWNEY, Hon. Jim	Arthur	PC
DRIEDGER, Albert	Emerson	PC
EINARSON, Henry J.	Rock Lake	PC
ENNS, Hon. Harry J.	Lakeside	PC
EVANS, Leonard S.	Brandon East	NDP
FERGUSON, James R.	Gladstone	PC
FILMON, Gary	River Heights	PC
FOX, Peter	Kildonan	NDP
GALBRAITH, Jim	Dauphin	PC
GOURLAY, Hon. Doug	Swan River	PC
GRAHAM, Hon. Harry E.	Birtle-Russell	PC
GREEN, Q.C., Sidney	Inkster	Ind
HANUSCHAK, Ben	Burrows	NDP
HYDE, Lloyd G.	Portage la Prairie	PC
JENKINS, William	Logan	NDP
JOHNSTON, Hon. J. Frank	Sturgeon Creek	PC
JORGENSEN, Hon. Warner H.	Morris	PC
KOVNATS, Abe	Radisson	PC
LYON, Hon. Sterling R.	Charleswood	PC
MacMASTER, Hon. Ken	Thompson	PC
MALINOWSKI, Donald	Point Douglas	NDP
McBRYDE, Ronald	The Pas	NDP
McGILL, Hon. Edward	Brandon West	PC
McGREGOR, Morris	Virden	PC
McKENZIE, J. Wally	Roblin	PC
MERCIER, Q.C., Hon. Gerald W. J.	Osborne	PC
MILLER, Saul A.	Seven Oaks	NDP
MINAKER, Hon. George	St. James	PC
ORCHARD, Hon. Donald	Pembina	PC
PARASIUK, Wilson	Transcona	NDP
PAWLEY, Q.C., Howard	Selkirk	NDP
PRICE, Hon. Norma	Assiniboia	PC
RANSOM, Hon. Brian	Souris-Killarney	PC
SCHROEDER, Vic	Rossmere	NDP
SHERMAN, Hon. L. R. (Bud)	Fort Garry	PC
STEEN, Warren	Crescentwood	PC
URUSKI, Billie	St. George	NDP
USKIW, Samuel	Lac du Bonnet	NDP
WALDING, D. James	St. Vital	NDP
WESTBURY, June	Fort Rouge	Lib
WILSON, Robert G.	Wolseley	PC

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON MUNICIPAL AFFAIRS**

Friday, 18 July, 1980

Time — 2:00 p.m.

CHAIRMAN — Mr. Arnold Brown (Rhineland)

MR. CHAIRMAN: This committee will come to order. Before we all on any of the delegations and so on, there is an announcement that I would like to make to the members present. The House will sit tomorrow at 10:00 a.m., go into prayers, and I understand that there is an agreement that after prayers they will go directly into committee. This committee and the private bills committee.

Mrs. Westbury.

MRS. JUNE WESTBURY: With whom was the agreement made? Because I wasn't consulted?

MR. BROWN: I don't know. I suppose that they were made with the people that they could get hold of. I know that our House Leader was looking for you.

MRS. WESTBURY: Was he?

MR. BROWN: Yes.

MRS. WESTBURY: Okay, I'll accept that.

MR. BROWN: The bills that we will be discussing today are Bills 15, 60, 67, 68, 89, 91, 97, 100 and 101.

The Minister.

HON. DOUG GOURLAY: Thanks, Mr. Chairman, I'd just like to make an announcement at the beginning. With respect to Bill 101, I'd just like to advise the people present that I will be introducing a motion to delete amendment No. 1 of Bill 101, when we get to dealing with the bill clause-by-clause.

MR. CHAIRMAN: We have some people who have indicated that they would like to make submissions to this committee.

On Bill 97, we have the RM of Macdonald, Carl Pitura or Jack Rempel.

We have Mayor Norrie on behalf of the city of Winnipeg.

We have J. Eadie, private citizen.

On Bill 100, An Act respecting The Assessment of Property for Taxation in Municipalities in 1981 and 1982, the RM of West St. Paul, Reeve Balderstone.

On Bill 101, the RM of Rosser.

The RM of East St. Paul.

Denis Dorge

RM of Macdonald.

Councillor Moore.

RM of Springfield.

Winnipeg Additional Zone Municipal Association, Mr. Balderstone.

Are there any further people present that would like to make submissions? Since we have nobody indicating that they would like to make further

submissions, we will hold over Bill 97 for the time being. We're expecting that the Minister of Urban Affairs is going to be here around 4 o'clock or shortly thereafter, and I'm sure that he would like to hear these submissions, and if that meets with the approval of the committee, then we'll have the first presentation on Bill 100.

That's the RM of West St. Paul, Reeve Balderstone.

**BILL NO. 100
AN ACT RESPECTING
THE ASSESSMENT OF PROPERTY
FOR TAXATION IN MUNICIPALITIES
IN 1981 AND 1982**

MR. CHAIRMAN: Reeve Balderstone, you may submit your presentation.

MR. J. BALDERSTONE: Mr. Chairman, members of the Legislature and others present. The proposed amendment to The Assessment Act appeared to freeze the assessment values for 1981 and 1982 at the same values as there was in 1980. The school division boundaries are not coterminous with municipal boundaries. In fact, many school division boundaries extend over five or six municipalities, and since all of the municipalities are not assessed at one time, an equalized assessment and balanced assessment are used to determine the assessment division for statutory levies.

In the past we have noticed that when a municipality has been reassessed, the ratio of statutory levy requirements has increased greatly by allowing the assessment to continue at the same level. In 1980, an imposition is passed on municipalities recently assessed as compared to ones expecting to be reassessed in 1981 or '82 in the same school division. With the city of Winnipeg sharing school boundaries and assessing their lands and buildings under a different Act and by the city assessors and allowing areas not to be upgraded to levels that the rest of the area may be at, a further imposition is placed against the statutory levy requirements.

MR. CHAIRMAN: Thank you, Mr. Balderstone. Are there any questions? Mr. Miller.

MR. SAUL A. MILLER: Through you, Mr. Chairman, to Mr. Balderstone. You're talking about statutory levy. Are you talking about the levy of the Education Foundation Program? Are you talking about the special levy which is then required on property to pick up the requirements of the school divisions?

MR. BALDERSTONE: Mostly the special levy, Mr. Miller.

MR. MILLER: If you're talking special levy, did I hear you say that it's based on the equalized or balanced assessment and, therefore, doesn't really

relate to the actual assessment within that municipality?

MR. BALDERSTONE: It does, though, in some respects, Mr. Miller. For instance, Seven Oaks School Division that you're a part of, the only part left of Seven Oaks School Division that isn't in the city of Winnipeg is the municipality of West St. Paul and a small part of the municipality of St. Andrews.

MR. MILLER: What I am trying to ascertain, Mr. Chairman, is whether the reassessment takes place or not. If the division of picking up the costs is between the two municipalities or three municipalities is based on an equalized assessment, a balanced assessment, which really is not relative to the actual assessment, if it's equalized or balanced assessment that's used, does it matter whether there has been a reassessment within that municipality.

MR. BALDERSTONE: Yes, it seems to because the increase in assessment in the municipality of West St. Paul, schoolwise, was more than it was in the rest of the Seven Oaks School Division and in the municipality of St. Andrews, it was a great deal more than it was in the municipality of West St. Paul.

MR. MILLER: Thank you, Mr. Chairman. I guess I'll have to seek the answers from staff because I understand Mr. Balderstone's concern now.

MR. CHAIRMAN: Are there any further questions? There are no further questions. Thank you, Mr. Balderstone.

Are there any further submissions on Bill 100? Then we'll go to Bill No. 101.

**BILL NO. 101
AN ACT TO
AMEND THE PLANNING ACT**

MR. CHAIRMAN: The RM of Rosser. Could we have your name, please?

MR. ALAN BEECHEL: Yes, Alan Beechel, the Reeve of Rosser.

Mr. Chairman and members of the Legislature, I don't think there's any need for me to present a brief today. The Minister has stated that he is withdrawing all that portion under Section 1 of Bill 101, and that was what we were concerned with. So I have nothing further to say in that regard.

MR. CHAIRMAN: Thank you, Mr. Beechel. Are there any questions? Thank you.

We have the RM of East St. Paul, Mr. Olson.

MR. OLSON: On behalf of the RM of East St. Paul, we have the same feelings, now that Bill 101, it has been indicated that the deletion will be made. We are very appreciative and we would hope that in future the same consideration would be given, that proper time and consideration for the municipalities to review the amendments will happen.

MR. CHAIRMAN: Are there any questions of Mr. Olson? Mr. Schroeder.

MR. VIC SCHROEDER: Thank you, Mr. Chairman, I'm not sure how familiar you are with Bill 101, Mr. Olson, but it contains a provision under which, if there is a will which has been executed prior to January 1 of 1976, and if the individual who has made that will passes away, and if that will contained a provision cutting up his land, then once the will is probated, that will would be given effect to, notwithstanding any development plan or zoning or any other by-laws which may have been enacted, or in fact, in force prior to, or after January 1 of 1976. Does your municipality or do you have any views with respect to that type of a provision, which could allow for subdivisions, some 30, 40 and 50 years hence, based on a will dated in the 1970's?

MR. OLSON: I appreciate your question, however, as a Secretary-Treasurer, I do not feel that in my capacity, I should be commenting on behalf of the council.

MR. SCHROEDER: Thank you, Mr. Chairman, I have no other questions.

MR. CHAIRMAN: Thank you. Next we'll call on Denis Dorge, Reeve of the RM of Tache.

MR. DENIS DORGE: Mr. Chairman, Ministers, members of the Legislature. I also am grateful to the Minister of Municipal Affairs for having cancelled the proposed amendments to Bill 101. That is the part that was worrying the Winnipeg Additional Zone Association, and being a member of that association, we're very grateful again, that that amendment is being cancelled.

So thank you very much to the Minister and the people responsible.

MR. CHAIRMAN: Thank you, Mr. Dorge. Are there any questions of Mr. Dorge? If not, thank you. Next we have the R.M. of Macdonald, Mr. Carl Pitura or Jack Rempel. Are they present? If they are not here then we have Councillor Moore, Chairman of Environment on behalf of the city of Winnipeg. Is Councillor Moore here?

Then we have the R.M. of Springfield, Reeve John Nicol and Councillor Ralph Kennedy. Would you identify yourself, please?

MR. RALPH KENNEDY: Ralph Kennedy, Councillor, R.M. of Springfield.

MR. CHAIRMAN: Proceed.

MR. KENNEDY: Mr. Chairman, gentlemen, the R.M. of Springfield was very concerned when we heard of Bill 101, primarily because we are in the throes of a development plan and a proposed planning district and according to the Act, Section 14(8), in forming a planning district we would have complete control over the additional zone. The Bill 101, of course, would take away that right and privilege.

We are very happy to hear that it is being withdrawn and we thank the Minister very much. We are still very concerned, however, and a letter from the R.M. of Springfield will be forthcoming. Thank you.

MR. CHAIRMAN: Thank you, Councillor Kennedy. Are there any questions? None? I would like to call on the Winnipeg Additional Zone Municipal Association, Mr. Balderstone.

MR. BALDERSTONE: Mr. Chairman and members of the Legislature, I would like to thank the Honourable Minister for withdrawing that section of the bill that had an effect on the additional zone municipalities. I have another little thing that I would like to bring forward.

Under the present Act any decision on any consent application made by the committee on environment is final. There is no appeal to the municipal board or to the Minister. The municipality in additional zone present their views and recommendations on the application, however, the committee on environment make the final decision with no appeal permitted. I believe this was changed not too long ago.

The additional zone municipalities do have members on the committee of environment but not in a majority and if the municipality affected has a consent application and our member for the additional zone is from that municipality he is not permitted to vote on the final decision, which tends to shift the voting power to the city of Winnipeg and they have the majority anyway. So it doesn't really matter what the additional zone municipality decides to do, if the city of Winnipeg want to oppose it they have the power to have their own way with it. I really think that that should be changed. I think there should be appeal to somebody.

MR. CHAIRMAN: Are there any questions of Mr. Balderstone? Mr. Schroeder.

MR. SCHROEDER: Just on that last point, Mr. Balderstone, to whom would you envision such an appeal as being made to — who do you think should . . . ?

MR. CHAIRMAN: Mr. Balderstone.

MR. BALDERSTONE: Previously, sir, we had an appeal to the Municipal Board.

MR. SCHROEDER: Is that what you would want back again?

MR. BALDERSTONE: That's right.

MR. SCHROEDER: Thank you.

MR. CHAIRMAN: Are there any further questions? Thank you, Mr. Balderstone.

MR. BALDERSTONE: Thank you.

MR. CHAIRMAN: I understand that Councillor Moore is here.

MR. MOORE: Mr. Chairman and members of the Legislative Assembly, I am here representing the Committee on Environment and the city of Winnipeg concurring with the recommendation of the Minister to withdraw the amendments to Bill 101 as they apply specifically to the area within, inside the Perimeter Highway, which is an area of concern for the city of Winnipeg and for the surrounding

municipalities. We feel that there should be more dialogue between the affected municipalities bordering on the city of Winnipeg to allow you to come up with a more comprehensive plan to submit for the amendments and to allow for control development in the area, but in conjunction with the rural municipalities themselves and with the city of Winnipeg. But we want to be on record as concurring with the recommendation to withdraw at this time.

MR. CHAIRMAN: Are there any questions? Mr. Doern.

MR. RUSSELL DOERN: Mr. Chairman, I just wanted to ask the councillor whether they were intending to make any representations or have made any — Oh, I'm sorry, I guess Bill 97 we're holding.

MR. CHAIRMAN: Any further questions? Mr. Schroeder.

MR. SCHROEDER: Thank you, Mr. Chairman. Could you indicate as to whether the city of Winnipeg is considering, or has in the past year or so considered asking the government for annexation of the land involved, that is, the land within the Perimeter Highway?

MR. CHAIRMAN: Mr. Moore.

MR. MOORE: There has not been a decision made at the committee on a environment level, and not officially, as far as I am aware of, been officially requested.

MR. SCHROEDER: Is it under discussion in your committee?

MR. MOORE: No, it is not.

MR. SCHROEDER: Thank you.

MR. CHAIRMAN: Any further questions? Then I'll call on the R.M. of Macdonald, again. Are they present? If not, then we have completed our submissions on Bill 100 and 101 and that takes us back to Bill 97. It's hardly fair for us to delay this long enough for the Minister to get here. He can get the comments out of transcript, I would say. So we should proceed with the presentations on Bill 97. I have a request by Mr. J. Eadie, who would like to be first, if that meets with the approval of everybody present, then we'll hear Mr. Eadie first. Are there any objections? Mr. Eadie.

BILL NO. 97 — AN ACT TO AMEND THE CITY OF WINNIPEG ACT

MR. J. EADIE: Mr. Chairman, thank you and the committee for your indulgence. I hadn't expected this committee to be called till next week, so when I got a phone call this morning and was told that the committee was meeting this afternoon, I had to make a number of adjustments to my own schedule for today.

I wish to make a few comments to the committee relative to the proposed amendments to The City of Winnipeg Act contained in Bill 97. There are a couple

of sections of the bill that I wish to address myself to. The proposed amendment to Section 15 of the bill on Page 1, which in most cases, is just a bit of a change of wording from the Act.

Mr. Chairman, I have no objection insofar as the mayor of the city is concerned of having the mayor as a member of each committee of council or as an ex officio member of each committee of council, but I do believe that it's only right and proper that the mayor of the city of Winnipeg should be a full member and should be the chairman of the Executive Policy Committee. Ostensibly, Mr. Chairman, the mayor is supposed to be the leader of the city's government and it only stands to reason that the most important of the standing committees should then be chaired by the mayor as it was prior to the 1977 amendments. I could see no reason then and I can see no valid reasons now why the mayor should not be chairman of Executive Policy Committee.

The EPC is the most powerful of the council committees. Nothing goes through city council without it first being approved by Executive Policy Committee. That committee is designed to be the policy making and the policy co-ordinating committee of council, and I believe that in order to properly exercise his leadership role in the city, the mayor should chair Executive Policy Committee and he should be the one to guide that committee's policy decisions through council. Mr. Chairman, I would say that if the committee were to amend this Section 15 in the manner that I have suggested, I would draw your attention that you would also have to make a small change in wording to Section 12 of the present Act.

The proposed amendment to Subsection 29(1), which is contained on Page 2, this amendment proposes to delete the requirement that there must be a minimum of seven councillors on Executive Policy Committee. I am in full agreement with that change, because only City Council should be deciding how many members it wants to have on Executive Policy Committee or any other committee of council. In my own view, EPC should only be composed of the mayor, the deputy mayor and the chairman of the standing committees. However, I repeat again, that only City Council should decide the composition of its committees and not the Legislature. So, therefore, I state again that I am in full support of this amendment.

The proposed amendments to Section 86(2): This amendment proposes to prohibit a candidate from contesting both a council ward and the mayoralty at the same time. I say to you, Mr. Chairman, that I am opposed to this change and can see no valid reason for it. I was in full agreement with the amendment in 1977 that gave individuals the freedom to choose whether they wanted to run for mayor, for councillor or for both offices at the same time. Since 1977, only one person has held both offices at the same time, and that is the present mayor of the city, Mr. Norrie. Now, it's known that Mr. Norrie eventually gave up his council seat because he felt he couldn't handle both duties at once, but this does not mean to say that other individuals would have the same problem.

I'm suggesting, Mr. Chairman, that if this bill is passed with this particular change contained in it, it will then mean, that should the mayor's office

become vacant in mid-term and a by-election is called, any member of City Council who wants to run for the job will have to resign his seat on council. He will end up, not only having to have the expense of a by-election for mayor, but you are also going to have to have the expense of by-elections in whichever or how many council seats become vacant, due to the fact that their incumbents wish to seek the office of mayor.

So I suggest, Mr. Chairman, very quickly and very briefly that Section 86(2), as it is presently worded, from the 1977 amendment should be left as it is. I think it should be up to the individual potential candidate to make a decision as to whether or not he or she wants to run for one or both seats at the same time. There is no harm in leaving it there.

The proposed amendments to Sections 96(2) and 96(3) deal with the vacancies occurring in the office of mayor or in a council ward. 96(3) deals with the mayoralty vacancy only, but I'm going to address my remarks to both sections as they pertain to the mayor's office. Mr. Chairman, I don't see the need under the present system that City Council has, to hold by-elections for mayor, no matter when the office of mayor may become vacant during the three-year term of council.

City Council has built into its structure right now, an order of succession, whereby at the inaugural meeting of council, after a general election, the councillors appoint one of their own members to become deputy mayor of the city. That individual holds office for the three-year term of council, it pays a salary of 22,000 a year, and the deputy mayor assumes all of the responsibilities and functions of the mayor whenever the mayor is absent from the city or unable to carry out his duties for any reason.

Therefore, Mr. Chairman, it seems to me that it only makes sense, if the office of mayor becomes vacant, between general elections for council, the deputy mayor should be sworn in as mayor and hold that office until the end of that council's term. Nothing would prohibit that individual from contesting the mayoralty election, in his own right at the next general election, should he or she so desire. And I would think, Mr. Chairman, it shouldn't matter whether the office of mayor becomes vacant two and a half years before the end of council's term or half a year before, the people of Winnipeg should not have to be put through the costly and unnecessary expense of a by-election to fill that vacancy, when there is already a succession structure built in to council's system.

I think, briefly, Mr. Chairman, those are the comments I wanted to make on these proposed amendments. If I can answer any questions for clarification or whatever, I will be happy to try and do so.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, to Mr. Eadie. On Section 86(2) of the old Act, Section 7 of this bill, I was just wondering whether you could comment, I concur with your remarks but I just wanted some amplification. You seem to believe that the mayor can handle, in addition to his duties, the responsibility of representing a constituency, just as a Minister does, a Premier or Prime Minister of

Canada and I was just wondering if you could comment on that in a practical way in terms of workload. Or is it simply on philosophical grounds or political philosophical grounds you believe this to be, sort of a Canadian system as opposed to an American system, that if you run for an office and you don't make it, you're sort of out of the Senate, or you're out of the Congress, whereas in Canada a person could become then the Leader of the Opposition and continue to be a member of a legislative body. So I'm asking you, in short, whether this is sort of a philosophical question or just on practical grounds you feel that it's not too much to expect these people to represent a riding as well as hold the first executive position?

MR. EADIE: Mr. Chairman, I made those remarks because I think the individual should be the one to make that decision as to whether or not he or she feels that they can handle both offices at once. You know, I suggest that some individuals can and maybe others won't. But what I'm saying when I made my remarks on that section is that the freedom of choice should be left in the Act as it presently is now, and that the individual wanting to seek that office should not be precluded from running for one or both, if he or she so feels. The workload handling both duties can be as much or as little, I suppose, as one wants to make it. I know it can be difficult in a parliamentary system like this for a Premier or a Minister of the Crown to not only carry out his administrative duties but to represent a constituency as well. I think if there are difficulties, some of those things can be overcome within the structure of council itself. I don't believe it's necessary for the Legislature to prohibit that kind of freedom, for the individual to choose whether or not he or she can handle that kind of a workload.

MR. DOERN: Mr. Chairman, I assume that Mr. Eadie is suggesting that it's discriminatory in some way to preclude someone from running for both and I would ask him if he would care to comment on what he would see as the value of someone being both the mayor and a councillor?

MR. EADIE: Mr. Chairman, I didn't use the word discrimination and I wouldn't want those kind of words to be put in my mouth. I think it's unfair, this proposed amendment, because I mentioned before, it will eliminate that freedom of choice. I suppose one of the values of having a mayor also representing a council seat, is that it will keep that person in constant touch with the grassroots because he still has to go back to a constituency and receive complaints or whatever from the people that he represents on a local level, which I think is one advantage. Whereas a person just holding the office of mayor could, from time to time, I suppose, and it could happen, be sort of moved away from a closer grassroots contact with an individual constituency.

MR. DOERN: Thank you.

MR. CHAIRMAN: Mr. Minaker.

HON. GEORGE MINAKER: Mr. Chairman, Mr. Eadie gave the answer to the question I had with regard to

the workload for handling both the ward work and the role of mayor for the city of Winnipeg.

MR. CHAIRMAN: Mrs. Westbury.

MRS. WESTBURY: Thank you, Mr. Chairperson. To Mr. Eadie. I'm sorry I was called to the phone and missed the beginning of your presentation. I wonder if you have had an opportunity to read Hansard, the second reading of this bill? I notice that Mr. Filmon isn't — I guess he's not on this committee, that he referred to the difficulties that were encountered in Assiniboine Park/Fort Garry Community Committee, through Mayor Norrie having his responsibilities as mayor sometimes prevent him from attending the meetings of the community committee, and they had trouble at times getting a quorum of that community committee. I just wondered if Mr. Eadie could comment on that if he had knowledge of that, or how he thinks that could perhaps be overcome?

MR. EADIE: Mr. Chairman, I do receive Hansard, but since you've gone into speed-up they're a little slow in coming and I have not received the Hansards; except for the introductory remarks of the Minister, I haven't received any other Hansards since that date indicating what was said at second reading in the House.

This amended Section 15 of the Act, Mr. Chairman, indicates that the mayor will be an ex officio member of each committee, except the community committee.

MRS. WESTBURY: Oh, it does.

MR. EADIE: I would think, Mr. Chairman, that if we have a situation where the person elected as mayor is also a member of council for a ward at the same time, that we might have to make some adjustments in the community committee to excuse that person from having to be in constant attendance, or to excuse that person from taking on the rotating job of chairman of the committee. I don't see that as any difficulty, if the situation occurs where the mayor is also a member of council. I think that city council and the community committee affected can perhaps handle that situation. There may be a problem from time to time with a quorum but I think, Mr. Chairman, that's a problem that is not too difficult to overcome.

MRS. WESTBURY: Mr. Chairperson, that just shows how two people can read the same words and see something different. Because I took the amendment to Section 15 as saying, he'd be ex officio member of each committee of the council, except that he would be a full member of the community committee.

MR. GREEN: He might not be a member of the committee.

MRS. WESTBURY: Well, this is how Mr. Eadie read it, but I read that the ex officio applies and I wonder what was intended. Could we have a clarification on that?

MR. SIDNEY GREEN: He's right. If the mayor is not a councillor, then he wouldn't be a member of a community committee ex officio, but if he is a

member there, he is a member of the community committee.

MR. CHAIRMAN: I think we should let Mr. Tallin explain what is meant in that section. Mr. Tallin.

MR. TALLIN: That's right. An ex officio member of a committee is a full member of the committee. Ex officio means that he's a member merely by reason of holding an office. It doesn't mean there's any restraints on him at all; that section just says he is not an ex officio. By reason of being a mayor he is not a member of the community committees. That doesn't mean he may not be put on a community committee if the Act provides for it.

MR. CHAIRMAN: Mrs. Westbury.

MRS. WESTBURY: Thank you. Now if it should be that he's going to be a member and a councillor at the same time, as Mayor Norrie was until he resigned as councillor, should not the ward that he represents be represented on the community committee?

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: Are you asking me a question on that, Mrs. Westbury?

MRS. WESTBURY: That was a question.

MR. TALLIN: There's no reason why he couldn't be. This doesn't exclude the mayor from being a member of any committee. It just says that for certain committees he's an ex officio member.

MRS. WESTBURY: I should have stayed home. This is just one of those days when lawyers do everything to confuse.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Mr. Eadie, I am concerned, not with the mayor doing double duty, that has never been a problem as far as I'm concerned, but I'm concerned with the city of Winnipeg or any other public body losing talent because somebody may have either the ambition, or to put it in a more acceptable term, may be drawn by others into seeking office and thus losing him because he doesn't succeed.

Now, if a person is not entitled to run for mayor, unless he resigns his council seat or doesn't also compete for a council seat, then if, for instance, Alf Skowron ran for mayor, he would be lost to the city council unless he also ran for council seat, if he lost to Councillor Norrie. Is that correct?

MR. EADIE: That's the way it would work out, yes. I think, Mr. Chairman, if I caught the question correctly, under this proposed amendment, yes, he would lose — if it was passed — any incumbent councillor who wanted to seek the office of mayor would have to resign his ward, and in the event that he was unsuccessful in winning the mayoralty, he would be out of service at least till the next election.

MR. GREEN: So this election would eliminate, for instance, just to choose any name, Joe Zuken as a

councillor, if he decided that he wanted to run for mayor and then lost.

MR. EADIE: Yes, it would, Mr. Chairman.

MR. GREEN: Yes. One wouldn't suggest that design, but that would be the result.

MR. CHAIRMAN: Mrs. Westbury.

MRS. WESTBURY: Yes, I want to go back to my first question. We sort of got sidetracked on some legal talk here, and I thought I'd lived with one for long enough not to let that happen to me, Mr. Chairperson, but I did today. I want to go back then to the question that, okay, if we have a mayor — and actually I'm playing the devil's advocate, because I happen to agree that someone should be

MR. CHAIRMAN: Mr. Enns on a point of order.

MR. ENNS: Though I say this kindly, the opportunity for us is to ask of the persons making representations, any further clarification on the brief or on their representations. The time to get clarification from Legislative Counsel or from the Minister as to how a particular section of a bill works, surely comes when we deal clause by clause of the bill. I don't think we're —(Interjection)— He is not the draftsman of this legislation nor is he introducing this legislation.

The rules of our committees have been traditionally established that we ask, of the person making representation, any questions that further clarify his . . .

MRS. WESTBURY: On a point of order, Mr. Chairperson.

MR. CHAIRMAN: Mrs. Westbury, on a point of order.

MRS. WESTBURY: I'm asking a question, and I haven't been allowed to put the question, and I'm being corrected on whether I have a right to put it or not.

Mr. Chairperson, I want to refer back to my first question. I got diverted on some clarification issues there and I don't think there was anything out of order in that clarification.

MR. CHAIRMAN: Proceed, Mrs. Westbury, but I . . .

MRS. WESTBURY: I want to go back to Mr. Filmon's point that he made in the debate on second reading and ask Mr. Eadie what his response would be to Mr. Filmon if he was here to ask a question which is, referring to the fact that in their community committee they ran into difficulties because the mayor was not able to be present in his role as a city councillor because he was busy with mayoralty business — and it happened that another member of the community committee was very very ill at the time so they had difficulty, and that was one reason Mr. Filmon felt that they should not be able to run, as I understand it. He felt they should not be able to

run for both. Could Mr. Eadie respond to that and say how that could be overcome?

MR. CHAIRMAN: Mr. Eadie.

MR. EADIE: I think, Mr. Chairman, I thought I'd answered that question. I thought it was the same question a little earlier on. The community committee concerned, I think, would have to make adjustments if necessary, if one of their number was also the Mayor of the city and found that from time to time he was unable to attend community committee meetings because of other commitments. The community committee would have to make that adjustment.

I would think that one of the first things they would want to do would be to excuse that individual from being part of the rotating chairmanship of community committee that takes place, I think, in most community committees now, where individuals rotate on a quarterly basis, or whatever, the chairmanship of that community.

I think it's a simple matter that can be handled within the community committee or if it has to be within council itself. Even without, at this point, having any sitting councillor as Mayor of the city, there always arises from time to time in any community committee, a problem where you may have a councillor who's ill and another councillor is away on business and you're almost short of a quorum or some days you may meet and not have a quorum, just because of circumstances that arise now. I can't see much difference with an individual who happens to be Mayor, if he can make it he can, if he can't, well, I think it's up to the community committee involved to make the adjustment.

MRS. WESTBURY: Is Mr. Eadie suggesting there should be no established quorums, that each community committee should set its own quorum, because that's never been permitted before?

MR. EADIE: I suggest, yes, Mr. Chairman. The community committee involved, if they're confronted with this situation, they should be able to establish their own quorum.

Now in saying that, I have to tell you I don't know where the Act states that community committees must have a certain number of members to form a quorum or whether council can make that decision. But I would think that it's a decision of council or of the community committee itself so they can do it within their own jurisdiction. I don't see any problem.

MRS. WESTBURY: Thank you, Mr. Chairperson.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: Mr. Chairman, Mr. Eadie, you've indicated that you feel that the Deputy Mayor should take over, as opposed to having a by-election on the death of the Mayor, and I was just thinking, after Mr. Green asked his questions, we could have been in somewhat of a difficult position last time around he mentioned Councillors Skowron and Zuken. The last time around, of course, the Deputy Mayor was Mr. Norrie, who wouldn't have become Deputy Mayor had the other amendment been in effect because he

could not run for Council because he was running for Mayor, therefore, under these two proposed amendments, if your amendment was in effect, we would not have Mr. Norrie as Mayor today.

Now, if you had a choice, would you prefer to have section 86(2) amended or the first one dealing with the matter of — I'm sorry — 86(2) or 96(3).

MR. CHAIRMAN: Mr. Eadie.

MR. EADIE: Mr. Chairman, if I heard that right — and there was a bit of noise here and I was distracted — what Mr. Schroeder was indicating that in last year's situation where the incumbent mayor, at that time the later Mayor Steen was ill, Councillor Norrie was the Deputy Mayor of the city at that time. He filled the office of mayor on an acting basis during Mayor Steen's illness. After Mayor Steen's death, Councillor Norrie automatically became mayor on a full acting basis because he was the Deputy Mayor, he just moved up. But under the Act as it's presently written, the city had to go through the whole process of a by-election, which in this case merely confirmed the fact that Mayor Norrie was the Mayor of the city.

The reason I made my remarks as I did was that I felt that because of the fact council has this permanent order of succession built into its system, it wasn't necessary to have to go through the whole process of a by-election to fill the office of mayor for the balance of the term of this particular council, because the deputy mayor just automatically, when the office of mayor becomes vacant, fills in. In that case he should have been confirmed as mayor really by being sworn in on the death of the incumbent and continue to hold that office till the end of this council's term. Then if he wants to seek re-election to the office in his own right he is free to do so at the general election.

I thought your question indicated to me that in the situation that occurred last year, that Bill Norrie wouldn't have been Mayor. Is that what you mentioned?

MR. SCHROEDER: Exactly, Mr. Chairman. Had this law been in effect, Bill Norrie would not have been a member of council because he couldn't run for both council and mayor. He ran for mayor in the previous election, was defeated by Mayor Steen and in accordance with this bill which is being brought forward, could not have been a member of council and therefore could not have been Deputy Mayor and therefore could not, under your proposal, have become mayor. Is that not correct?

MR. EADIE: Okay, I see. I'm sorry. I thought you were talking about the Act as it's currently written without the amendment.

MR. SCHROEDER: Well, do you agree then that that is the way it should be, that is, that with this amendment we would wind up not having Mayor Norrie as the Mayor, we would have whoever the council would have chosen as the deputy mayor, as the mayor today? Is that the way you would want to see the situation today?

MR. EADIE: I wonder. I think I'm either lost or maybe I haven't made myself very clear. What I want to see is, that first of all there is a choice, the individual is given the choice at a general election of contesting one or both offices. In the meantime what I want to see is that during the term of a council, if the mayor's office becomes vacant, that the person who is deputy mayor automatically fills in that spot without the necessity of a by-election for mayor. Maybe I've lost something after listening to your question but that's what I wanted to see in the Act and if I haven't made that very clear then I apologize.

MR. SCHROEDER: Thank you.

MR. CHAIRMAN: Any further questions? Thank you, Mr. Eadie.

MR. EADIE: Thank you, Mr. Chairman.

MR. CHAIRMAN: Is there anybody here from the R.M. of Macdonald? There's nobody here from the R.M. of Macdonald? Next, I have Mayor Norrie on behalf of the city of Winnipeg. I don't see Mayor Norrie here. Does he have a representative here? Is there anyone else that would like to speak on Bill 97? Councillor Moore.

MR. MOORE: Yes. Mr. Chairman, members of the committee. It was not my intention when I came here to speak to this particular subject but as a result of the last delegation I felt it incumbent upon me to just possibly enlighten the members of the committee as a member of the Assiniboine Park Fort Garry Community Committee, of which, prior to its election of the office of Mayor, Councillor Norrie served as the councillor from the Tuxedo Heights Ward. The Ward of Tuxedo Heights does not require, I would think, the same degree of attention from its councillor, as possibly some other wards in the city do.

I know that, at that time, Councillor Filmon, now MLA Filmon who introduced the legislation suggested that there were problems with our community committees, which there certainly was. There were times where we were unable to obtain quorums. There were times when the duties of Mayor Norrie's other functions prohibited him from attending our meetings and dealing with the day to day items which a councillor has to face and his responsibilities to his constituents in his particular ward. And I, from practical experience, do not feel that it is possible for a person to serve as both mayor and councillor of a ward in 1980 in the city of Winnipeg.

Now, unfortunately, there are going to be decisions that are going to have to be made by individuals when they file their nomination papers, as to whether or not they're going to seek the office of a City Councillor or the Mayor, and there is the possibility that, as has been indicated by some members of the committee, that there are some people who are maybe lost to the political spectrum, as it were, and they're allowed to contribute. But I do not feel that it would be fair to the citizens of a particular ward to be represented by a person who was the mayor and their councillor.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, I also wanted to ask the councillor then, whether he believes it's possible for a Provincial Cabinet Minister or a Provincial Premier to represent a constituency, either on his own or with the assistance of an executive assistant or other staff, because it is being done. I just wondered whether the councillor had any views on that or whether he would like to compare workloads or any other factors which might make him think differently in regard to the two positions. We obviously think it is possible because it is being done but I just wondered whether you had any views about the provincial or federal scene vis-a-vis the city scene.

MR. CHAIRMAN: Mr. Moore.

MR. MOORE: Mr. Chairman, that is certainly an area that I am quite familiar with because the Premier of this province happens to represent Charleswood and I represent it at a municipal level. And there are difficulties which are inherent to it — and backtracking to the city for one moment — where a city councillor is elected as a part-time position, it's not in the hours of putting in but that is an issue itself, whereas the mayoralty position is a full-time position and it is expected that the individual would apply himself to that office on a full-time basis.

Members of the Legislative Assembly are for all intents and purposes to a full-time position, as is a member of Cabinet and as is the Premier. I believe that there probably are some inherent problems which are there relevant to the Premier, the Leader of the Opposition or Cabinet Ministers being able to function at a level, which was there.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: Mr. Chairman, just again, it appears that Ministers are able to also do constituency work, maybe with some pain and with some difficulty, but they do have that obligation. I wondered whether the councillor felt that the workload of the mayor was somehow or other greater or different than the work of a Cabinet Minister.

MR. MOORE: Mr. Chairman, I don't feel that it's different. It may have certain time constraints on it which you don't have as a Cabinet Minister when the House is in session. You are certainly here at all hours of the day and night and for many hours. There are times when the House is not in session where the business of the province or of the country has to function and the Cabinet Minister is there. Now, a Cabinet Minister or a Premier has executive assistants who have a power to look after it. In the case of the mayor, there is an executive assistant who is there, but he is not making political decisions. He is not in tune as a political person, he is there and serves a function as an executive assistant, more in a clerical position than as opposed to what you would find with an executive assistant who is with each and every member or each and every Minister.

MR. DOERN: Mr. Chairman, I would just say that in general to the councillor that it would seem that Ministers are able to utilize their executive assistants in a certain way, to help them represent their constituencies. It seems to me that the mayor could probably also utilize his executive assistant in such a way. I don't believe in either case these people are going to take the place of the person they work for, but it would seem to me that it's possible for the executive assistant to assist the political person to fulfill his duties and I just ask you whether that shouldn't be true in both cases.

MR. MOORE: I think there is, Mr. Chairman, on the face of it, some validity, but when you have an executive assistant appointed to a Cabinet Minister or to the Premier, that person is not a civil servant in those briefer terms, whereas the executive assistant to the mayor of the city of Winnipeg is a member of the city of Winnipeg staff and he is not a political person. He does not function as a political person. I think that is . . . Now there could be some room for change in there, that that may be allowed, where the mayor were budgeted a certain amount of dollars to provide his own executive assistant, but presently the Act does not allow for that.

MR. DOERN: A final question, Mr. Chairman, then. To make a new proposal, I would ask the councillor if he would support at least in argument or in theory at this time the notion that perhaps the mayor could handle his constituency obligations by having an additional assistant who would be politically appointed who would work at his direction for the primary purpose of helping him fulfill his political and constituency obligations, as opposed to the other executive assistant who is primarily an administrative person. Would you support such a concept?

MR. MOORE: To Mr. Doern, I have not given any thought until you raised the subject a couple of minutes ago and I would certainly have to give it due consideration. It possibly has some merit but I would rather not comment on it at this point.

MR. CHAIRMAN: Mrs. Westbury.

MRS. WESTBURY: Thank you, Mr. Chairperson. To Mr. Moore — going back to the questions I was asking Mr. Eadie, I would refer you to Section 25(1) of The City of Winnipeg Act which says that it provides for a quorum of the community committee. First of all, I would like to ask you, if you feel that in former councillor, present mayor Norrie's case, it was really just the quorum at community committee I think that was the prime difficulty. Do you think if this was removed from the Act and the community committee able to establish its own quorum, or council even able to establish the quorum, that would eliminate a lot of the problem?

MR. MOORE: Mr. Chairman, to Mrs. Westbury, I have very strong feelings on it. I don't think it's fair to the people who are in that particular . . . I think they should be represented by a person who is there and is acting on their behalf as a full-time councillor, whereas Mayor Norrie — and I believe he has stated publicly that his concern is that he has 600,000

people who he has to be responsible from, from an overall standpoint. If he has a ward which constitutes 30,000 people who have individual needs, he has to make an overall judgment as opposed to being individually and parochial for a certain point. I don't feel it would help. I don't think it would alleviate the problem.

MRS. WESTBURY: Thank you.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: Thank you, Mr. Chairman. I wonder, Mr. Moore, whether you could give us an estimate as to the number of hours per week that you would expect that most councillors would put in. I understand, although it may be getting to be close to a full-time job, that it's still you're being paid on the basis that it's part-time. Do you have an estimate?

MR. MOORE: When I was elected in October of 1977 for the first 12 months I was in office and I have documented hours that I have put in relevant to meetings — this was no time for reading but relevant to constituency problems and it was averaging at that time from November 1, 1977 to October 31, 1978, 34 1/2 hours a week of meeting times and constituency business.

MR. SCHROEDER: I'm trying to distinguish between your work and the mayor's work. I would take it that some of that 34 hours would be taken up in meetings at which the mayor of the city would also be present. I wonder, could you break out an estimate of local constituency work as opposed to your entire work or work that would be overlapping with work that the mayor would put in.

MR. MOORE: Mr. Chairman, the mayor sits or can sit, if he wishes to attend every committee, every standing committee, and in my particular case I, as the member of the Committee on Environment, and in my particular makeup of there I did break it down where council was taking of that particular time where the mayor would be obligated to attend would be approximately 10 hours a week, from his position of the mayor. But if he were a duly elected councillor he would still have those type of hours that he would have to put in. As I indicated, those were all meeting times only and you gentlemen and Mrs. Westbury know the type of mail and so on that you receive and documentation that you must read through. As the mayor of the city, you would receive all of those reports of each and every standing committee and would have to be apprised of most situations which are in there, too. But I would say probably about a two-third/one-third split.

MR. SCHROEDER: Mr. Chairman, I'm not asking you to tell us about your other work, but could you estimate as to how many of the councillors have a full-time job outside of City Council as opposed to part-time employment?

MR. MOORE: To the best of my knowledge, I believe that there is one gentleman who is retired, Councillor McGarva, and I believe only one other

who does not "be employed full-time or operate his own business." I believe those are the only ones which are presently there. The two positions of the mayor and the deputy mayor are certainly full-time positions and the committee chairman, again, are another position which is in there, but I believe only two.

MR. SCHROEDER: So that everybody, well, basically, practically everyone on council has another full-time job and yet there are suggestions that the mayor should be in a position where he, although he has the full-time job of mayor, should not be entitled to the part-time job of councillor.

MR. MOORE: Mr. Chairman, I don't feel he can function as both. In terms of having two jobs, it is by necessity that you were required to have some other employment. In terms of the monetary consideration which is in there, I think that into the areas of salaries and so on, it is a salaried, full-time position which was and I think is adequate or close to being adequate, anyway, of what his requirements are. But I don't think that the additional income from being a councillor would warrant the input of the additional hours because I know that from the case of the late Mayor Steen and with now, Mayor Norrie, that you could find either one of those gentlemen at their office at any time of the day or night or on weekends.

MR. SCHROEDER: Thank you. I have no further questions.

MR. CHAIRMAN: Are there any further questions? Thank you, Mr. Moore. Are there any further presentations? I would like to indicate that we have received a submission from Mr. Lorne from the municipality of Tache. This in regard to Bill 101 and it deals with the matter which has been eliminated from that particular bill. I will put this over here. If anybody wants to take a look at it, that's fine.

BILL NO. 15 — AN ACT TO AMEND THE BRANDON CHARTER

MR. CHAIRMAN: We will now go along clause by clause. Before we go on clause by clause, I should say that we indicated earlier that we expected the Minister or Urban Affairs to be here by around 4 o'clock. I noticed that there was some city staff left at that time. If we should have people appearing that want to make submissions at 4 o'clock on that bill, I think we should give them the opportunity here to do so. We will now go on clause by clause. Bill 15, Page 1 pass; Preamble pass; Title pass. Bill be reported — pass.

BILL NO. 60 — AN ACT TO AMEND THE MUNICIPAL ACT

MR. CHAIRMAN: Bill 60, An Act to amend The Municipal Act. There are some amendments to this Act which are being distributed. Page 1 pass; Page 2, there is an amendment on Page 2 — Mr. Anderson.

MR. BOB ANDERSON (Springfield): Mr. Chairman, I move that Section 6 of Bill 60 be amended by

striking out the figures "58" therein and substituting therefor the figures "52".

MR. CHAIRMAN: Agreed? Page 2 pass — Mr. Miller.

MR. MILLER: Just for clarification, because the others are also juggling the figures, is there anything substantive in any of this or just correcting numbering, etc.?

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: That's just a typographical error.

MR. CHAIRMAN: Page 2 pass; Page 3 pass; Page 4 pass — Mr. Anderson.

MR. ANDERSON: I move that Section 14 of Bill 60 be struck out, Sections 15 to 28 thereof be renumbered as Sections 14 to 27 respectively and Section 28 of the bill be amended by striking out the figures "23, 24 and 25" where they appear in the first line thereof and again in the second line thereof and substituting therefor, in each case, the figures "22, 23 and 24".

MR. CHAIRMAN: Is that agreed? Mr. Schroeder.

MR. SCHROEDER: Mr. Chairman, what was the purpose of Section 14?

MR. CHAIRMAN: The Minister.

MR. GOURLAY: This had been corrected last year and it was appearing again this year, and the correction has already taken place.

MR. SCHROEDER: Fine, thank you.

MR. CHAIRMAN: Page 4 as amended pass; Page 5 pass; Page 6 pass; Page 7 — Mr. Anderson.

MR. ANDERSON: I move;
That Section 28 of Bill 60 be amended by adding thereto, at the end thereof, the words and figures "but sections 8 and 27 are retroactive and shall be deemed to have been in force on, from and after May 1, 1980."

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: These amendments, Mr. Chairman, were drafted at separate times and the numbering has got a little out of sequence, because we renumbered sections by reason of the second motion. Now the numbers that should be added here are "8 and 26" because of the numbering, if I could make that a correction?

MR. CHAIRMAN: Page 7 as amended pass; Title pass; Preamble pass; Bill be reported, as amended pass.

BILL NO. 67 AN ACT TO AMEND THE MUNICIPAL BOARD ACT

MR. CHAIRMAN: Page 1 pass; — Mr. Schroeder.

MR. SCHROEDER: I think we're in basic general agreement with it, but I believe on second reading there had been some discussion of the words "becomes for any reason incapable of acting," that is whereafter the board has commenced a hearing, a member who was present when the hearing commenced, dies, resigns or becomes, for any reason, incapable of acting, does that include his or her being replaced on the board?

Mr. Minister.

MR. GOURLAY: Thank you, Mr. Chairman. I believe there were some questions with respect to the expiry date of a member in the midst of a hearing; in this case the extension of that member would be granted to cover that period of time required to complete the necessary hearing.

MR. SCHROEDER: Where does the Act provide for that member being extended for the completion of the hearing?

MR. GOURLAY: Mr. Chairman, as I indicated, this is where the hearing would be under way and where the expiry date of a member may coincide, and this amendment would allow the others to carry on, to complete, even though they may not have a quorum.

MR. MILLER: Mr. Chairman, just for clarification, if the Minister so desires, that person's appointment could be extended, but in the event that it is not extended, I'm assuming that the term "becomes for any reason incapable of acting" that would cover that particular situation — where a person is not re-appointed, is no longer on the board, but the remainder of the board can then continue to function, and new hearings do not have to be held. Is that the purpose of all this?

MR. GOURLAY: That is correct, Mr. Chairman.

MR. MILLER: Thank you.

MR. CHAIRMAN: Page 1 pass; Title pass; Preamble pass; Bill be reported pass.

**BILL NO. 68
AN ACT TO AMEND
THE LOCAL AUTHORITIES
ELECTION ACT**

MR. CHAIRMAN: Page 1 pass; Page 2 pass; Title pass; Preamble pass; Bill be reported pass.

**BILL NO. 89
AN ACT RESPECTING THE CITY
OF BRANDON AND CERTAIN
MUNICIPALITIES AND TO AMEND
THE BRANDON CHARTER**

MR. CHAIRMAN: Page 1 pass; Page 2 pass; there is a correction on Page 3.

MR. TALLIN: On the sixth line, the word "on" should be the word "and". I presume we don't need an amendment to correct that.

MR. CHAIRMAN: Page 3, as corrected pass; Page 4 — Mr. Tallin.

MR. TALLIN: Excuse me, Mr. Chairman, on Page 4 there are two other typographical errors, about two-thirds of the way down you'll see starting with "Three (3) to the Eastern limit of a survey" the "a" is left off, and again down three lines further where the line starts at "1142 "to the Northern limit of a survey" — both just adding the word "a".

MR. CHAIRMAN: Page 4, as corrected pass; Page 5 pass; Title pass; Preamble pass; Bill be reported pass.

**BILL NO. 91
AN ACT TO AMEND
THE BRANDON CHARTER (2)**

MR. CHAIRMAN: Page 1 — Mr. Evans.

MR. LEONARD S. EVANS (Brandon East): Mr. Chairman, I'm not a member of the committee and can't vote or move any amendments, but I believe I can speak. I don't want to prolong the debate, because I don't know how much support I have. As members know, I do have some problem with this particular bill — what I'm doing is reflecting a number of calls that I have received from citizens who do not wish to have this brought in. So I just wanted to make members of the committee aware of that; perhaps some of them were not in the House when I spoke. But what this does, in effect, is remove the residency clause, and as I said, I am expressing the views of some concerned citizens. I suggested they come down to the committee to express their views, but they felt that it was costly and may not be worth the effort, because they felt that it would be carried anyway.

I was wondering, Mr. Chairman, why either the mover of the bill, or a representative from the city of Brandon, would not be here to speak or to answer questions, because as I indicated, it is a very close matter in the Brandon council. The council was divided on it, I believe it carried by 5 to 4 vote, and there is a lot of, I would suggest, division in the community. On the other hand there is no large outcry, so to speak, because I am of the view that many people are not aware that the city council has moved this. There just hasn't been the awareness of this particular move by this city council.

I appreciate the argument that was brought forth that if the city wants this, well we should accommodate them. But I do express the view that there is a great division among the people, there is a divided opinion on the whole matter, and there are some people who think the existing system has worked well, and there is no need to have a change.

So I express that view again, Mr. Chairman, and I ask you, is it not appropriate that at least the mover of the bill be here, if not someone from that municipality to speak to it?

MR. CHAIRMAN: Mr. Minaker.

MR. MINAKER: Mr. Chairman, I just want it confirmed, this bill was requested, was it not, Mr. Chairman, by the city of Brandon's council and became a resolution of that council? Does anybody want to comment on that?

MR. CHAIRMAN: Mr. Minister.

MR. GOURLAY: Yes, that is correct. As the Member for Brandon East had indicated, there was a vote on it and it wasn't unanimous. However, it was requested by the city of Brandon, by a majority vote of council.

MR. MINAKER: Mr. Chairman, is it not also correct that it is normally the procedure of a backbencher, rather than a government member, normally brings in a bill of this nature?

MR. GOURLAY: That's correct.

MR. MINAKER: That is the vehicle and it's not necessarily a must that the person that presents a bill be present necessarily at a committee. I understand that we passed Bill 15 earlier when Mr. Evans wasn't present, so I would wonder why he wasn't present at that point in time in the committee if it is so important for this particular section?

MR. EVANS: Mr. Chairman, there's a great difference between No. 15 and this one. No. 15 simply changes the value of fines and fees that the city can levy from, I think, 50 to 1,000, a maximum of 1,000.00. A very minor, technical thing.

This affects the way the city may operate in the future. Prior to the legislation of 1971, Mr. Chairman, the city council of Brandon tended to be dominated by people from a particular area of the city, namely, a certain portion of the west end of the city, and there were also certain occupational groups that tended to dominate the city council. With the bringing in of the ward system and the residency clause, this has changed and I think it's worked quite well, there's been a wider representation on the city council.

Now, Mr. Chairman, I want to reiterate, I'm reflecting the views that have been expressed to me by some citizens, because I think there is an argument against the residency clause, I appreciate that. And I appreciate that there is no residency clause required for federal or provincial members of parliament, and I believe it is not requested of the city of Winnipeg councillors. At any rate I want to advise that I have had several people show concern about this particular change, but no one has phoned or contacted me on the reverse side, that is, that we should bring about this change and eliminate the residency requirement. So what I am doing, Mr. Chairman — I appreciate the validity of the other argument — I'm simply echoing the views that have been expressed by some constituents, and as I said, I was asking whether anyone from the city would be here to talk on it, or the member himself.

I apologize for not being here for No. 15. I was told to come and I came as quickly as I did, but because there was really nothing in the bill, I guess it passed very quickly.

MR. CHAIRMAN: Are there any further comments? Page 1 pass; Preamble pass; Title pass; Bill be reported pass.

**BILL NO. 100
AN ACT RESPECTING THE
ASSESSMENT OF PROPERTY FOR
TAXATION IN MUNICIPALITIES IN
1981 AND 1982**

MR. CHAIRMAN: We'll do 97 a little later. Mr. Schroeder.

MR. SCHROEDER: Yes, on 100. I believe Mr. Balderstone gave a presentation before; he expressed some concern from the point of view of rural municipalities with respect to this bill. I'm just wondering whether the Minister could answer some of the questions that he had?

MR. CHAIRMAN: Before we proceed with this, I wonder could we do that when we get to that particular section that he was objecting to. What was that again? It was not a written presentation. It was not on page 1, was it? The Minister.

MR. GOURLAY: Mr. Chairman, some concerns were expressed in the second reading stage by members opposite and I have prepared a statement here that copies are available and I was wanting permission to maybe read this into the record, if I may.

I think, Mr. Chairman, as I mentioned earlier a number of questions had surfaced during the second reading and I put together a statement that I'd like to read into the report that hopefully will answer many, if not all, of the questions that have been raised to date.

The Manitoba Assessment Review Committee, in its Interim Report, recommends that legislation be introduced at the 1980 Session of the Manitoba Legislature to maintain existing levels of assessment until December 31st, 1982.

In Manitoba we have for many years followed the practice of assessing property at a percentage of actual or market value. In the early 1950s, when the assessment function became a provincial responsibility, the level of assessment was approximately 50 percent of market value. With rising property values this percentage gradually declined and by the early 1960s the level of assessment had dropped to about 25 percent of market value. In other words, property values during this period doubled while the level of assessed value remained constant.

Beginning in 1964 assessment levels of value were updated, bringing the percentage to about 40 percent of market value. Rising property values have once again widened the gap between assessed value and market value to a point where property is now assessed at a small fraction of market value. As this gap widens and property is assessed at a very small fraction of actual value it becomes increasingly difficult for anyone to relate assessment values to something meaningful. According to the Review Committee the assessment values have reached a point where they are almost meaningless when related to the current level of property values.

The Provincial Municipal Assessor and the City of Winnipeg Assessor are in the process of carrying out an assessment revision program to bring the level of assessed value more closely in line with the current level of market value. A system has been developed

whereby existing assessments are being updated to a level of value based on the year 1975 as a base period. The revised assessment takes into account, not only the change in level of value but also recognizes changes in the pattern of values. The program is scheduled for completion in 1980 for implementation in the taxation year 1981.

Implementation of the revised assessment will result in major shifts in assessment values. These shifts will be the result of major changes in property values which have occurred over a period of many years. In the City of Winnipeg, for instance, indications point to a 15 percent to 20 percent shift from commercial and industrial properties to residential properties. In the rural areas the shift from urban to agricultural lands exceeds 25 percent. Within each class the variations between individual properties will be in many instances, much greater.

The Assessment Review Committee is aware of the revision which is scheduled for implementation for the taxation year 1981. The Committee is also aware of the consequences which would result from implementation of the revised assessment. It has become quite apparent that the Committee's effectiveness would be seriously jeopardized if major changes in assessments occur at this time. The revised assessment is scheduled to be completed this year. Both the City of Winnipeg Assessor and the Provincial Municipal Assessor have a statutory obligation to implement the revised assessment in 1981. If implementation is to be delayed, then legislative intervention is necessary.

This Act delays the implementation of the revised assessment during 1981 and 1982. The Act provides for the levels of assessed value to be maintained at a level consistent with the levels used in preparing new assessments for the year 1980. In other words, the assessment process will continue in the same manner as it has over the past several years. Both the City of Winnipeg Assessor and the Provincial Municipal Assessor will continue to carry out the annual maintenance programs using the same scale of values which has been in use for a good many years. Those municipalities which are being reassessed, the assessor will assess property at the same level of values as was used in preparing new assessments for the year 1980.

For example, the Rural Municipality of St. Andrews was reassessed in 1979 for implementation in the taxation year 1980. In carrying out this reassessment, the assessor used the same scale of values which has been in use in Manitoba for many years. This scale of value, which is a fraction of actual value, is applied to all properties in order to establish an equitable relationship between all classes of lands.

This year the neighboring municipality, the R.M. of St. Clements, is in the process of being reassessed. In this reassessment the assessor is using the same scale of values as was used in the R.M. of St. Andrews. This brings the two municipalities into an equitable relationship to each other while still using levels of value consistent with most municipalities throughout the province.

The proposed legislation would not permit any assessments to be implemented at the 1975 level of value for the years 1981 and 1982. In short, 1975 prices would not form the basis for any new

assessments, but a fraction of 1975 values would be maintained. It will, however, permit reassessments to be carried out to reflect the changes in property values that have taken place since the previous assessment. This will ensure equity in assessments within the municipality.

With respect to the relationship of assessment between municipalities, the equalization process will continue to ensure an equitable distribution of shared costs. This process takes into consideration any differences in assessment values in determining the equalized assessment. Shared costs are apportioned on a basis of the equalized assessment.

The bill will ensure that the level of assessment, which is presently in effect, will be maintained in the years 1981 and 1982.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: Mr. Chairman, further to the Minister's statement, and I thank him for it because I think it clarifies many questions, but for the record the submission made by Reeve Balderstone of West St. Paul, his concern that the impact as between municipalities within a school division, that he wanted to make sure that this would not unduly impact on them. Am I correct and therefore concluding from this statement, that the actual assessment as it exists within a municipality, really does not affect the allocation of costs for school purposes, especially for school purposes, but rather it's the equalized assessment that it used to apportion the dollar amounts required from each municipality? The dollar amounts having been determined on the basis of equalized assessment, then the Secretary-Treasurer determines the mill rate required to raise those dollar amounts. So, therefore, whether the assessment has been done in 1958, the actual assessment done in 1958, or '65 or whatever it was, really doesn't cut any ice because equalized assessment is used to apportion the number of dollars required from each municipality. I see staff shaking their heads so I assume it's right and Mr. Balderstone's concerns, therefore, were not valid.

MR. CHAIRMAN: The Honourable Minister.

MR. GOURLAY: Yes. What you're saying is correct.

MR. MILLER: The next question is this: Have any of the municipalities last year, for example, have any of them moved to the 1975 base?

MR. GOURLAY: Well, we've been using the current values of assessment for the last 16 years.

MR. MILLER: I see. So there are no municipalities in Manitoba which have been reassessed using the 1975 base, which impacted in 1980.

MR. GOURLAY: That's right.

MR. MILLER: Okay. Mr. Chairman, I can therefore understand the submission. What comes our very clear, Mr. Chairman, is that the government does not want to move, and it's recommended they not move in this area, at least not until after the next provincial election, because there's going to be a considerable impact across Manitoba and within the city of

Winnipeg and you don't have to read much between the lines to see what's going to happen here.

That's the only comment I want to make. It's a good political document.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: Yes, Mr. Chairman. Mr. Miller seems to understand this document more clearly than I do so I'm going to have to ask some questions.

Who pays less tax as a result of this bill and who pays more?

MR. GOURLAY: Actually there's no winners or losers in this process because of the equalization factor that is implemented, to prevent that situation from happening.

MR. SCHROEDER: Yes. On Page 2 of the report, the second paragraph it states, "In the City of Winnipeg, for instance, indications point to a 15 percent to 20 percent shift from commercial and industrial properties to residential properties. In the rural areas the shift from urban to agricultural lands exceeds 25 percent".

MR. GOURLAY: Yes, this would happen once you implement new assessment valuations.

MR. SCHROEDER: But then if it was not for this bill, is it not correct that in 1981 there would be a tax shift from commercial and industrial to residential properties, first of all? Is that correct?

MR. GOURLAY: That's correct.

MR. SCHROEDER: So what we're saying, in that instance, is that home owners could potentially benefit as opposed to commercial and business people. Is that correct?

MR. GOURLAY: Mr. Chairman, this is what we're saying. There would be such a shift take place that the Assessment Review Commission, in carrying out their work, which has already started, would be caught with a major shift taking place after they had started their process and their final report would be very difficult to understand or have meaning to citizens.

MR. SCHROEDER: Well, it may be very difficult to understand but we're talking here about a 15 or 20 percent shift. It's a shift from somebody to somebody, from whom is it? And who then is paying more because we're passing this legislation and who's paying less?

MR. GOURLAY: Well, this would take place within various municipal jurisdictions.

MR. SCHROEDER: Yes, I accept the proposition that each of these cases is within a municipality but let us take a rural municipality, for instance, and it may have some unincorporated villages in it and it also has farm lands in it, in the year 1981 if we did not have this Act, is it not correct that in that municipality if you had assessment based on current legislation without this Act, that there would be a

shift of taxation from the people in the village to the people on the farm, in that municipality?

MR. GOURLAY: That's right, yes.

MR. SCHROEDER: Pardon me?

MR. GOURLAY: That is correct.

MR. SCHROEDER: So there's a shift then as a result of passing of this legislation from one group of taxpayers to another group for a period of several years?

MR. GOURLAY: No, the purpose of this legislation is to keep the status quo.

MR. SCHROEDER: You're keeping the status quo by changing the law. The law is that in 1981, if we didn't have this document, agricultural lands would pay more taxes than if we have this document and residences in rural villages, for instance, would pay less taxes than if we have this document. — (Interjection)— I'm sorry, pay more taxes than if we have this document.

MR. GOURLAY: Mr. Chairman, without this bill that would happen.

MR. SCHROEDER: And in cities, is the shift, that is who would be paying more if we don't have this, would it be the home owners or would it be the business people?

MR. GOURLAY: Mr. Chairman, in the city of Winnipeg the home owners would be paying more.

MR. SCHROEDER: On Page 1 of your report, Mr. Minister, you indicate that the Manitoba Assessment Review Committee recommends that this legislation be introduced, so that existing levels be maintained until December 31, 1982. Can you explain why it will make any difference, even though this committee is holding hearings? We can accept the fact that they are looking into property taxation, but why should it matter that they are looking into it, so what? Why don't we just continue on with the existing law?

MR. GOURLAY: Well, they're looking to what is now and what will be in the future and what has been in the past, and if we don't hold the status quo, it becomes very difficult to explain or to bring in meaningful recommendations.

MR. SCHROEDER: It would seem to me that it would be more appropriate to have the existing law continue on and we could see exactly what changes would have resulted from using existing law next year, or whenever this committee brings in its report, and we could compare what it's proposing to what would have happened anyway, if they hadn't had a hearing or a report, or a recommendation in the first place.

MR. GOURLAY: I guess this could be argued. The main purpose of this legislation is to simplify the procedure, so that it can be more fully understood by more people.

MR. SCHROEDER: I'm beginning to understand this a little more clearly, and I would agree with Mr. Miller that the purpose is to make sure that the taxpayers don't get mad, as opposed to any purpose of clarification.

You indicate on Page 3 of your statement, that the scale of value, which is a fraction of actual value, is applied to all properties. I'm just wondering why that is, because I recall reading the Assessment Act and I believe Section 29 states that all land is to be assessed at value, and it doesn't say at a fraction of value. It says at value, and one would assume that value is 100 percent of value.

MR. GOURLAY: This is the intent, to move to full value, rather than a fraction, which we now have.

MR. SCHROEDER: Mr. Chairman, the intent of this document is to freeze us at 1964, instead of to move us even into 1975. Again the same thing applies with respect to buildings. Buildings are to be assessed under the Assessment Act, as I read that Act, at two-thirds of their value. And I don't read anywhere in that Act where it says 1964 value or 1975 value. It would seem to me that that's 1980 value, if you're doing it in 1980. Is that not correct?

MR. GOURLAY: I guess, Mr. Chairman, what we are trying to establish is that whatever level we are using, it is equitable for all classes of property and to establish a base that is equitable for various classes of property.

MR. SCHROEDER: But this bill just freezes where we are for two years, it doesn't make anything more equitable. And while talking about bringing things into a more equitable situation, I'm again referring to the Minister's document on Page 3, in the third paragraph, the third sentence, "this brings the two municipalities into an equitable relationship to each other." Now how are they currently, that is the RM of St. Clements and RM of St. Andrews, how are they currently in an inequitable relationship with each other?

MR. GOURLAY: The RM of St. Andrews was reassessed in 1979; the RM of St. Clements is in the process of being reassessed at this time.

MR. SCHROEDER: As a result of the 1979 reassessment in St. Andrews, did the people of St. Andrews pay more in taxation than they would have, had they not been reassessed?

MR. GOURLAY: That is when the equalization factor would be implemented, where there's a discrepancy between one municipality and another because of the time lag in reassessment.

MR. SCHROEDER: What's confusing me is that this paragraph indicates that until St. Clements is reassessed there is an inequitable relationship between St. Clements and St. Andrews. What I'm asking is, for that one year during which St. Clements was not reassessed, were the St. Andrews' property taxpayers paying more in relationship to St. Clements, than they will after the reassessment? My understanding of your previous answers was that

they would not be paying more in total because of other equalization formulas. But if your previous answers were correct, that the people in St. Andrews wouldn't be paying more for that one year, then I'm just wondering why you are suggesting that the reassessment of St. Clements will be bring St. Clements into an equitable relationship with St. Andrews?

MR. GOURLAY: This is without the equalization factor being necessary.

MR. SCHROEDER: So then the bottom line to the individual property taxpayer in St. Clements is that it doesn't matter whether he was reassessed or not, assuming that he's going to be an average individual who is not reassessed to a large extent, or to a low extent?

MR. GOURLAY: Thank you, Mr. Chairman, when you're looking at it from averages, there would be no difference, there would be no problem.

MR. SCHROEDER: There's another in that same paragraph, in continuing on with that sentence "still using levels of value consistent with most municipalities throughout the province," should that not have been all municipalities, or are there different levels of value being used in different municipalities?

MR. GOURLAY: Mr. Chairman, in many situations there are municipalities that have not been reassessed since perhaps 1970 or 1971 or 1972, and some of those will be picked up this year and be brought up to date, but there will always be some that will be out of date.

MR. SCHROEDER: Yes, then going on to the last paragraph of Page 3, the second sentence, "in short, 1975 prices would not form the basis for any new assessments, but a fraction of 1975 values would be maintained." Now if you use a fraction, and if you always used the same fraction then surely, using 100 percent of 1975 on everybody would provide you with the same ratios, as between commercial and industrial and residential, and as between village and agricultural. Is that not correct?

MR. GOURLAY: That is the objective to bringing in that full value. It mentions here, but a fraction of 1975 values would be maintained — because of the changing upward prices of land the fraction becomes smaller.

MR. SCHROEDER: You're saying that you're working toward a situation where all parcels of land and all buildings are on the same fraction of 1975 values. Is that correct?

MR. GOURLAY: Yes, that's correct.

MR. SCHROEDER: But the two-year freeze now, is a period during which we will use a less equitable method of taxation. Or is that not correct?

MR. GOURLAY: No, actually, in municipalities that are being reassessed, some discrepancies that occur within the municipalities will be corrected. The only

thing that won't change is that the values of assessment will remain frozen, but certain discrepancies that are existent within the municipalities can be corrected during this reassessment process that goes on this year, next year and in 1982 — but not changing the base.

MR. SCHROEDER: The point is that in 1981 and 1982, the same type of reassessment will go on as went on in this year, the difference in 1981 and 1982 is, if we pass this legislation, it will be on further outdated calculations. Or values I should say.

MR. GOURLAY: Yes, it just delays the implementation of new values of assessment.

MR. SCHROEDER: Thank you.

MR. CHAIRMAN: Mr. Minaker.

MR. MINAKER: Maybe I'll let it go, but I was just going to say, won't this particular recommendation keep the ratio of the amount of taxes paid by the homeowner in the same ratio as is presently paid by the commercial? Isn't that the basic objective of the program, that's why we're doing it?

MR. GOURLAY: That's right. That's what actually happened.

MR. CHAIRMAN: Page 1 pass; Page 2 pass; Page 3 pass; Preamble pass; Title pass; Bill be reported pass.

BILL NO. 101 THE PLANNING ACT

MR. CHAIRMAN: There are some amendments to Bill 101. The Minister.

MR. GOURLAY: Thank you, Mr. Chairman, with respect to Bill 101, and the deletion of amendment No. 1, there will be a motion brought forward by Mr. Wilson. However, there is a proposed amendment being circulated to members of committee for your consideration, dealing with privately-owned lands in provincial parks, so that they would be under the jurisdiction of the Minister of Natural Resources rather than the Minister of Municipal Affairs. Appropriately this should have been read into the record during second reading. However, I didn't receive it until after the closing of the debate had occurred, and I'm just asking your indulgence to consider this amendment at this time, rather than delaying it until another session.

MR. MILLER: Mr. Chairman, just to make sure that I understand it. All this does is simply change the jurisdiction from one Minister to another.

MR. GOURLAY: Essentially that's it.

MR. MILLER: There's nothing else? Okay.

MR. CHAIRMAN: Mr. Wilson.

MR. R. G. (Bob) WILSON: Mr. Chairman, I'd like to move an amendment to the bill — Clause 1(a) of the

Planning Act, being Chapter 29 of the Statutes of Manitoba, 1975.

MR. CHAIRMAN: Order please. Could you start at the beginning.

MR. WILSON: Mr. Chairman, I move an amendment to Bill 101, An Act to amend the Planning Act;

That Section 1 of Bill 101 be struck out and the following sections be substituted thereof;

Clause 1(a) of the Planning Act, being Chapter 29 of the Statutes of Manitoba, 1975, Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba is amended

(a) by adding thereto at the end of sub-clause (3) thereof the word "or" and;

(b) by adding thereto immediately after sub-clause (3) thereof the following sub-clause: "for the Minister responsible for the administration of provincial parklands under The Provincial Parklands Act".

A further amendment is 1(j).

Clause 1(j) of the Act is amended by adding thereto immediately after sub-clause (3) thereof the following sub-clause:

"for in provincial parklands, the Minister responsible for administration of those lands under The Provincial Parklands Act". The motion is that subsection 60 . . .

MR. CHAIRMAN: Page 1, as amended pass; Page 2 pass; Page 3 — Mr. Wilson.

MR. WILSON: No, I'm on Page 4, Mr. Chairman.

MR. CHAIRMAN: Page 3 pass — Mr. Schroeder.

MR. SCHROEDER: Mr. Chairman, I had asked the Minister several days ago to advise as to whether there was any specific will or codicil he was referring to in dealing with Section 60(3) of the Act. My understanding of the provision is that this Clause (g) will allow for a subdivision of property not in compliance with The Planning Act providing that a will has been executed prior to January 1, 1976, and, of course, probate has to be granted in order that this subdivision can be approved. Can he explain why he has this in the Act?

MR. CHAIRMAN: The Minister.

MR. GOURLAY: Mr. Chairman, as I understand it, there has been some five or six wills to date, the Act needs some clarification before they can be properly dealt with.

MR. SCHROEDER: Mr. Chairman, I'm aware of one will and the maker of that will is still very much alive and I expect him to live for very many years. He has subdivided, or purported to subdivide by will, in a situation where it would be contrary to The Planning Act and certainly contrary to the wishes of the municipality in which that land is located. I'm very curious to know why it is that type of situation should be allowed to continue. I could understand the Minister saying, well, if a person made a will and passed away before January 1, 1976, and probate was granted, that possibly that person's estate should be placed in the same position as any other

andowner at that time; but to say that for the next half century we're going to have to wonder when the text will come in subdividing land in a fashion different from what is allowed by The Planning Act seems to me a very unusual provision.

MR. GOURLAY: What we are trying to do is clarify the present Act which states land is subject to an agreement for sale and purchase or other equitable disposition in writing entered into prior to the first day of January, 1976, and that the agreement is supported by a statutory declaration of a witness to the agreement or disposition, or where no witness can be found of a party to the agreement or disposition.

MR. SCHROEDER: Mr. Chairman, this is no clarification at all. This is an extension. What you have just read is a situation where two individuals or companies or whatever entered into an agreement in 1975, or prior to that, a written document which was enforceable and which you had to have a witness to. You're talking about a document under which one person transferred land to another and we all know that those documents did exist and probably there is the odd one that still will come kicking forward, although I think most of them were cleaned up just immediately prior to January 1, '76, and shortly thereafter. Those are situations between parents and children, where parents and children entered into agreements. There was no transfer of land involved but there were payments made and upon completion of payment the son or the daughter would get the farm, or the piece of property, or the house. But here we're dealing with the will of a person who is alive right now and has every right to make a change to his will or her will. Again, I say that if you want to amend the Act in such a way that a disposition made and finalized by January 1, 1976 is recognized, then I would have no objection. If there was a gift made prior to January 1, 1976, and completed, I would have no objection. But when you do this on the basis of a will which is not finalized, which can be changed at any time during the lifetime of the testator and the testator can live for many years after making the will, and hopefully all of them do, but eventually these things are going to come back to haunt you. It doesn't make any sense. There is a real difference, a distinction, between a gift from, say, a father to a son, which has to be complete at a certain point in time; there has to be a transfer of documents or there has to be a written transfer; there has to be finality, so that the father doesn't have the right to come back the next year and say, well, I've changed my mind. Because if the father has the right to do that, then there was no completed gift. When you're dealing with a will, during the lifetime of the testator the father can do that any time. He can at any time change that will and I do not believe that it would be appropriate to put a will of a living person in the same category as a gift, a completed gift, a gift delivery has been made.

MR. CHAIRMAN: The Minister. Mr. Mercier.

HON. GERALD W.J. MERCIER (Osborne): Mr. Chairman, as I read the amendment, it refers to a will executed prior to January 1, 1976, for which

grant of probate has issued. It would seem to me at first glance that is not applicable to a will as of now for which grant of probate has not been issued.

MR. CHAIRMAN: Mr. Tallin.

MR. RAE TALLIN: I think I better to speak to the Minister about this.

MR. CHAIRMAN: Mr. Schroeder.

MR. SCHROEDER: That would be the most unusual interpretation of a statute that I have ever come across, but if that is the intention of the government, I would be happy with an amendment which states that this is only applicable where probate has been granted on an individual who has passed away prior to January 1, 1976. If that was the intention of the amendment, and if it was drafted in that fashion, I would be prepared to accept that.

Mr. Chairman, again the statute speaks at the time it is read, not only written, so that if it's read in 1990 and once you have probate of a will that was executed prior to January 1, 1976, then there is no question that you would be entitled in 1990 to a subdivision of that property without consideration of The Planning Act. Again, I believe there would be no unfairness in saying that a person who passed away prior to January 1, 1976, that because the person passed away his will became perfected, what he wanted actually came to pass, he made a gift after his death. But if the person was alive after the date The Planning Act came into effect, he had all of the same remedies and rights that any other living Manitoban had after that day and I think it would be unfair to the municipalities and other people involved with planning to allow these types of cases to change sensible planning law. Because, after all, the bottom line is the only reason you need this in the Act is that you're going to go against The Planning Act, you're going against planned development in the province, and if you're going to make that exception, I think it should only be for those individuals who are not here to be able to take advantage of the old system. Those who were after January 1, '76, their estates should be placed in no better position than any other living individual in the province.

MR. CHAIRMAN: The Minister.

MR. GOURLAY: Mr. Chairman, as I understand it, an individual could have signed an agreement for sale prior to that date and I guess if he is still living in 1980 — what you're saying, that he should be able to change his will in accordance with the law of the day, is this what you're . . . ?

MR. SCHROEDER: Mr. Chairman, if there was a signed agreement for sale in 1975, that is a different situation because there the purchaser has a document, and presumably there was consideration, there was a binding agreement at that time, and the Act has said that if that occurred prior to January 1, 1976, there was a perfected document. But when you're dealing with a will where the person is alive or was alive after January 1, 1976, it was no perfected document, that document could have been changed at any time after January 1, 1976.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: Mr. Chairman, I don't think there is any great disagreement here, I think it's in the wording. The way it's worded here, as I read it, and I am not a lawyer, it seems to me that it isn't just the fact that the will or codicil was executed prior to January 1, '76, but the way it's worded here it doesn't matter when the probate takes place, it could take place 10 years hence. It will be probated and it will be binding because the will was executed or the codicil was executed prior to the 1st of January, '76, and that is, I think, the point that Mr. Schroeder is trying to make. I have to then depend on legal counsel. Is there ambiguity here as we feel there is and can it be interpreted that the clause then for which grant of probate under The Surrogate Courts Act is issued doesn't have a date on it, it's just an ongoing process. A will was executed prior to January, '76; a man dies in 1985 and the will is probated. They go to court and they say, that's it. It's valid; it's good. According to the way this reads, I would suspect that's the way it would be interpreted, so unless that a separate clause is put in here, I fear there's going to be trouble with this.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, I don't think there is any ambiguity, I think the Member for Rossmere agrees with that. The question simply is whether or not the legislation is going to require a person who executed a will prior to January 1, 1976, who has not yet died, and which is not in conformity with The Planning Act to require him to change his will, and whether he's going to be allowed to leave his will and to leave it, in effect, no matter when he dies, despite The Planning Act.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: If that's the case, then the concern is valid because surely the idea of planning is that people who may own land today, who may have ideas about them and they want to divide it up into certain ways, even though it's contrary to The Planning Act, they can't do it. In other words, I can't do it if I want to, but if somebody had a will executed in 1976, or a codicil executed prior to 1976, there will be imposed whether it takes place in 1980, 1990 or the year 2000, their will is imposed on the municipality, irrespective of whether it's good planning or lousy planning. I think that's what they're taking objection to, because I think Mr. Mercier clarified it, the way it reads now, the terms of that will carry on well into the next century, for all I know.

MR. GOURLAY: Mr. Chairman, if this was amended on Page 3, subsection 7(g), after January, 1976, and add: "and the testator has died prior to September 1st, 1980".

MR. SCHROEDER: Yes, I have a question on that to the Minister. Does he know of any specific individuals who have executed such a will and have passed away prior to this date but after January 1st of 1976? I ask that because I think that the date should be January 1st, 1976, for a person who has made a

will in the same way as it is January 1st, 1976 for the person who hasn't made a will. If I wanted to give 20 acres of my farm to my daughter and I had thought all along that's what I'm going to do but I never got around to making a will, and I'm very much alive today, I don't think I should be in any different a position than my neighbour, who had the same amount of land and who made this kind of a will, but who could very easily have changed his mind any time after having made the will and who is just as alive today as I am. So again I ask the Minister, do you know of anyone who has passed away between January 1st, 1976 and today, who has executed this kind of a will, and are we making this law for the benefit of that individual? And if not, let's make it January 1st, 1976.

MR. GOURLAY: Mr. Chairman, we know of no cases in existence that have died since January 1st, 1976 and prior to now. However, there are situations where some individuals have died several years ago prior to 1976 and because of the present legislation, can't be dealt with under the legislation that now exists.

MR. SCHROEDER: Yes, Mr. Chairman. Again, for those individuals I believe that for their estates that you make a valid case because those people didn't live to the time when they had the chance to do their subdividing before The Planning Act came in and we would be happy with an amendment which would state prior to January 1st, 1976. I would point out that if we made it prior to September 1st, 1980, there might be some encouragement and an early decease if somebody knew of a will.

MR. CHAIRMAN: Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move that the proposed clause, Bill 60(3)(g) of The Planning Act . . .

MR. CHAIRMAN: Order. Order. Committee, could we get back to order? Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move that the proposed clause, 60(3)(g) of The Planning Act as set out in Section 7 of Bill 101, be amended by adding thereto immediately after the figures 1976, the words "and the testator has died before September 1, 1980."

MR. CHAIRMAN: Is that agreed? (Agreed)
Page 3 pass as amended; Page 4 — Mr. Wilson.

MR. WILSON: On Page 4, Mr. Chairman, on The Act to Amend The Planning Act, I move that subsection 68 of the Act as set out in renumbered Section 11 of Bill No. 101, be amended by adding thereto, immediately after the word "no" in the first line thereof, the word "unregistered".

MR. CHAIRMAN: Is that agreed? (Agreed)
Page 4 pass; Page 5 pass; Preamble pass; Title pass; Bill as amended be reported.

**BILL NO. 97 — AN ACT TO AMEND
THE CITY OF WINNIPEG ACT**

MR. CHAIRMAN: Bill No. 97. Are there any presentations on this bill? If there are no further presentations, Page 1 pass — Mr. Miller.

MR. MILLER: I will yield to the Member for Fort Rouge.

MR. CHAIRMAN: Mrs. Westbury.

MRS. WESTBURY: I am sorry, I wanted to speak on page 1 and I do have some amendments coming, but my concern is this and perhaps the Minister can explain why it was not covered. In Section 3 of Section 15 — oh, I'm sorry, I'm ahead of myself, that's not what I wanted to talk about at all. I will wait till I get my amendments, thank you. I'm sorry, Mr. Chairperson.

MR. CHAIRMAN: Page 1 pass; Page 2 — there is an amendment on Page 2. Mr. Anderson.

MR. ANDERSON: I move that section 5 of Bill No. 97 be struck out and the following section substituted therefor: subsections 29(1) and (2) — Subsections 29(1) and (2) of the Act are repealed and the following subsection is substituted therefor: Establishment of executive policy committee.

29(1) There shall be an executive policy committee composed of such number of persons as may be determined by council but including at all times the chairman of the executive policy committee, the mayor, and the chairman of each standing committee established by by-law of the council.

MR. CHAIRMAN: Page 2 pass — Mrs. Westbury.

MRS. WESTBURY: Can we have discussion on that amendment? Mr. Chairperson, I am disappointed that the Minister did not see fit to make a requirement that each community committee should be represented on the executive policy committee. It's only really in the past, in addition to the people who have been mentioned here, it's only in the past couple of years that the community committees have in fact each had somebody on the members at large of executive policy committee. But my objection to that is that the members are not chosen by the community committees and therefore they are not necessarily representative of the community committees, and I wonder if the Minister did give any consideration to this or not and if he could explain why it's not acceptable to him.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: Mr. Chairman, I don't agree with the Member for Fort Rouge. I think that the executive policy committee, which now would include the mayor and the chairman of each standing committee, is really the instrument chosen by council to act as its inner cabinet, if you want to call it that, and that to say that there must be representation from every community committee ignores the fact that the majority of councillors should determine its policies and its direction.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: I concur with the Member for Seven Oaks.

MR. CHAIRMAN: Mrs. Westbury.

MRS. WESTBURY: Well I really expected everyone to take that position, Mr. Chairperson. However, I would like to point out that most — there are three, I think three members of the St. James community committee are now on the executive policy committee and have been for some years. I think three members out of four of the St. Vital, St. Boniface community committee are on the executive policy committee and one member of the Fort Rouge City Centre community committee is on the executive policy committee, and if you look at their relative populations, I think that it can be agreed that City Centre-Fort Rouge not only has more problems to be addressed, but also has a greater population and the only error that seems to have been committed by City Centre-Fort Rouge people is in voting for those other than members of the ruling caucus of council, and while to some people on the other side this may be a cardinal sin, nevertheless it does mean that they have been — perhaps their positions have not always been understood at executive policy committee and I am not blaming anyone for that, Mr. Chairperson. The suburban majority, naturally — and there is nothing wrong with being a member of the suburban majority, but neither is there anything wrong with being the inner minority and the fact is that the inner city people, with all the problems of the inner city are not represented on the executive policy committee and they're not even represented, in my view, now, because the person who is there from that particular community committee is not appointed by the community committee. So it's mainly because of the city centre-Fort Rouge area and my 10-year's experience on council, that I have a concern and I guess nobody else — I was hoping the Member for Wolseley would have something to say about that as well, but it seems as though nobody else wants to discuss it.

MR. CHAIRMAN: Page 2. Mrs. Westbury.

MRS. WESTBURY: Yes, I have something else on Page 2. Am I the only one with an amendment on Page 2?

MR. CHAIRMAN: Mr. Wilson.

MR. WILSON: Well, I think the Member for Fort Rouge is right. I think I'd be remiss if I didn't echo her concerns, which I have maintained over and over again. There is a definite suburban flavour to the executive policy committee that has been maintained throughout all the years that I was on council. They are very choice political positions that are distributed from within the party or the group that's in power, and they're affectionately referred to by many of us former city of Winnipeg councillors as the St. James Mafia. They seem to —(Interjection)— I say that in jest because I remember the commissioners coming in with a report on the needs for arenas, major sports facilities, within the city, and the Midlands

Centennial Community Committee was chosen as No. 1 and I believe at least one or two major recreational facilities were planned and built in St. James before a shovel was even turned in the Logan Avenue area of Midland, to finally get our Midlands Centennial Arena. This phenomena had to take place because of the accessibility and the camaraderie or whatever, that just by design the suburban councillors have a majority on council and I could cite many examples where the inner city councillors just do not seem to get preference in dealing with the administration, in dealing in caucus with the ICEC.

So I just wanted to make the observation. The Member for Fort Rouge is correct and I don't know if we can do anything in this bill to correct that, but it would seem to me that at some point in time the city council has to realize that big brother, the Manitoba Legislature, and the voters are looking over their shoulder and are well aware of the fact that they would like to see the city of Winnipeg community committees represented on the Executive Policy Committee in a more equitable distribution.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: I want to speak on Section 7, Mr. Chairman.

MR. CHAIRMAN: We will deal with the amendment first. All those in favor of the amendment pass.

Page 2 pass — Mr. Doern.

MR. DOERN: Mr. Chairman, I wanted to speak and vote against Section 7. I think that the Act, as it was instituted by the former administration, was a good one, namely, it gave an opportunity to a person to run both for council and for mayor and, in this way it enabled the losing candidates, and there could be a number of them, in the event that they wanted to become councillors or seek re-election to council, it provided them with an opportunity of running for both positions.

Obviously, in a normal election period, there are going to be a number of candidates and I think it is our experience, a number of councillors who are the kind of people who have the experience and background that would be suitable to rise to the level of the highest position on council. So, by bringing in this amendment, I think you are going to discourage people on council from running and possibly deprive somebody of an opportunity of running.

The other point I wanted to make was that it seems possible for a person to be mayor and to represent a riding. We know directly that Ministers are able to do this. Now, they do it with some difficulty and we know that the First Minister of the province represents a riding and he, too, has onerous responsibilities, but he is still able to function, and that the Prime Minister of Canada, himself, also must represent a federal constituency.

The way this is done, Mr. Chairman, is with assistance, and I use that in both senses of the spelling, that by having somebody in a Minister's officer who acts as an Executive Assistant, this is an aide to the Minister at the political level. I think that if the problem on council is that the mayor doesn't

have this type of staff person, then the solution is very simple indeed and, that is, that in addition to his administrative assistant, who apparently is solely an administrative assistant, then he requires an executive assistant, directly attached to his office, working under his direction, to assist him in maintaining contact with his riding and assisting the mayor in a political sense.

So as far as I am concerned, Mr. Chairman, regardless of the thinking of the Attorney-General in this regard, and I realize he is a man of some experience on council, I say that I tend to favor what I might describe as the British parliamentary system as it applies to city council and I therefore tend to favor a system whereby a person can still lose and participate in a legislative body. This is the case in Canada, at the federal and provincial level, but in the United States they have a different system where a man can run for president, lose, and go right out of the political system. In Canada, if you lose federally, you may still win your seat and you may still lead the opposition and I cite as an example, I guess, Robert Stanfield, among others.

I believe that the problem of onerous duties and responsibilities can be easily resolved and that in adopting this amendment, the government is, in effect, losing the candidacy of experienced councillors, and others who, because they would lose the position of mayor, may then not have an opportunity to serve on council.

MR. CHAIRMAN: Mrs. Westbury.

MRS. WESTBURY: Yes, Mr. Chairperson, I completely agree. I think it is just a mistake for us to eliminate anyone from serving in the best possible way that they can and as desired by the voters. I think that it is our responsibility to make sure that the very best woman or man is elected to any office at all.

Mr. Chairperson, I had an amendment here which moves that Section 7 be rescinded. Would that be the way to do it, or just vote against it, go clause-by-clause and vote against it?

MR. CHAIRMAN: I am told that the best way would be to vote against it.

MRS. WESTBURY: If by any miracle of sweet reason Section 7 is defeated, I would like to suggest that we should also look at 25(1) of the Act, which refers to quorum of the community committee and perhaps that would help in the areas that Mr. Filmon raised in the House and Mr. Eadie raised here today.

I wonder, anyway, my Act is the same old one that I received from Sid Green in 1971 or 1972, and I hope the amendments are up to date, but it seems to me that the only quorum that is required in the Act anymore is for a community committee. I couldn't find any other quorum. Anyway, perhaps the Minister would have a look at it sometime in the future and see why we are legislating a quorum for a community committee at all.

MR. CHAIRMAN: Mr. Johnston.

HON. J. FRANK JOHNSTON: Mr. Chairman, I spoke on this when it was put in, and I am speaking from,

I think, experience when I was an alderman and an MLA at the same time, and I believe maybe the Member for Seven Oaks had the same experience. I can tell you that it is not easy being both. You have duties to the provincial constituency and in many cases, your duties to the council are entirely differently and you are elected by people to take care of what they elect you for.

I am well aware of the fact that being a councillor and a mayor is both with the city, but the mayor has to look at the overall view of the city, as councillors do, too, but their responsibility is also to be very concerned with your constituency. You can say as you like, the time involved to do both jobs, whether it is mayor and councillor, or councillor and MLA, is just very tough.

We have the situation where, if a councillor is elected as an MLA, he has to resign as a councillor, because we believe that both positions are far too onerous and can't handle them both. I assure you that that is the situation. It becomes a very tough thing to try and do; it becomes a juggling act and a very time-consuming act.

MR. CHAIRMAN: Mr. Miller.

MR. MILLER: Mr. Chairman, I spoke on this on second reading. I won't repeat everything I said. I just want to go on record, though, as saying that the reasons that are being given are not reasons, they are excuses to justify the passing of this section. The fact of the matter is that what we are basically doing here, if this passes, is denying the people of Winnipeg an opportunity to come forward as mayoralty candidates, the most experienced and knowledgeable people who happen to be sitting on city council at the time. That is being denied in the sense that a person has to say to himself, "Well, I have served 10 years, or 12 years, or 5, whatever it is; I feel I am ready to take on the obligations of the mayor, but at the same time, I am not ready to give up my career at the local level. I think I have still something to contribute, but it means that I therefore have to run for mayor and will gamble everything on that one throw."

I want to recall to members that if the situation in 1977 was as this bill now says it would be, then Bill Norrie would not have been a member of council. Having been defeated by Bob Steen, he would simply have been off council and therefore he would not have been deputy mayor and therefore the entire scenario that then developed, the months that Mr. Steen was unfortunately very ill and prior to his death, that Bill Norrie would not have been deputy mayor and might have run in the by-election, or whoever at that time, perhaps Pearl McGonigal may have become deputy mayor and would have run for mayor subsequent to that.

But it seems to me it is depriving the people of Winnipeg of an opportunity to have people serve them with experience and knowledge, and it makes it far more difficult and really, in a sense, deprives people of an opportunity to step forward into the mayoralty without having to say, "Well, this is it, I will either become mayor or I disappear from the scene." We are losing, in my opinion, valuable experience, knowledge of people who have been willing to participate for years, who have given of

their time and their efforts and we are simply saying to them, you either successfully contest the mayoralty or thank you very much, you have served and that's the end of it and you are no longer here. We don't say it at the provincial level. Somebody is the leader of the party, they run to be premier of Manitoba, they may or may not make it, but if they win their seat, they remain in the Legislature. It seems to me it's wrong to deny the people of Manitoba this alternative and it's wrong to make it that much more difficult for mayoralty aspirants to stand for office because, sure, there can be people who are not in the council chambers today who will, indeed, contest the mayoralty of the future. They may launch a campaign and they may win, but we know that the incumbent has an edge; there is no doubt about it. The newcomer has a far more difficult row to hoe and very often he has no track record which a sitting councillor might have. I say we're making it more difficult to attract people to run for the mayoralty and in that sense we are denying the people of Winnipeg an opportunity to use the people who are willing to give of their time and their knowledge and making it more difficult for people to take that step to contest the mayoralty. Even though they may not win they feel they may have something to offer.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, the member for Fort Rouge asked a question earlier. My understanding with respect to quorum is that a quorum is required at the community committee level, the standing committee level, and the council level.

We have seen, during the past short period of time, an instance where the present incumbent, the present mayor was simply unable to perform his duties as a member of council and was required to resign. The fact is that there is quite a bit of a difference between the Legislative system and city council system. Community committee meetings are held on a very regular basis with generally very long agendas and you have to have a quorum. I know that the community committee of which the present mayor was a member had a great deal of difficulty, albeit due to a number of circumstances, but had a lot of difficulty in maintaining a quorum and the mayor simply concluded that he could not do both jobs at once.

With respect to the fact that the present mayor was able to run for mayor in the spring of 1977 and although defeated remained a member of council, the fact is that even if he were only able to run for the one position, assuming he was defeated in the fall of 1977, he would still have had the opportunity to run again when the by-election was called and no doubt my view we can only surmise would probably have succeeded in the same way.

There is no other jurisdiction that I am aware of that has this kind of a provision. Let's make one thing clear and I don't want to get into a great big argument about it because it's history, but the fact of the matter was, at least it was my clear impression when the previous government brought in this amendment, that it was designed to defeat the existing mayor at the time, Mr. Juba. There is just absolutely no question about it. I don't know whether

the Member for Elmwood inspired the previous government to do it, but it was the clear impression that that was the purpose of it. It was designed with respect to an incumbent over which there was obviously no love lost between the present Member for Elmwood and Mr. Juba, and we propose to do away with it. It hasn't worked out and we believe this will be a more appropriate way of dealing with the matter. If you want to run for Mayor you run for Mayor because the experience clearly is if you are elected to both you simply cannot handle the workload.

MR. CHAIRMAN: Mrs. Westbury.

MRS. WESTBURY: Mr. Chairperson, I am just laughing at the evolution of government, I guess. We heard so much in the old days about big brother looking after our shoulder and telling us what was good for us and how hard things were and they'd look after us and everything and now we have a member of the Cabinet telling us that we have to put this provision in because it's really too much of a strain on people to hold both offices. I really think that it's time that this level of government stopped trying to protect and hand the vitamin pills out to the city councillors and let them make some decisions for themselves. Let's not spend our time saying big brother will look after you. I can't believe this.

MR. CHAIRMAN: Mr. Steen.

MR. STEEN: Mr. Chairman, I think that Mr. Miller has a valid point. In the days prior to Winnipeg being one large city where councillors in the suburban municipalities often stepped up the ladder and became the Mayor and they served as an alderman or a councillor for a period of time and then they went on and became Mayor and I can cite a number of examples where this took place and the experience that they gained on council, in most cases, made them a very good Mayor. The drawback to the large city of Winnipeg having a person running for a dual office, as Mayor and councillor, I recall doing some canvassing for my late brother in the last election in the ward that he ran in and running across the objection from persons who I called on saying, which job does he want. Does he want to be councillor in this area or does he want to be the Mayor and how does he ever think he can handle both jobs. As it turned out the people of the area chose not to elect him as a councillor but he did get a majority from that area to be Mayor, as he did in the city, and became Mayor. What did happen was that the person who was the runner up fortunately did not lose in his council ward and did remain on council and the rest is history.

I would agree with the amendment because I don't think that in a city of 600,000 that you can have a Mayor who could ever possibly think that he could perform the duties as a councillor. It's just impossible. In the city of West Kildonan I would think that it could very well take place, or the former municipality of Fort Garry, but not a city of 600,000, and I always believe that you should put your name on the line and if you are going to run for Mayor, run for Mayor. If you want to be a councillor then run for council. I can see Mr. Miller's point but I don't think

it will work in a city of the size of Winnipeg and therefore, Mr. Chairman, I have no choice but to support it, and in fact, I was one of the persons on our side of the House that encouraged the Minister of Urban Affairs to bring in such an amendment as this and I have been encouraging them ever since the last civic election, and we formed the government about a week or two before the last civic election. Thank you.

MR. CHAIRMAN: Mr. Wilson.

MR. WILSON: I regret that this section has become political because my own experience would be to say that we might not have our fine and capable Mayor that we have right now if this section had been in there because my experience has been that if a particular person decides that they want to get into the tough job of campaigning, if they are willing to take time away from their families and their job to go out and campaign for a position and give it their best shot and they don't make it, they thank all their workers for trying hard and they at least have some consolation in that they will be continuing in public service. One of the greatest problems we have today is attracting people to public office because of the fishbowl type of life that one has to be subjected to and the strain on family, friends and business opportunities. I would say that I ran on a freedom of choice slogan, I ran on people before politics and to me I would want to be able to have the best possible candidates encouraged to run for the office of Mayor, and by doing so, these ladies and gentlemen would be up there, possibly telling us many of the things that have been on their minds for years that they might not want to talk about at a local community committee. They might have some envisioned wisdom that would say they planned a domed stadium, or they planned to develop the east yard. We would then be able to see and judge by the comments made by the Mayoralty candidates, all with vast municipal experience, running against each other and having the people choose the best man or woman for the job.

I think when you have a man, the incumbent Mayor, the reverse could be said, that this amendment was put in to protect Mayor Juba. Maybe this amendment appears to protect the incumbent today because the Verner Gateses and everyone else will be lined up running against Mayor Norrie and there will be a particular 12 names on the ballot and some of them may have some valid opposition and suggestions to improve the city, but I think the real, nuts and bolts of the debate in the Mayoralty race would be amongst experienced people, one that could talk about why this area should be developed into a residential area vis a vis someone that is a park fanatic that thinks that we can put parks everywhere without having to worry about the maintenance.

I am interested in that type of dialogue and discussion and I regret that this bill has become political. I will support the government on it because I don't really want to cause and ruffle any feathers over it but I make those comments, it's not that important to me because I don't envision that in the next short while I'll be running for the office of Mayor, but I just think that to preclude somebody

from the opportunity to have a forum — I just hope at sometime maybe city council will make this decision because I would like to see them decide because I am sure a lot of those chairmen of committees and that have further ambitions. I notice that every time there is a provincial election members from city council are approached by groups to put their names up for political office both federally and provincially, so obviously experience means something to these groups of people that want to find capable men and women to run for the job.

I think really a group of experienced people running for the office of Mayor, without precluding them from serving, I would want to have our government look at ways and means to encourage more capable men and women to run for public office and give them some further safeguards in the future so that, well as in my own case, to be wiretapped for 180 days is something that doesn't really turn me on to public life and I hope that type of thing will be looked at seriously so that we can encourage more men and women to run for public office. They expect a fishbowl type of living but they also expect that some of their civil and human rights are protected as well.

MR. MILLER: Thank you, Mr. Chairman. I couldn't let pass, Mr. Mercier's comments and I want to set the record straight and tell him bluntly that the former Mayor, Steve Juba, had absolutely nothing to do, pro or con, with this legislation that we passed in 1977.

The purpose of it, and I think it was indicated in my comments and it was inferred in my comments if nothing else, was to try to encourage people to seek the Mayoralty office and not to put them in a position where they either had to go for the Mayoralty and recognize that having not made it that was the end of their life on city council. The purpose of it was to keep and not to discourage people from serving at city council level, and the way to do it was what we did. The fact of the matter is the events in the last three years have proved how valuable that system worked out and I won't repeat the old question of Mayor Steve and Bill Norrie, the present Mayor. But I want to lay to rest any suggestions that Mr. Mercier has put forward that this was somehow aimed at the incumbent mayor at the time. It was brought forward as a proposal, and I remember spending many hours on it in Cabinet and in small committees that were set up, and the purpose of it was to encourage people to stand for the mayoralty, because we know that if that is not possible, then too often the calibre of people running for the mayoralty is somewhat out of balance.

You just have to look at the last 15 years and you find that there is an incumbent running again; a city councillor is very seldom challenged, unless they are ready to give up their public life, and then you get other candidates. I won't comment on the calibre of the other candidates, except that they are not very high. We were hoping to encourage a higher calibre of candidate and I think we achieved just that, as a matter of fact. So that should lay to rest Mr. Mercier's comments.

Other comments were that the mayor had to resign, he couldn't keep up with community

committee work. The mayor chose to resign; he didn't have to resign, he chose to resign. Let's get that straight.

Mr. Steen mentioned that he feels that you should run for mayor or council, but not both. Mr. Chairman, we have a situation where a city council member can run for the legislature; they don't have to resign from the city council to run. If they make it, then they resign from city council and take their seat in the Legislature and a by-election takes place. If they don't make it, they continue to serve on city council. What we are doing here is cutting them off at the knees, literally. We are simply saying that you have to make a decision either/or. I say that if, in fact, the law as it pertains today continued, and if somebody challenged Norrie in the next election, a city councillor — if Pearl McConigal did it and she was elected, and if she felt that she didn't want to continue on to serve the community committee, for whatever reason, whether it be a quorum, because I think that problem can be overcome, but for whatever reason, she would resign and a by-election take place.

The argument that, well, we don't want a by-election, it's costly, that's what happens when people run for the Legislature, by-elections do take place. There's nothing simple about it. I am sure that when the next provincial election is called, if it is called in 1981, there will be city council members who will be running for the Legislature, and they will not have to resign. Those who make it, there will have to be by-elections in the city of Winnipeg. So I think what we are hearing are, again, excuses, not justifiable reasons.

MR. CHAIRMAN: All those in favor of Clause 7? Against?

MR. FOX: Yeas and Nays.

A COUNTED VOTE was taken, the results being as follows: Yeas 5, Nays 4.

MR. CHAIRMAN: Mrs. Westbury.

MRS. WESTBURY: On Section 8, I would like to ask why, and I probably will present an amendment, it says that "no member of council who is a shareholder in the . . . no member who has entered into . . . is entitled to vote in the council or any committee thereof."

I would like to know why it does not say, "any committee, board or commission thereof."

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, the primary matter that was brought to us was a vote in a committee

MRS. WESTBURY: A corporation — Enterprises.

MR. MERCIER: There is no definition in the Act of a board or a commission.

MRS. WESTBURY: Mr. Chairman, I noticed that I looked in the definitions as well, and I am afraid that having it worded — and also under Section 10, I believe — and my amendment is that wherever the words, "in the council or any committee thereof"

appear in Section 8, Subsection 88, the word "thereof" be struck out and substituted by "board or commission thereof." I move that.

I am sure in the city zone definition, there are differences. Certainly the city differentiates in its own rules and procedures in the matter of voting. Perhaps the Minister will remember, Mr. Chairman, when we brought in resolutions on the floor of council, about how you vote on the floor of council if you are a member of a board or a commission appointed by council, or not appointed by council I just think it would be a pity to leave a loophole there.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, I certainly don't object to the principle of what the Member for Fort Rouge is saying. The Member for Seven Oaks and I are just trying to remember the boards. There would be the Convention Centre, the Police Commission.

MR. TALLIN: That's not a board of the council.

MR. MERCIER: Right. It's a separate . . .

MR. TALLIN: Nor is the Enterprises a board of council. They are not a board of the council.

MR. MERCIER: We were just thinking out loud, almost, Mr. Chairman. There is the Enterprises, the Convention Centre, the Police Commission.

MRS. WESTBURY: The Municipal Hospital Board.

MR. MERCIER: Well, there are a number of hospital boards that councillors are appointed to; virtually they would all be covered within the city of Winnipeg boundaries. In fact, they would have special Acts, in virtually every case, the hospitals.

MR. TALLIN: Not the municipal hospitals.

MR. MERCIER: Except the municipal hospitals. — (Interjection)— Mr. Chairman, let me just indicate, I don't object to the principle of what the Member for Fort Rouge is saying — if she could consult with legislative counsel and draft an appropriate amendment, because we have to be careful in any kind of amendment we make — I certainly wouldn't object to it.

MR. CHAIRMAN: It is my understanding that Mrs. Westbury has an amendment over there. Will you move your amendment so that we could possibly . . . Mr. Mercier.

MR. MERCIER: I wonder, Mr. Chairman — I don't know whether she has drafted it in consultation with Mr. Tallin; if not, I would respectfully urge her to consult with Mr. Tallin. —(Interjection)

MRS. WESTBURY: Bring it in for third reading? All right.

MR. CHAIRMAN: It has been decided that it will be brought in for third reading at report stage.

Page 2, as amended pass; Page 3 pass — Mr. Anderson.

MR. ANDERSON: I move that Bill 97 be amended by adding thereto, immediately after Section 12 thereof, the following section:

Section 270.1 added. 12.1 The Act is further amended by adding thereto, immediately after section 270 thereof, the following section:

Redemption by installments. 270.1(1) Notwithstanding sections 260 and 270, if authorized by by-law of council, the city may enter into an agreement, subject to such terms and conditions as may be prescribed by by-law, with an owner of, or a person having an estate or interest in or a charge upon, land that has been sold for taxes for the redemption by installments of the land from any tax sale and the payment of all taxes subsequently accrued and payable up to the date of the agreement and during the term of the agreement.

MR. CHAIRMAN: Mr. Mercier.

MR. MERCIER: Mr. Chairman, this matter just arose July 17, yesterday, in a letter from the mayor to my department, who says in the letter that it has apparently been recently discovered that the city of Winnipeg does not have the authority to grant redemptions of property sold in tax sale by installments as provided for in The Municipal Act.

Apparently, Section 856 of The Municipal Act, which we have here, gives this authority to other municipalities, and a situation has arisen in the city of Winnipeg whereby this course of action was decided upon to assist the taxpayer to redeem his property, but unfortunately the authority is not with us under The City of Winnipeg Act.

He enclosed a motion. While I have been away, Mr. Tallin has drafted this motion, which is essentially a shorter version of what is in The Municipal Act, if I am correct, and he confirms that.

MR. CHAIRMAN: If I could have your attention, please. We did not complete the motion. Mr. Anderson.

MR. ANDERSON: Further to the amendment: Effect of agreement. 270.1(2) Where an agreement is entered into under subsection (1)

(a) the execution of the agreement by the owner or other person redeeming the land shall be considered as redemption of the land from the tax sale;

(b) the rights and interests of the tax sale purchaser in the land shall cease; and

(c) the city may take such steps as council directs to secure payment of the installments and any other obligations, including payment of interest, under the agreement, including the taking of a mortgage on the land or on any other land or the taking of security of any other kind.

MR. CHAIRMAN: Amendment pass.
Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move that the proposed Section 325 of The City of Winnipeg Act, as set out in Section 13 of Bill 97, be amended by striking out the words and figures, and Subsection 296(3) applies to an application to the Minister of Finance for approval under this section, in the last two lines thereof, and substituting therefor the

words: "and the Minister of Finance may refer any application for approval under this section to the Municipal Board for its advice and recommendation."

MR. CHAIRMAN: Amendment pass. Page 3, as amended pass; Page 4 pass; Page 5 — Mr. Anderson.

MR. ANDERSON: Mr. Chairman, I move that the proposed Subsection 637(1) of The City of Winnipeg Act, as set out in Section 21 of Bill 97, be amended: (a) by striking out the words "or enter into an agreement of sale and purchase of land in the city, in the sixth line thereof, and substituting therefor the words and figures "directly or by entitlement to renewal for a period of 21 years or more, and (b) by adding thereto, immediately before the word "consent" in the first line of Clause (c) thereof, the word "a".

MR. CHAIRMAN: Amendment pass — Mr. Miller.

MR. MILLER: For clarification, to the Minister, would he explain the (a) part again.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: Could I perhaps assist? There was a typographical error. The typesetters put the words "or enter into an agreement of sale and purchase of land in the city" in twice, and left out the line that should have been in, and what we are doing is replacing the line.

Then I must admit to another error. The clause (b) of that amendment should really refer to 637(2)(c) and not to 637(1)(c). It should be (b).

MR. CHAIRMAN: Page 5, as amended pass.

Page 6 pass; Page 7 pass; Page 8 pass; Preamble pass; Title pass; Bill be reported as amended pass.

Committee rise.



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