

SECTION 10: ENFORCEMENT

Introduction and Summary

In this part, the Review Committee addresses the difficult problem of ensuring that the City lives up to its responsibilities as established by **The City of Winnipeg Act**.

We have alluded to this problem in various earlier sections of this Report. We have indicated that the ballot box is, in our opinion, the best means of enforcing the political will of the residents of Winnipeg; that we believe electors require a clear and accountable structure in order to use the ballot box well; and that publicity is often the most powerful tool available to the ordinary resident for enforcing his or her rights.

We have described and recommended a different and, more understandable and accountable political structure with clear and less complicated procedures.

We have also provided for specific mechanisms to be available to the ordinary resident who feels that his or her rights are being abridged.

The first mechanism is found in the annual report required from the Executive Committee and Council. The report, pursuant to Recommendation 46, must contain a statement on four of the Council's statutory obligations and the action taken during the year to fulfill those obligations. The statement furnishes the resident with two useful pieces of information: a description of the Council's obligations and a description of Council's view of those obligations.

Using this information, the ordinary resident can turn initially to his or her Councillor or Community Committee for redress.

The second mechanism is the Ombudsman's report to Council and to the residents of Winnipeg on how the City has fulfilled its statutory obligations (see Recommendation 59). This report by an independent statutory officer will provide the counterpoint to the report of the Executive Committee and Council.

The third mechanism is the case work function of the Ombudsman's office. The Ombudsman would perform the conciliation that is often needed between the aggrieved resident and the administrator. The Ombudsman could not order any politician or civic administrator to do something, but could use the powers of persuasion or publicity (see Recommendation 59).

In the Committee's judgement, however, residents of Winnipeg must also have the ability to seek enforcement of their rights through other means if civic politicians or administrators refuse or neglect to do so.

This section provides the Committee's best solution to the problems of enforcing the City of Winnipeg Act.

It contains a recommendation that the Province be prepared to take back powers given to the City if the City does not use or abuses those powers.

This section also contains a recommendation—put forward with some misgiving on the part of the Committee—that the Province create a Municipal Tribunal to ascertain the rights of persons affected by the Act. This recommendation notes the concern that such a Tribunal, if not properly supported by the Province, would simply create another level of bureaucracy and a complex legal process—neither of which the Committee seeks. The Committee therefore indicates that if this recommendation is not properly implemented the Province should take responsibility for enforcing its own Act rather than placing that responsibility on the ordinary resident of Winnipeg.

10.1 ENFORCING THE CITY OF WINNIPEG ACT

Recommendation 60 *Province May Reclaim Powers Delegated to the City*

The Review Committee urges the Minister to monitor the performance of the City under the Act, and, the City failing to comply with the intent of the Act or neglecting its statutory obligations, the Executive Council should exercise its authority to reclaim powers previously granted to the City, subject to review by the Legislature at a subsequent session. The Act should be specifically amended to provide for this sanction, and to put the City on notice as to the Province's willingness, and indeed its legal responsibility, to move decisively as required.

Discussion

The Review Committee has recommended throughout this Report that the Province grant broader and more flexible powers to the City of Winnipeg. Within the more extensive field of municipal authority, however, specific obligations, conditions, restrictions, procedures, and terms of reference are suggested by the Committee in such areas as political organization, planning, administration, resident participation, and services. This recommendation provides for enforcement of these obligations by the Provincial Government.

Powers granted and responsibilities conferred on the City by the Legislature must be respected by both the City Council and the Provincial Government. The Committee has elsewhere recommended much closer collaboration between the City and the Province (see Recommendation 5), and preparation of the plans called for in Part XX (see Recommendation 25). If such collaboration occurs many of the problems, frustrations, and delays which plague the Provincial-City relationship and the planning process will be minimized.

The City cannot properly claim to need statutory powers to fulfill its obligations and responsibilities if it does not use them. The ultimate responsibility to see that orderly and effective governance takes place in the City rests with the Province. If those objectives cannot be or are not realized through the delegation of authority to the City, the Province has an obligation to take back that authority. We do not anticipate that this will occur, but the provision must be made.

The Act must provide, therefore, that when the City fails in its statutory obligations within the conditions and time limits established, the Executive Council may revoke and assume any or all of the powers conferred on the City and must forthwith cause the Legislature to be called into session to consider appropriate action.

10.1 ENFORCING THE CITY OF WINNIPEG ACT

Recommendation 61 *Establishment of a Municipal Tribunal*

The Review Committee recommends that the Act establish a Municipal Tribunal having the power to

hear applications by any person or group to determine the rights of that person under *The City of Winnipeg Act* and/or under the administration of the Act. In legal terms, the Tribunal would have the power to hear applications alleging that the City had denied or exceeded its jurisdiction, or had denied a person natural justice, or had not complied with statutory requirements; it would also hear applications requesting an interpretation or declaration of rights under the Act.

Although a Court would be able to review the decisions of the Municipal Tribunal to see if they were made within the jurisdiction of the Tribunal and without denial of natural justice, there should be no appeal from a decision of the Municipal Tribunal on any other grounds.

Decisions of the Tribunal would be filed in the Court of Queen's Bench as enforceable judgements.

The chairperson should be appointed by the Lieutenant-Governor-in-Council on the recommendation of the Standing Committee of the Assembly on Privileges and Elections (or another all-party committee of the Legislature) for a five-year term, and could be removed only by a vote of two-thirds of the members of the Legislative Assembly present and voting.

Other members of the Tribunal should be appointed on a part-time basis with staggered three-year terms. City Council would have the right to appoint one-third of the part-time members, upon the recommendation of a nominating committee of councillors selected by the Presiding Officer.

The presence of at least three members of the Tribunal, including at least one City appointee, should be required to conduct a hearing. Initially there should only be three members on the Tribunal, with others added as required.

The Tribunal should have the right, upon giving proper public notice, to treat a complaint from an individual as raising an issue deserving of a public enquiry and to hold such public enquiries as it deems fit.

The Tribunal should have the right to dismiss, without hearing, any complaints made to it that are in its opinion frivolous, vexatious, or without merit.

All references to the quasi-judicial functions of the Municipal Board in the Act should be deleted and the functions transferred to the Municipal Tribunal.

The Committee further recommends that if the Province does not establish a Municipal Tribunal then it should, through the intervention of the Attorney-General, take action to see that the Act is enforced through the courts at the Province's expense.

Discussion

The Committee believes that the best way to determine political issues is through the political process and ultimately the ballot box; but many political questions are also legal ones. The Courts have always had a role in determining whether or not cities are acting in accordance with the laws that create them and that describe their powers and responsibilities. With the introduction of *The Charter of Rights and Freedoms*, the courts will become more powerful in that regard.

The Province of Manitoba has placed statutory obligations on the City of Winnipeg. Some of our recommendations would place further obligations on the City. We have already expressed our view that the City has, with respect to certain of its obligations, failed to obey the law of this Province (see Recommendations 25, 27, and 57).

Yet the Province has not taken action to force the City to obey its own law. It could do so by amending the Act to provide some penalties for failure to obey; it could do so by going to Court itself. The Province therefore must take some responsibility for the City's failure to obey the law.

It is understandable, given the political realities of Manitoba, that the Province should shy away from using the court system to force the City to obey the laws. The City is the one large city in Manitoba—containing well over half the population. It is therefore a very politically-powerful government in relation to the Province.

At present people who are willing to spend the money, or people who qualify for Legal Aid, can go before the Court of Queen's Bench through a relatively complicated and expensive procedure, usually requiring a lawyer, to see whether or not *The City of Winnipeg Act* gives certain rights to them. The Court can make an enforceable Order on their behalf.

People who cannot afford a lawyer are effectively unable to go to the courts for a declaration as to their rights. Legal Aid Manitoba has guidelines for eligibility which effectively eliminate all but the lowest income person; as well, its Public Interest Department, although having a broader mandate, is still limited to legal issues which would be of some benefit to people who qualify for Legal Aid.

The concept behind the Committee's recommendation is to provide a specialized forum which can deal with some of the same municipal issues that courts do, but with less pomp and ceremony. Non-lawyers cannot represent another person in the Court of Queen's Bench, but in the Municipal Tribunal laypersons could represent residents, or themselves, without having to hire a lawyer. The Tribunal could hear more technical evidence (relating to city issues, planning, and the rest) without the rigamarole associated with the strict evidentiary rules of a court.

We recommend the creation of a Tribunal with a capable administrative staff able to do some investigation of a complaint on its own. It would have the right to deny a hearing based on a finding that the complaint is completely without merit, or to provide a summary of its investigation to all parties prior to a hearing in order to speed proceedings.

The Tribunal should be less expensive for residents and more informal. It would develop over a period of time the specialized experience and precedents most useful in quickly judging the rights of residents and other persons affected by City actions or non-actions. The Tribunal should also be able to expand the context of a complaint into a public inquiry, which could then deal with broader issues more expeditiously.

It is not intended to add to any rights already possessed by residents; only to provide an equitable and accessible forum for any resident to assert those rights.

There has been some legal question as to whether such a Tribunal could, under Section 96 of *The Constitution Act, 1867* (the "British North-America Act"), function in the manner described. A meeting of lawyers well-versed in municipal and administrative law was convened by the Committee and it was generally agreed that such a Tribunal could legally function so long as the jurisdiction of that Tribunal was open to review in the Court of Queen's Bench.

That same meeting expressed concerns, however, about the value of such a Tribunal, concerns shared particularly

by Mr. Macdonald and Mr. Thomas of the Review Committee. They question whether the advantages of the Tribunal compared to the Court of Queen's Bench will be realized. They say that the necessity of creating a new body to correct failures by the City of Winnipeg to fulfill its statutory obligations, to deal with cases where the City exceeds its jurisdiction or to protect the procedural rights (such as natural justice) of citizens in their dealings with the City, has not been proven to their satisfaction.

The Committee heard from a number of citizens who were disgruntled with decisions or non-decisions by City Council, its committees, or the civic administration. Most of these complaints raised questions of policy rather than of law. The remedy for policy disputes and for alleged unfairness in the political process is a political one, and it consists of more than simply voting against Councillors at the next civic election. Elsewhere in this report, the Review Committee is recommending the appointment of a City Ombudsman. The availability of the services of the Ombudsman to conciliate and to publicize citizen complaints about the actions and inactions of the City's departments and agencies will reinforce the continuous process of Councillors seeking to help constituents. There have been cases in recent years where citizens have felt compelled to take the City to court. Without having conducted an empirical survey, Mr. Thomas and Mr. MacDonald surmise that the number of such cases remains miniscule compared to the multitude of situations resolved by citizens simply contacting City officials, perhaps with their Councillors acting as intermediaries.

A second and related concern of theirs involves the alleged advantages of the Tribunal over the Court of Queen's Bench. Tribunals are said to offer a number of valuable features: greater use of personnel who have specialized expertise; greater reliance upon investigation to supplement the adversarial presentation of a case; less strict rules about what constitutes evidence; less formal procedures; and, in general, an atmosphere where the applicant is treated more as a "customer" in whose problem the Tribunal is involved and less as a "suppliant" whose affairs the court views with detachment. Tribunals are said to offer a less costly and more expeditious delivery of justice than do the ordinary courts.

Mr. MacDonald and Mr. Thomas say that unfortunately, often these assumed advantages are not fully realized in practice and often exaggerated. The Court of Queen's

Bench has acted with dispatch in the past. It is true that some tribunals, because of the nature of their subject matter, would allow individuals to appear without the benefit of legal counsel. However, the proposed tribunal would be working with a statute, **The City of Winnipeg Act**, and the type of cases likely to come before it would involve development and taxation issues where specialist lawyers practice and where large amounts of money are often involved. Over time the Tribunal might well become "judicialized" in its operations: a growing reliance upon lawyers; the prevalence of an adversarial approach; stricter rules of evidence; and less informality. In summary, the distinction between the Tribunal and a court would become one of degree, not of kind.

The other members of the Review Committee also recognize that the Tribunal could be seen as a breeding-ground for specialists—whether lawyers or other people with experience in appearing before it. This would add tremendously to the cost of appearing before the Tribunal and it would mean the development of another complicated set of rules. This has happened to many administrative tribunals originally created to provide relief to laypeople from the complexity of the court system.

The majority of the Committee believes that the only way to ensure that residents can continue to appear on their own behalf is to make certain that the people appointed to sit on the Tribunal are effective and concerned specialists themselves and that they are well-supported by investigative, legal and administrative staff. It is the members of the Tribunal who can best help laypeople to present the issues, to deal effectively with technical legal arguments, and who can encourage an informal but effective method of doing business.

Such a tribunal would certainly cost money; the majority of the Committee thinks the expenditure would be worth the gains in effective determination and enforcement of the rights of residents, and by the reduction of demands on the courts.

The majority of the Committee thus believes that, properly supported, such a Municipal Tribunal would be the best method of securing resident rights.

If, however, the Province continues to use the Court system as the method of ultimately determining rights and enforcing **The City of Winnipeg Act**, the Committee unanimously agrees that the Province must diligently enforce its own Act.

SECTION 11: ADDITIONAL RECOMMENDATIONS

Introduction and Summary

The Review Committee received numerous suggestions from individuals and groups for amendments and/or additions to **The City of Winnipeg Act**. In addition, we reviewed all the requests for change that had been made - in the form of submissions to the Minister of Urban Affairs—prior to the formation of the Review Committee, including requests made by the City of Winnipeg. Most of these requests have been taken into account in formulating recommendations found in sections 5 through 10 of this Report. Nevertheless, there are some outstanding issues that remain.

One set of issues dealt with in this section involve recommendations designed to “clean up” the Act. Since the Act is an amalgam of sections of pre-1971 legislation, new sections added in 1971, and subsequent amendments, it has become an increasingly complex document. We make several recommendations designed to make the Act more understandable, both by addressing issues of clarity and consistency and by suggesting ways to reduce what we consider to be unnecessary restrictions on City Council’s ability to govern. This section also addresses issues related to the **Canadian Charter of Rights and Freedoms**. We recommend that the Act be reviewed by the Attorney-General’s Department to ensure that it conforms in all respects with the Charter.

Finally, the Review Committee addresses the sensitive issue of the relationship between School Boards and the City of Winnipeg. Our terms of reference did not permit a detailed examination of all the issues that could and should be addressed with respect to educational services and facilities in the City. Nevertheless, we have agreed to make three recommendations on the subject, dealing with school division electoral boundaries, unification of school divisions within the City, and coordination of planning, policies and programmes between the school divisions and the City.

11.1 CLEANING UP THE ACT

Recommendation 62 *Making the Act More Understandable to the General Public*

The Review Committee recommends that the Provincial Government consult with the City of Winnipeg to consider means to render *The City of Winnipeg Act* more understandable to the average person.

The Review Committee further recommends that the Province provide a detailed, workable and current index for *The City of Winnipeg Act*.

The Review Committee further recommends that the City consider producing a guide that would especially explain those parts of the Act setting out the City’s political structure, Council’s powers and responsibilities, and the rights of residents.

Discussion

The City of Winnipeg Act is both an Act creating a municipal government unique in North America, and a series of provisions from older statutes that have remained unchanged for many years.

The Act in its current form is 376 pages long and contains over 680 sections. Like most provincial statutes, it is a complicated document. Certain parts of the Act are highly

technical but are not of immediate importance to the general public.

The Act clearly needs rewriting. As we have proposed in Recommendation 63, it needs rewriting to give clarity to the powers exercised by the City. But the Act needs rewriting as well to make significant parts of it more understandable to the general public. Municipal government is important to every resident. The governing law of the City of Winnipeg ought not to be so intimidating that only a lawyer can read and understand it. To the contrary, every resident of Winnipeg ought to be able to understand his or her basic rights and the political structure, powers and responsibilities of his or her municipal government.

In addition, the Act needs a current and workable index. The existing index makes it difficult to find certain topics and to be certain that topics are discussed only in one part of the Act and not in others.

The Act by its very nature requires aids to its understanding, and the Committee encourages the provincial Government to assist residents in understanding it by recasting it in a comprehensible form and in straightforward language. In addition, we recommend that one of the means of achieving the goal of general understanding is to have the City produce, as a separate document, a booklet—“A Citizen’s Guide to The City of Winnipeg Act”—that should be available free to all City residents.

11.1 CLEANING UP THE ACT

Recommendation 63 *Clarifying the Powers and Responsibilities of Council*

The Review Committee recommends that the Provincial Government consult with the City of Winnipeg to consider the legal implications of the way *The City of Winnipeg Act* is written in order to ensure that the manner by which powers are granted to the City does not unduly restrict the exercise of those powers.

Discussion

The Review Committee is aware that City Solicitors throughout the country advise their clients that municipal governments can act only within the very specific powers spelled out in the provincial statute that creates them. The advice is given because of the way courts have traditionally treated municipal governments. The legal basis for the courts’ decisions is not important for the purpose of this discussion, but municipal governments have been forced to act in a far more constricted manner than their federal or provincial counterparts.

The City of Winnipeg Act of 1971 certainly attempted to provide the City of Winnipeg with as powerful and broad a mandate as any city in Canada. Certain sections of Act have been used to good effect to persuade courts that, within the powers given to it by the Act, the City of Winnipeg’s exercise of those powers should not be overturned by the courts. In particular, sections 99 through 101 appear to provide the City with very broad powers to act in any way that the Council decides to act.

Yet the Act is an amalgam of old and new. The new parts give broad powers to the City. The old parts, taken from statutes written many years ago, give very specific powers to the City. Because of certain methods of legal interpre-

tation, the specific powers allow courts to restrict the broad powers, and thus restrict Council's deliberations and policy decisions.

The Committee has not made detailed recommendations on how the Act should be rewritten to give the City a broad mandate congruent with the powers assigned by the Provincial Government. The Committee did convene a meeting of lawyers skilled in municipal law. These specialists suggested that only a very careful reading and reworking of each section of the whole Act could appreciably change the legal situation. Accordingly, we recommend that such a reading and reworking take place in order to allow Council to operate with as broad a mandate as possible.

That same meeting of lawyers generally agreed that one change that could enhance the City's ability to act would be to amend section 126 of the Act to read:

The Council may pass by-laws and resolutions and may make regulations not contrary to law, respecting matters for which provision is not specifically made herein, and without restricting the generality of the foregoing may pass such by-laws or resolutions, or may make such regulations, for the health, safety, and welfare of the inhabitants and for the peace, order and good government of the city as the Council deems necessary.

The current section allows the Council to make regulations by by-law "for the peace, order and good government of the city", but not to pass by-laws or resolutions for that purpose. Amending section 126 as proposed might persuade the courts to treat the City of Winnipeg as a government able to act with broad authority within its jurisdiction.

11.1 CLEANING UP THE ACT

Recommendation 64 Reducing Restrictions on Council's Authority

The Review Committee recommends that the Provincial Government, in consultation with the City of Winnipeg, reduce the number of sections in the Act that:

- give the Provincial Government, or any member of the Cabinet, power to overrule decisions of the City of Winnipeg;
- require Council to act specifically by passing by-laws; and
- impose unnecessary statutory obligations on Council.

Discussion

The three areas discussed here are means by which the Provincial Government has limited the discretionary power of the City of Winnipeg. The Review Committee has indicated throughout this Report that there are legitimate reasons for Provincial limitation of the City's discretion.

For instance, the Committee has made recommendations that:

- the Provincial Government should have the right to amend the City's Plan (see Recommendation 25);
- Council should act in certain cases only by passing a by-law (see Recommendation 8);
- the City should be required by the Act to provide services in both official languages (see Recommendation 65), implement techniques of resident involvement (see Recommendation 51), and pass an access to information by-law (see Recommendation 47).

In each case the Committee has carefully weighed the advantages of having a more autonomous and accountable City Council against the advantages of retaining some Provincial Involvement in and authority over City decisions. The Committee has commented at length on these considerations in Section 5 of this Report, and provides a specific rationale for each such recommendation we make.

The Committee has not had the resources to do a line-by-line analysis of **The City of Winnipeg Act**. We were unable to obtain from the Department of Urban Affairs a list of those sections of the Act described in this recommendation. We believe, however, that a careful reading of the Act will disclose many sections which unnecessarily limit the actions of the City.

We are particularly concerned about those sections of the Act which require the City to pass by-laws in order to take action. Section 99.1 of the Act restricts Council from delegating "any of its powers or duties which by this Act it is required to enact, approve or authorize by by-law." We agree that this section should be retained; we also believe, however, that either Executive Committee or the administration should have delegated to it by Council all the numerous day-to-day decisions that must be made (see Recommendation 23) in order to have Council meetings deal with policy issues and become a forum for debate on municipal matters. An undue restriction on Council's ability to delegate slows and complicates the efficient operation of the City.

11.1 CLEANING UP THE ACT

Recommendation 65 Issues of Rights and Freedoms under the City of Winnipeg Act

The Review Committee recommends that the Attorney-General review the Act and ensure that it conforms to the Canadian Charter of Rights and Freedoms.

Discussion:

The Attorney-General's Department is conducting a complete review of Manitoba Statutes to make certain that they all conform with the **Canadian Charter of Rights and Freedoms**.

Certain sections of **The City of Winnipeg Act** were brought to the attention of the Review Committee by the Manitoba Association for Rights and Liberties (MARL) in an excellent review of major parts of the Act. The Review Committee has incorporated the concerns presented in the MARL brief elsewhere in this Report. But these specific sections certainly should be addressed by the Attorney-General's Department in its review. We will forward a copy of the Association brief to the Attorney-General for comment and action.

The Committee has not done a line-by-line analysis of the Act and consequently cannot state that these particular sections are the only ones that raise **Charter** issues.

11.1 CLEANING UP THE ACT

Recommendation 66 Deletion of Specific Sums in the Act

The Review Committee recommends that the Act be amended to delete all sums now specified in various sections, such as license fees, penalties, interest rates, and grants-in-lieu of taxes. In many cases, these sections should be replaced by a statement enabling Council to set such amounts. In other sections, sums should be tied to amounts established

elsewhere, such as taxes, assessed value, and actual costs.

Discussion

The City has requested a number of times that the Government amend the Act to replace outdated dollar amounts specified years ago with more up-to-date amounts. For example, recent requests for amendments have included:

- December, 1984: raising the penalty for defacing or removing unsanitary premises placards from \$5 to \$10 to \$50 to \$100. [section 448(4)].
- December, 1984: raising the penalty for renting or occupying a placarded premise from \$5 to \$10 to \$50 or more. [section 448(6)].
- October, 1983: raising sinking fund investment interest rates from 5% to "not more than 10% per annum capitalized yearly". [section 303(?) (c)].

The Committee recommends a more general approach that eliminates periodic revision of such details by the Province. This approach places the responsibility to establish specific amounts in the hands of City Council.

The City has the power to establish rates as it sees fit for any commodity or service it provides and to make regulations pertaining thereto. Similar broad enabling provisions should be applied to specific monetary amounts of fees, penalties, and interest rates.

11.1 CLEANING UP THE ACT

Recommendation 67 *Affirmative Action*

The Review Committee recommends that if affirmative action is to be addressed by statute, it should only be addressed in a statute applying to all municipal jurisdictions; The City of Winnipeg Act should not be singled out for special legislative attention on this topic. The Committee also recommends that the City continue its voluntary efforts to achieve a more representative work force at all levels of the municipal civil service.

Discussion

The Committee received excellent briefs requesting that we recommend that the City be obliged by law to institute a programme of Affirmative Action. Affirmative Action involves measures to overcome systemic and historical discrimination through mechanisms to give advantages in hiring and promotion. In some cases the briefs encouraged the City to institute such a programme voluntarily and, failing that, asked to have the statute impose a programme.

The Committee believes that the question of affirmative action is one that should be addressed either voluntarily by the City itself, or statutorily through human rights legislation; either possibility is beyond our mandate. The issue is one that must be addressed by politicians, either municipally or provincially.

It is also our understanding that the Manitoba Human Rights Commission has developed a procedure for receiving public submissions, sometimes through a public hearing, on applications for special programmes which include affirmative action programmes. This procedure was used recently by the Commission to review certain programmes proposed by the City of Winnipeg, which were given provisional approval. Thus there is a forum for expressing concern about affirmative action now. Any concerns about systemic discrimination can of course be referred to the Manitoba Human Rights Commission.

11.1 CLEANING UP THE ACT

Recommendation 68 *Miscellaneous Amendments to the Act*

The Review Committee recommends that sections 524(1) and 524(1.1) which, in effect, allow the City to revoke a licence to practice a trade and provide for an appeal to the same body that revoked the licence, be amended to provide that the Executive Committee have the power to revoke a licence with appeal to the full Council; or, if Council delegates revoking powers to Community Committees, the appeal should be to the Executive Committee.

The Review Committee recommends that section 545(b) of the Act require that the City can neither shut off the supply of utilities, nor charge a lien on property, for failure of a tenant to pay for utilities supplied by the City, unless notice to the owner of the property was given within 30 days of the failure to pay.

Discussion

In the case of the revocation of a licence, the appeal is to the same body that revoked. The Review Committee agrees that this is not proper, and believes that the proper appeal body is Council if the revoking body is Executive Committee, or the Executive Committee, if the revoking body is a Community Committee.

Section 545 of the Act gives the City the power to "establish rates for any energy, power, commodity, water or service which it supplies." In addition, that section provides that the City can put a lien on property in case of non-payment of the rates. A concern was expressed by the Manitoba Landlords Association that a landlord may thereby be penalized for non-payment by a tenant. The Review Committee is not prepared to recommend a wholesale change to this policy issue, but does agree that notice should be required by the Act to provide the landlord sufficient time to get relief from the tenant or to make payment prior to the shutting-off of the utility.

11.2 CITY-SCHOOL DIVISION RELATIONS

Recommendation 69 *School Division and Municipal Electoral Boundaries to Remain Not Congruent at Present*

The Review Committee recommends that no action be taken at this time to bring electoral boundaries within school divisions into conformity with the City's ward or Community Committee boundaries. Consideration of this issue should be addressed, however, after the completion of a school division consolidation study as proposed by the Committee (see Recommendation 70).

Discussion

There are four school divisions entirely within the boundaries of the City of Winnipeg: Winnipeg No. 1, St. James-Assiniboia No. 2, Assiniboine South No. 3 and Norwood No. 8. Seven other school divisions are partly within the City's boundaries: St. Boniface No. 4, Fort Garry No. 5, St. Vital No. 6, River East No. 9, Transcona-Springfield No. 12 and Seine River No. 14.

The fact is that only coincidentally is there a match in the boundaries of wards created for the purpose of electing school trustees and the electoral boundaries of wards in which municipal Councillors are elected. This was brought to the Committee's attention by a number of school divisions.

The lack of congruence creates some confusion for voters in the City. They ask: What municipal ward am I in?, and in what school division? This results in Election Day confusion as polling places maintain separate ballot boxes for separate but overlapping municipal and school division wards. Similarly, in talking with neighbours and friends at tax time, they ask: If education is one service, why does it cost more (or less) here than across the street?

The Review Committee recognizes these difficulties and suggests that the Provincial Government examine at an appropriate time the consequences of differing municipal boundaries, intra-municipal ward boundaries, school division boundaries, and intra-school division boundaries within the Winnipeg region. We are convinced, however, that there are more fundamental and difficult issues which should be addressed first.

Above all, the desirability, necessity, and utility of retaining the existing 11 school divisions within the City should be examined (see Recommendation 70).

A determination should then be made as to the practicality of allowing the several school divisions or a new consolidated division to continue to draw electoral boundaries while the municipal ward boundaries are determined by the Provincial Government with the advice of a boundaries review commission (see Recommendation 16). Finally, the impact of the representation systems in both jurisdictions for coordination of their policies, plans, and programmes should be assessed and measures taken as needed (see Recommendation 71).

11.2 CITY-SCHOOL DIVISION RELATIONS

Recommendation 70 *Initiation of a School Division Consolidation Study*

The Review Committee recommends that the Provincial Government, in consultation with the school divisions and municipalities of the Winnipeg region, initiate a study of the desirability and feasibility of consolidating or unifying the school divisions within the city.

Discussion

The City of Winnipeg Act of 1971 has now resulted in nearly-complete unification of municipal services, but the largest service delivered at the local level—public education—has not been unified. The delivery of educational services by the 11 school divisions located completely or in part within the City is organized in much the same way as the delivery of municipal services: a locally-elected body raises revenues and delivers a service under provincial legislation within a defined area.

The patchwork pattern of school divisions in the Winnipeg area is a product of earlier times and may no longer be useful or needed. The Review Committee urges the Provincial Government to begin the process of reevaluation of the governing structure for educational services within Winnipeg, by initiating a study of the desirability, necessity, and impact of amalgamating or consolidating of school divisions within the City's boundaries.

11.2 CITY-SCHOOL DIVISION RELATIONS

Recommendation 71 *Review of Policy, Planning and Programme Coordination*

The Review Committee recommends that the Provincial Government create a study team of officials from the school divisions, the City of Winnipeg, the Manitoba Department of Education, the Public Schools Finance Board and other Provincial bodies to review and make recommendations for improving the coordination of their policies, plans, and programmes within the City.

Discussion

Regardless of the outcome of the consolidation study proposed in Recommendation 70, there is clearly a need to determine the effectiveness and efficiency of the existing coordination process among the City, the school divisions, and involved Provincial departments and agencies.

While the pupil load in some areas is steadily mounting and the schools are bulging with children, depopulation and demographic change are resulting in declining enrollments and are making facilities surplus in other areas. The public may reasonably expect that school children are entitled to schools of roughly equal quality and that taxpayers are entitled to protection of the very substantial public investment in schools.

It is the practice of the City to inform school divisions of development applications for subdivisions but there is no formal notification procedure for applications of lesser magnitude. Zoning and development decisions have a significant impact on school facilities; conversely, school division decisions on location and closure of facilities, curriculum and special programmes, and many other matters have major effects on the City's plans and policies. The policy of sharing use of school and park facilities by educational, community club, and other organizations is still not being implemented on a consistent or uniform basis or necessarily to the best advantage of residents and taxpayers. Numerous other items would also be on a list of coordination issues requiring review and resolution.

The Committee recommends that the Provincial Government take the initiative.

SECTION 12: IMPLEMENTATION

Recommendation 72 *Extension of Term of Council to October 1987*

The Review Committee recommends that the Provincial Government amend the Act to extend the term of the present Council to October 1987 in order to implement the recommendations contained in this Report.

Discussion

The next municipal election in Winnipeg is set to take place in October 1986. As it appears that there will be a provincial election in the spring of 1986, the chances of a legislative session that could deal with major change to **The City of Winnipeg Act** prior to October 1986 are very slim. Thus amendments to the Act cannot take practical effect in time for the next municipal elections.

We believe that postponing changes to the Act to take effect as of the municipal elections in October 1986 -- whether they are changes the Committee recommends, or others that the Provincial Government decides are reasonable after considering our report -- would not be advisable. Not only would a delay of that length reduce the value of our analysis and recommendations, it would simply not address and rectify the shortcomings identified in the Act in as expeditious a manner as is required.

As we have indicated, there should be a Boundaries Review Commission appointed immediately (see Recommendation 16); the changes in Winnipeg's population since the last ward and Community Committee boundary changes in 1976 create serious inequities. There simply is not enough time to change the City's internal political boundaries before the scheduled 1986 elections.

When the Provincial Government created Unicity in 1971, it extended the terms of the then-elected aldermen, Metro Councillors and members of the suburban municipal councils, in order to give the Government time to implement the new Act.

That is what we are recommending now. We believe that postponement of the municipal elections by one year would give a welcome opportunity to implement changes to **The City of Winnipeg Act** in the phased-in manner we suggest in Recommendation 71.

Recommendation 73 *Phased Implementation of the Committee's Recommendations*

The Review Committee recommends that the changes recommended in this Report be phased in over a period of three years, from 1986 through to 1989.

The most desirable sequence of implementation of our recommendations by the Provincial Government and the City Council is provided below. Dates specified indicate when the change should be in place and operative.

The prerequisite for this schedule is the extension of the term for members of Council to October 1987 (see Recommendation 71). This change should be made in an early legislative session in 1986 (Phase 1).

Our recommended phasing from that time is based on our view that crucial changes can and must be accomplished in a 1986-87 fall/winter session of the Legislature (Phases 2 and 3). All changes preparatory to the October 1987 municipal elections should be in place by April of that year, as should the various review teams, enforcement mechanisms and municipal by-laws called for in this Report.

By October 1987 (Phase 4), when the new Council assumes office, all required amendments to the Act should be in effect, so that the Mayor, Executive Committee and Community Committees may function as intended in this Report.

By April of 1988 (Phase 5), Executive Committee and Council should have begun to exercise their authority to adjust the administrative structure as required and to assume their broadened powers and responsibilities.

Finally, in 1989 (Phases 6 and 7), both the City and the Province should be in the position to make mandated decisions and clarify their respective authorities, based on over a year's experience with the new system. By April of that year, we recommend that a newly drafted, simplified and easily-read **City of Winnipeg Act** be completed and proclaimed.

In what follows the number at the left-hand margin is the number of the recommendation in this Report.

PHASE 1 -- to be completed by April 1986 *Implementation*

72 Extension of Term of Council to October 1987

Resident Involvement

53 Interim Continuation and Support of Residents' Advisory Groups

64 Advancing Resident Involvement

Information

49 Provision of Municipal Information to Residents

51 Council Required to Establish Means of Involving Residents

PHASE 2 -- to be completed by October 1986 *Community Committees and Wards*

16 Reduction in Number of Wards and Size of Council (effective October 1987)

16 Appointment of Boundaries Commission

City-School Division Relations

69 No Congruence of School Division Electoral Boundaries

70 Appointment of School Division Consolidation Study Team

City Council and Mayor

13 Appointment of a Council Compensation Commission

Provincial-City Financial and Service Relationship

1 Appointment of Provincial-Municipal Urban Finance Review Study Team

Urban Environment

- 36 Review of Jurisdiction and Coordination of Regulatory Powers over Urban Waterways
- 37 Increased Powers for the City over Waterways
- 38 Establishment of a Winnipeg Rivers Corporation
- 39 Establishment of a Regional Environmental Advisory Panel

The Additional Zone

- 40 Abolition of the Additional Zone

Inter-municipal Relations within the Winnipeg Region

- 43 Power of City to Acquire Land in Other Municipalities
- 44 City Adherence to Approval Requirements of Other Municipalities
- 45 City to Pay Full Grants-In-lieu of Taxes to Other Municipalities

French Language Services

- 55 Definition of "Communication" and Provision of Emergency Services in Both Official Languages
- 56 Recognition of the Bilingual Character of "Historic St. Norbert" under Part III

Referenda

- 58 Deletion of Provision for Referenda

Ombudsman

- 59 Establishment of a City of Winnipeg Ombudsman

Information

- 47 Council Required to Adopt an Access to Information By-law
- 48 Improving the Proposed Appeal Process Regarding Access to Information
- 50 Implementation of a Records Management System

Cleaning up the Act

- 66 Deletion of Specific Sums in the Act
- 67 Affirmative Action
- 68 Miscellaneous Amendments to the Act

PHASE 3— to be completed by April 1987

City Council and Mayor

- 8 A Strong Executive Committee (effective October 1987)
- 9 Strong Mayor (effective October 1987)
- 10 Presiding Officer (effective October 1987)
- 11 Types and Powers of Council Committees (effective October 1987)
- 12 Clarified Roles and Authority of Boards, Commissions, Advisory Committees, Authorities, and Corporations
- 13 Council Compensation Commission Recommendations

Community Committees and Wards

- 16 Adjustments to Ward and Community Committee Boundaries

Elections

- 17 Preferential Ballot to be Used to Elect Mayor and Councillors
- 20 City to Adopt an Election Expenses By-law
- 21 Revised Qualifications of Electors

Corporate Limits of the City

- 41 Adjustments to the Boundaries of the City

Intergovernment Cooperation and Consultation

- 6 Improved Internal Coordination within the City and Provincial Governments

City-School Division Relations

- 71 City-School Divisions Coordination Review

Enforcing the Act

- 61 Establishment of a Municipal Tribunal

French Language Services

- 57 Enforcing the City's Statutory Obligations under Part III

PHASE 4— before the October 1987 Municipal Elections

Elections

- 18 Mayor to Continue to be Elected City-wide
- 19 Councillors to Continue to be Elected from Single-member Wards

Community Committees

- 14 Increased Planning and Approval Powers for Community Committees
- 15 Increased Budgetting and Expenditure Powers for Community Committees

Content and Approval of Plans

- 24 Expanded Scope and Content of the Winnipeg City Plan
- 25 Revised Approval and Amendment Process for the Winnipeg City Plan
- 26 Special Area Plans
- 27 Local Plans
- 28 Development Control

Zoning and Development Approvals

- 29 Establishing Grounds in the Act for Approval of Zoning and Subdivision Applications
- 30 Establishing Responsibility for Zoning and Subdivision Hearings
- 31 Executive Committee to Decide Whether to Order a New Zoning or Subdivision Hearing
- 32 Determining Who Will Conduct New Zoning or Subdivision Hearings
- 33 Criteria for Zoning Changes and Zoning Variations, and Amalgamation of Zoning By-laws
- 34 Improved Zoning, Subdivision, and Development-Related Notices and Advertising

Environmental Impact Review

- 35 Environmental Impact Review Process

Intergovernmental Cooperation and Consultation

- 5 Establishment of a Formal Provincial-City Consultation Mechanism

Information

- 46 Executive Committee Required to Report on Fulfillment of its Statutory Obligations

PHASE 5— to be completed by April 1988

Administrative Organization

- 22 Administrative Organization to be Established by Council
- 23 Council may Delegate Administrative Authority to Employees

Provincial-City Financial and Service Relationship

- 2 Province to Broaden the City's Revenue-Raising Choices and Responsibilities
- 3 City to have Broader Responsibilities in Delivery of Social Assistance and Public Health Services
- 4 City to Assume Greater Responsibilities for Economic and Social Development

Inter-municipal Relations within the Winnipeg Region

- 42 Establishment of an Association of Winnipeg Region Municipalities

PHASE 6— to be completed by January 1989

Resident Involvement

62 Council to Make Decision Whether to Retain or Replace Residents' Advisory Groups

Enforcing the City of Winnipeg Act

60 Province May Reclaim Powers Delegated to the City

Cleaning up the Act

63 Clarifying the Powers and Responsibilities of Council

64 Reducing the Restrictions on Council's Authority

65 Issues of Rights and Liberties under the Act

PHASE 7— to be completed by April 1989

Cleaning up the Act

62 Making the Act More Accessible to the General Public

Intergovernmental Cooperation and Consultation

7 Province to Consult with the City on Future Act Reviews and Membership of Review Committees

Discussion:

The Committee considers it vitally important for any changes in the Act to be made in an orderly and logical fashion. These phasing and deadline recommendations are an appropriate guide and schedule for the implementation of our recommendations.

The crucial milepost in the Committee's proposed implementation schedule is the next civic election, which we recommend postponing for one year—until October 1987. Only a postponement of the civic election will allow time to make changes in the City's political structure at least six months prior to Election Day. It is imperative for candidates for municipal office to know well in advance the new powers and responsibilities of various offices, the new authority and political relationships established by statute, the new boundaries of ward and Community Committee, constituencies, the new electoral rules and requirements, and the new compensation package provided for elected officials.

We suggest further that the detailed studies and reviews we recommend be undertaken and completed in advance, to allow for adjustments in relationships and changes in legislation and by-laws to be in place by October 1987. The new Council, led by the Executive Committee and Mayor, must begin this new period in the history of Unicity with complete powers in place and procedural requirements settled, so that it is not restrained from meeting its responsibilities.

The Committee wishes to emphasize that considerable advance work and deliberation must be undertaken in order for specific changes to take effect by the dates suggested in the schedule. Thus, where we indicate statutory or civic changes to be in force by say, October 1987, it is clear that preparatory work on those changes must commence virtually immediately and be completed in sufficient time for legal drafting and the legislative process to take place.

SECTION 13: SUMMARY OF RECOMMENDATIONS

The Report of The City of Winnipeg Act Review Committee is a lengthy and detailed document. This summary is not comprehensive, and the reader who seeks to measure the full import of the Committee's recommendations—and the arguments advanced in support of the recommendations—is urged to consider the text itself, rather than this summary. While allusions to the Committee's reasoning are made here, no attempt is made to describe fully the rationale for proposed changes in the Act. Nor does this summary capture the cogency of the opinions of Committee members who have dissented from the recommendations of the majority. Once again the reader is urged to refer to the main text.

THE COMMITTEE MANDATE

The first section of the Report reproduces the operative terms of reference assigned to the Review Committee by the Provincial Cabinet and contained in two Orders-in-Council. The Committee was asked to review the effectiveness of **The City of Winnipeg Act** and the operations of the City government under the Act, with the exception of Part VII of the Act, which deals with assessment.

Specifically the Committee was asked to deal with five issues:

- 1) The relationship between the City and the Province and the powers that each one has;
- 2) The relationship between local communities within Winnipeg and the City of Winnipeg as a whole;
- 3) The relationship between the City and areas adjacent to the City;
- 4) The way in which city planning is done; and,
- 5) Citizen participation in the City's decision-making processes.

THE COMMITTEE PROCESS

The Review Committee convened in July, 1984, and decided to seek public discussion of the issues at hand. An information pamphlet was published in September, followed by a more detailed publication in November. The **Issues Paper** provided short discussions of a limited number of topics and outlined a series of options that could lead to some resolution of the issues. It was distributed widely. In January, 1985, the Committee began a round of public hearings, eventually extended to 29 hearings, carrying on until the end of April. A total of 216 submissions were heard and a further 80 written submissions were received. At the same time the Committee conducted a number of private hearings.

A parallel process occurred with respect to Additional Zone questions because it was the sense of the Committee that there was a possibility that the Committee's eventual recommendations could well incorporate the views of the various concerned parties.

After several months of reflection on the issues and internal debate, the Committee discussed some tentative conclusions with the Urban Affairs Committee of Cabinet, with a group of Opposition Members, and with City Councillors.

The Committee believes that its understanding was deepened and its recommendations improved by extensive public participation in the review process.

THE CONTEXT OF THE REVIEW

The Committee eschewed a theoretical exercise and focussed on the actual functioning of the City.

Winnipeg has its own political traditions which are different from those of other cities and other levels of government. Caution has been exercised in importing ideas and practices from other jurisdictions. Structures and formal rules are a part of Winnipeg's political tradition as are informal norms, values and habits which help to shape the behaviour of public officials and residents of the City. While changes to the structure and process of government will generally not lead to changes in attitudes, they can alter familiar patterns of behaviour.

City government is dynamic and evolutionary in nature. Its structures and activities have been shaped by geographic, economic, demographic and social circumstances, which have changed over time and will continue to change. In formulating its recommendations, the Review Committee has sought to give appropriate consideration to the many dynamic dimensions of our City.

PROVINCIAL-MUNICIPAL RELATIONS

This section of the report discusses the necessity of clarifying the jurisdictions of both the Province and the City and recommends measures to encourage a cooperative rather than adversarial relationship between the two. A wide-ranging introduction to this section examines the competing models of Provincial-Municipal relations that are advocated by adherents of the 'home rule' view of the relationship and by the constructionists who see the relationship only in terms of its constitutional limitations.

The Review Committee concludes that the relationship is really one of quasi-subordination, recognizing the constitutional superiority of the Provincial Government and also acknowledging the political potency of the City Government. The financial aspect of the relationship is seen as pivotal and the Committee urges both parties to abandon doctrinaire positions and recommends the creation of formal mechanisms to develop a forum for discussion and negotiation. The importance of structuring relations between the two levels of government to reveal which level is responsible for any given initiative, and thereby increasing accountability to the electorate is, emphasized.

Recommendation 1

The Review Committee recommends that the Province of Manitoba appoint a study team, including representatives of the City of Winnipeg, to undertake a comprehensive review of and make recommendations on, the future requirements for financing urban services and operations.

Recommendation 2

The Review Committee suggests that the Provincial Government provide the City with access to a wider range of revenue sources, on the condition that the City's responsibility for raising revenues through any sources be clearly attributed to the Winnipeg City Council.

Recommendation 3

The Review Committee recommends that the Provincial Government establish standards and provide 100 percent financing for social assistance and public health services in Winnipeg.

Recommendation 4

The Review Committee recommends that the City develop detailed policies and programmes for social and economic development in the City and that Council, in consultation with the Provincial Government, establish a Joint City-Provincial task force to recommend and manage an

improved coordination system for developing policies and delivering programmes in the social and economic areas.

Recommendation 5

The Review Committee recommends that the Act establish a body to serve as a formal consultation mechanism between the Government of Manitoba and the City of Winnipeg. This consultation mechanism should bring together the Mayor and other members of the Executive Committee of Council and a committee of Cabinet responsible for Winnipeg affairs, created under **The Executive Government Organization Act**.

Recommendation 6

The Review Committee recommends that both the Province and the City take immediate action to provide more effective and efficient coordination within their respective systems. The need for action is apparent to us at both the political and administrative levels.

Improved internal coordination of policy formulation and departmental jurisdiction is a prerequisite to sustained Provincial-Municipal cooperation.

Recommendation 7

The Review Committee recommends that future reviews of "the operation of this Act and the activities of the city thereunder" (section 660) be undertaken in consultation with the city.

POLITICAL AND ADMINISTRATIVE ORGANIZATION

The Review Committee has sought primarily to create a clear and accountable political structure. Our proposal provides statutory authority for, and allows a significant additional delegation of Council's powers to, a small, full-time group of Councillors called the Executive Committee, led by the Mayor. This Committee would provide central policy initiation and would be responsible for overseeing and directing the administration of the City's business. Ultimate decision-making authority would continue to rest with the City Council, but the full-time Executive Committee would provide impetus and direction to Council activity.

The Committee proposes to augment the role of the Mayor by assigning new responsibilities to the Mayor, the only person elected with a broad mandate by all the electors of Winnipeg. Our intention is to provide him/her with the tools needed to become the effective leader of Council and we hope that the Mayor's new powers of initiative and leadership will translate into action by Council.

Once in office, the Mayor will nominate and chair the Executive Committee and represent the Committee within Council. The Mayor thus becomes the central actor in Council's political decision-making. As such, we believe the Mayor should no longer sit as Chair of Council. The Mayor's powerful role as new executive and legislative leader is inconsistent in our view with his current role as neutral presiding officer.

The degree to which authority is delegated is the key to whether the new structure will be complex or simple in its operation and how visibly accountable it is. Our recommendations would restrict City Council's power to delegate authority to groups of Councillors other than the Executive Committee and, in certain instances, Community Committees. The Committee believes that this restriction will provide for a clearer, more focussed exercise of power by the Executive Committee, and by the Community Committees, and will make it more difficult to create Standing Committees. We believe the Standing Committees, despite their usefulness in involving and informing Councillors, have on balance detracted from the effective, accountable and efficient operation of Council.

Community Committees currently have little power to make final decisions affecting their local area even if

those decisions would have little or no impact on any other community. The Review Committee has struggled to suggest a method for enhancing local decision-making without detracting from the paramountcy of city-wide interests. If Community Committees are to be retained at all they must be given a significant and effective role in the City's political structure. That role, we suggest, is best played with respect to local planning, local land use approvals, and local service decisions.

The Committee does not intend to insert—and indeed some members of the Committee reject—political or administrative mechanisms of a parliamentary nature within the Winnipeg municipal system. Where our proposals may be perceived by some to embrace the parliamentary model, they instead should be recognized as legitimate and useful mechanisms entirely within the varied tradition of municipal government in Canada and North America generally. On this point, the Review Committee clearly disagrees with our predecessor, the 1976 Committee of Review.

Recommendation 8

The Review Committee recommends that **The City of Winnipeg Act** provide for an Executive Committee composed of six Councillors and the Mayor, who will serve as Chair of the Executive Committee.

Recommendation 9

The Review Committee recommends that the Act set out the following rights and duties of the Mayor of Winnipeg:

The Mayor will nominate all members of Executive Committee and may remove Executive Committee members, subject to limited Council approval (see Recommendation 8). The Mayor will chair meetings of Executive Committee, will set its agenda, and will determine who will speak on its behalf before Council.

The Mayor has the right to speak first and last on the presentation of any by-law proposed by Executive Committee, but this right may not be used to close debate prematurely.

The Mayor appoints, with the approval of Executive Committee, all members of the subcommittees of Executive Committee.

The Mayor will continue to be a full-time person, provided with an office, budget, and staff. The Mayor is the chief signing officer for the City. The Mayor represents the City and Council at all ceremonial engagements or determines who will do so in his/her absence.

The Mayor will appoint a Deputy Mayor from among the members of the Executive Committee. The Deputy Mayor will exercise all the duties and rights of the Mayor in his/her absence.

Recommendation 10

The Review Committee recommends the creation of a new Council position known as the Presiding Officer of City Council.

The Presiding Officer would be selected by Council from among those Councillors who are not members of the Executive Committee. Council selection will be by secret preferential ballot at the first meeting of Council following an election or when the office becomes vacant during the term of a Council.

Recommendation 11

The Review Committee recommends that the Act allow the formation of subcommittees of Executive Committee and of Select Committees of Council with specific and limited terms of reference. All references to Standing Committees in **The City of Winnipeg Act** should be deleted, however.

Recommendation 12

The Review Committee recommends that Council re-examine and clarify the roles and authority of its various

civic boards, commissions, advisory committees, authorities and corporations. The Committee recommends that the following principles be applied in Council's re-examination:

- Public services which are the responsibility of City Council under **The City of Winnipeg Act** and which are delivered by employees of the City should remain under the direct control of City Council. Neither administrative control over civic employees nor budgetary discretion should be delegated in these areas to boards or commissions.
- Civic commissions, authorities and corporations that perform a special statutory function (as distinct from the routine delivery of a public service) may be established at the discretion of Council. In general, such bodies should not have members of Council on their boards.
- Council may also establish without limitation any advisory committees or boards to seek citizen advice or enlist expertise in specialized fields of civic responsibility. Such bodies should not contain any members of Council.

Recommendation 13

The Review Committee recommends that **The City of Winnipeg Act** require, a year prior to each civic election, that Council appoint a Council Compensation Commission composed of five members representing the community at large. The Compensation Commission may hold public hearings on the issue of Council compensation. Its report and recommendations must be available to the public. An honorarium should be paid to members of the Commission, and they should be provided with secretarial assistance.

The Review Committee recommends further that the recommendations of the first Compensation Commission, appointed immediately following the coming into force of this section of the Act (and if possible prior to the next municipal election), be mandatory.

In subsequent years, recommendations made by the Compensation Commission should be binding on City Council, unless modified by two-thirds of Council members present and voting. If Council chooses to alter the Commission's recommendations, it must do so by resolution prior to a civic election and must append a public explanation of the reasons for such changes. In any event, the compensation package should come into effect only after the municipal election.

The Compensation Commission should have the authority to recommend on stipends, other forms of monetary compensation, and staff or other support services to be provided to the Mayor, the Deputy-Mayor, the Presiding Officer of Council, the members of the Executive Committee, and other City Councillors. No additional compensation should be provided for any other positions or duties other than for those named above. The Commission should also have the authority to recommend non-monetary benefits for Councillors such as secretarial support, research assistance, office space, word processing equipment, and a budget for printing and communication with constituents.

Recommendation 14

In section 7, the Review Committee recommends expanded planning and approval powers for Community Committees. They are here grouped together and summarized, with some additional recommendations:

1. Local Plans

Community Committees should be empowered to initiate, prepare, and approve Local Plans by resolution, subject to Executive Committee review and possible amendment by City Council (see Recommendation 27).

2. Zoning Change Approvals

For any area in which a Local Plan is in force and effect, the Community Committee should be empowered to make final and binding decisions on applications to amend the zoning by-law (exclusive of text amendments), subject only to limited review by Executive Committee and the ultimate override power of Council (see Recommendation 30).

Executive Committee review of the public hearing process and decisions of the Community Committee should be based only on four grounds specifically spelled out and discussed in Recommendation 31. After review, Executive Committee would decide on the basis of its findings if a new hearing is required and whether the Community Committee or the Executive Committee (or its designated subcommittee) would conduct the new hearing (see Recommendation 32).

3. Initiation of Zoning Amendments

In areas for which Local Plans have been approved and are in force and effect, Community Committees should be empowered to initiate amendments to the zoning by-law. The public hearing provisions of the Act would apply. Executive Committee should review the recommendations of the Community Committee, and Council might ultimately exercise its power to override, as described in item 2 above.

4. Zoning Variance and Conditional Use Approvals

For all lands within a community, except those for which Council has adopted a Special Area Plan (see Recommendation 26), Community Committees should be empowered to issue final variance and conditional use orders, after conducting the required hearing. The decision of the Community Committee would be binding, subject only to review by Executive Committee. An order to rehear would be issued by Executive Committee only on grounds of violation of due process, of conflict with Council policy, and/or a municipal by-law.

Recommendation 15

The Review Committee recommends for Council consideration a specific scheme for extending limited control over local budgets and expenditures into the hands of Community Committees. We further recommend that the Act be amended to authorize Council to adopt such a scheme only under such conditions as are set out here.

The Review Committee recommends that each community should be allocated a community fund to be distributed annually by each Community Committee for local purposes as defined by Council. The amount of each community fund should be determined by a **per capita** formula which recognizes the greater needs of particular communities. This "greater funds for greater needs" formula should be approved by Council on the basis of recommendation of Executive Committee.

The needs formula adopted by Council should be designed to ensure that those communities deemed to have greater than average needs would receive a community fund proportionately larger than those with lower than average need. Need should be determined on the basis of generally accepted socio-economic indicators or a more complex test combining economic, social, and physical measurements.

The needs formula should then be used to allocate monies from a city-wide 'local service pool' to individual community funds. The pool represents those monies set aside annually by Council for purposes of local services, programs and facilities, from which Community Committees may select according to their individual priorities. The amount of the local pool and the community fund available to each community must be determined by Council at least forty-five days prior to adoption of the City budget.

Once each community fund is established, the Community Committees would establish and adopt a community budget. In this budget, the Community Committee may allocate funds for any of the following forms of expenditures:

- Community Committee and office operations
- local planning and programming
- neighbourhood improvement programming and projects
- local leisure and recreation programmes and facilities
- local library educational and cultural programmes and facilities
- local social services and community outreach services
- resident participation programmes
- community relations policing and neighbourhood security services
- residential street signage and traffic controls
- grants to local organizations
- any other service, programme, or facility that Council may deem to be of a "local" character.

Community budgets must be adopted no later than thirty days after adoption of the City budget.

Each Community Committee should be required to report to Council annually on the manner by which it expended its community funds within and for the benefit of those sub-areas or neighbourhoods, and those groups of residents within the community area, with greater needs. Executive Committee will monitor and review the use of Community Committee authority to ensure that city-wide minimal standards are not compromised. Executive Committee will also review community budgets and expenditures to ensure Community Committee compliance with its requirements, compatibility with the City budget, and proper implementation by the civic administration. While policy and expenditure decisions will be made by Community Committee, implementation of those decisions will be provided by and through the City's central bureaucracy.

Council and Executive Committee will also ensure that Community Committees will not unduly interfere with or hinder the orderly administration of the City by employees and officials of the City. In the implementation of this local budgeting and expenditure system therefore, Community Committees must work within very specific limitations. They are:

- establish capital and operating budgets and expend monies only in accordance with Council policies;
- hire, dismiss, and deploy personnel only on short term contract maximum of one year) and in accordance with any collective agreements, personnel practices, and policies of Council;
- only expend monies in such a way that Council is not committed, without its approval, to spend money on capital works in the next budget year;
- supplement or redeploy the civic workforce within the community only through appropriate administrative officials of the City as determined by Executive Committee;
- not permit service levels to fall below minimum standards as may be determined by Council.

Executive Committee will monitor the performance of the Community Committees on these matters and take corrective measures as required.

Recommendation 16

The Review Committee recommends that the number of Community Committees remain at six, and that the number of wards and the number of Councillors be reduced to twenty-four.

The Committee further recommends that the boundaries and composition of both the Community Committees and the wards be adjusted where practical to provide: acceptable equality in population per representative, greater

mutuality of interests and basis for cooperation among wards within Community Committees, and a lessening of parochial identifications dating from the pre-Unicity period. We suggest that new ward boundaries be determined on the basis of a collection of recognizable neighbourhoods with mutual interests and priorities. We also suggest that the boundaries of Community Committee areas, as composed of mutual-interest wards, be determined on the basis of similarity of interest and other political criteria, rather than being patterned on the administratively-convenient public works district scheme.

Recommendation 17

The Review Committee recommends that electors use a preferential ballot to elect their Councillors and the Mayor.

Recommendation 18

The Review Committee recommends that the Mayor should continue to be elected at large throughout the City by the residents of Winnipeg.

Recommendation 19

A majority of the Review Committee recommends that City Councillors continue to be elected in individual single-member wards.

Recommendation 20

The Review Committee recommends that **The Local Authorities Election Act** be amended to permit Municipal Councils to pass by-laws regulating election expenses and requiring the disclosure of contributions and the reporting of campaign expenditures.

Recommendation 21

The Review Committee recommends that eligibility to vote in elections for the Mayor and Councillors of the City of Winnipeg be based on six-months residency in the City, attainment of the age of 18 and Canadian citizenship.

Recommendation 22

The Review Committee recommends that City Council be authorized to establish the administrative structure of the City by by-law upon recommendation of the Executive Committee.

Current provisions in the Act prescribing specific duties and responsibilities of senior administrators should be deleted.

Recommendation 23

The Review Committee recommends that section 47 of the Act be amended to read:

The council may by by-law delegate to any of its employees any of its duties or powers respecting the administration of the city provided for under this or any other Act.

CITY PLANNING AND ENVIRONMENT

The Review Committee believes that the planning objectives of both the City and the Province can be better served by substantially amending Part XX of the Act, titled "Environment." In the following pages we recommend changes with respect to the Winnipeg City Plan, Special Area Plans, Local Plans, development control, zoning processes, environmental impact reviews, and municipal powers over waterways. Furthermore, the Committee calls for the establishment of a new corporation to address the special issue of Winnipeg's rivers and streams.

In proposing amendments to Part XX, we place great emphasis on related changes in the parts of the Act which prescribe the political organization of the City. Planning is one manifestation of the political process. Strengthened Council leadership, improved executive organization, visible accountability for political decisions, clarification of the roles and powers of both City Council and the Provincial Government, improvements in public hearing and due process provisions, decentralization of authority

and decision-making, and improved and more effective resident involvement—all are crucial to improved planning in Winnipeg. Our planning recommendations can best be understood and judged, therefore, within the context of our recommendations on provincial-municipal relations (Recommendations 1 to 7), political and administrative organization (Recommendations 8 to 23), inter-municipal relations (Recommendations 40 to 45), and resident participation (Recommendations 46 to 59).

The Review Committee's recommendations in this section comprise an inter-related group of rather detailed proposals. We urge a thorough and comprehensive consideration of the complex connections among the separate items.

Recommendation 24

The Review Committee recommends that sections 569 and following of the Act be amended to provide a new title for the "Greater Winnipeg Development Plan," and expansion of the Plan's scope and content.

The Greater Winnipeg Development Plan now commonly known as "Plan Winnipeg" should be re-formed as the Winnipeg City Plan.

The Review Committee recommends that the definition of the Winnipeg City Plan be: "a plan for the entire area within the boundaries of the City of Winnipeg, consisting of policies, general land use designations, and proposals for land use, infrastructure, transportation, social and economic development, environmental management, and other related services and measures, and analysis of financial requirements, Council commitments, and strategies for the implementation of the Plan, with respect to the overall urban area, community areas, special areas, and/or wards of the city," and that this definition replace the present section 569(f).

Recommendation 25

The Review Committee recommends that the Act be amended to provide the following:

City Council may review the existing City Plan and prepare amendments to the Winnipeg City Plan By-Law at any time. This right notwithstanding, Executive Committee should be required to submit to City Council at least annually its recommendations for changes, or for no changes, in the City Plan.

Council should be required to advise and consult with the Minister responsible on any proposed amendments to the City Plan upon first reading. The Minister should inform the Council in writing within 60 days of notification of first reading of any Provincial comments, concerns, or conditions of approval with respect to the proposed amendment(s). Public hearing(s) on the amendments would not commence prior to the Minister's response to City Council. Should the Minister not inform City Council of the Government's comments, concerns, or conditions within 60 days of notification, City Council would proceed to public hearing(s), second reading, and third reading of amendments to the Winnipeg City Plan without the approval of the Minister.

In the event that the Minister has informed Council of the Province's comments, concerns, or conditions of approval within the time specified, City Council would proceed immediately upon proper notice to public hearings. After the conclusion of public hearings and preparation of revisions and amendments, City Council would notify the Minister of second reading and request a formal statement of the Minister's comments, concerns, and/or conditions of approval. City Council should provide at least 60 days between second and third readings for receipt of the Minister's statement.

The Minister would have 60 days after notification of City Council's third reading of an amendment to the City Plan By-Law to: a) approve the amendment, b) reject it, or c)

substitute a new amendment in place of that given third reading by City Council.

In the latter case, the Minister should inform City Council of the Government's intention to impose a substitute amendment. In this event, the Minister would be obliged to follow the same City of Winnipeg Act requirements as apply to the City with respect to notification, consultation, advertising, and public hearings. Upon imposition by the Minister, such an amendment would be clearly designated as a "Province of Manitoba Amendment to the Winnipeg City Plan By-law".

The Minister should have the right to appoint a representative to participate fully, including presenting evidence and asking questions, at all public hearings on amendments to the Winnipeg City Plan.

Within one year of the promulgation of this amendment, but no later than January 1, 1988, the Lieutenant-Governor-in-Council must transmit to the City Council a document containing Provincial Land Use and Development Policies for the City of Winnipeg and the Winnipeg Region. Should this document be transmitted to City Council later than one year from promulgation of this amendment or January 1, 1988, and until such time as Cabinet transmits the document to City Council, City Council may make any and all amendments to the Winnipeg City Plan without the approval of the Minister.

The City Plan must be consistent with the official Provincial Land Use and Development Policies for the City of Winnipeg and the Winnipeg Region. City Council would therefore be required to amend the City Plan to bring the Plan forthwith into conformity with those policies. Should City Council not amend the Plan to the Minister's satisfaction, the Minister may amend the City Plan by imposing Province of Manitoba Amendments on the Winnipeg City Plan By-law.

The Government may also initiate a Province of Manitoba Amendment to the Winnipeg City Plan at any time. In this event, the Provincial Government would be obliged to follow the same notice and hearing procedures as above, at the Province's expense. The Government must also provide the City with the same rights to participate at its hearings as the Minister enjoys at the City's hearings.

References in the Act to forwarding of Plan amendments to the Municipal Board for hearing, report, and recommendation should be deleted.

All other procedural and due process provisions in the Act relative to the City Plan should be retained.

Recommendation 26

The Review Committee recommends that the Act be amended to make provision for the adoption of Special Area Plans. This amendment should provide that City Council, and not Community Committees, be authorized to initiate and adopt plans for special areas, as defined and designated by Council. "Special areas" should be defined as those districts which, due to significance derived from their unique character or from their importance to the city as a whole, at present or in the future, require City Council's planning decision. The character and importance of a special area would be recognized in a Special Area Plan enacted by Council, upon the recommendation of Executive Committee.

Recommendation 27

The Review Committee recommends that sections 579 to 597 of the Act be amended and replaced by new sections on "Local Plans". All references to "Community Plans" and "Action Area Plans" should be deleted.

A Local Plan should be defined to include, but not be limited to:

- A demonstration that the content of the Local Plan is consistent with the Winnipeg City Plan and any Special Area Plans in effect;

- A detailed policy and land use designations for all lands covered by the Plan;
- Recommendations for draft amendments to the zoning by-law (that is, specific zoning changes) and to other city by-laws as required;
- The integrated programme commitments of the Community Committee and City Council for the implementation of the Local Plan;
- The specific financial and other requirements for Plan implementation;
- The detailed budgetary intentions of the Community Committee;
- An implementation strategy and schedule.

Local Plans should be adopted by resolution of a Community Committee for any area of any size within a Community, as the Community Committee may determine. Where a Local Plan area includes lands in more than one community, the Community Committees having jurisdiction would be required to concur on the scope and content of the Local Plan.

Recommendation 28

The Review Committee recommends that the Act be amended to provide that a Development Control Area Designation By-law may be enacted by City Council for any area in the city, and not solely for those areas located in a community "with respect to which there is an approved community plan" [section 826(1)].

Should such a development control by-law be passed, however, a Special Area Plan must be prepared and adopted for that area by Council within six months. Until such a Special Area Plan by-law is passed, no development approvals within the designated area may be granted. Should a Special Area Plan By-law not be adopted within six months, the Development Control Area By-law will cease to be in force and effect.

Recommendation 29

The Review Committee recommends that the Act require the appropriate approving authority to make a specific finding before it approves a rezoning or subdivision application.

The Committee suggests that this finding be that the benefits, to the community, or the City as a whole outweigh the adverse effects on the community and on the City, which would result from approval of the application.

To assist the approving authority in making such a finding, the applicant should be required to submit documentation to that effect, including an Environmental Impact Statement (see Recommendation 35).

Recommendation 30

The Review Committee recommends that any person who seeks an amendment to the zoning by-law (that is, a zoning change or rezoning, but not a text amendment) or an approval to subdivide must make application to the relevant Community Committee.

If the land for which a rezoning application is made lies, either entirely or in part, within a designated special area (see Recommendation 26), the application will be referred to the Executive Committee, or to its designated subcommittee, which will conduct the public hearing. In this case, the relevant Community Committee(s) should be able to present evidence, to examine other parties, to make recommendations, and to require by resolution that an Environmental Impact Assessment be prepared (see Recommendation 35).

Recommendation 31

The Review Committee recommends that provision be made to allow the Executive Committee to order that a new hearing on a zoning or subdivision application be held under two circumstances:

Initiation by a Private Party

Any person who appeared as an interested party at the original Community Committee hearing may apply within 15 days to the Executive Committee to request a new hearing. The application must be in writing and may also contain a statutory declaration concerning allegations of facts.

Having received an application, the Executive Committee may order a new hearing if it finds:

(a) That there are new facts available that were not heard at the original hearing that are important for the disposition of the case in more legal terms, that there is available new relevant evidence that so changes the situation as to call for a new hearing; or

(b) That the Community Committee conducted the hearing in such an unfair or biased way that the person applying for a new hearing was placed in a prejudiced position—in more legal terms, that the Community Committee denied natural justice or breached its duty of fairness to the person; or

(c) That the decision of the Community Committee is contrary to the City Plan, Special Area Plan, Local Plan, Zoning By-law, or policy of Council; or

(d) That the effect of the decision of the Community Committee is of such city-wide significance as ultimately to require a decision by Council.

After receiving the written application, the Executive Committee must send copies of the application to all interested parties who made representations to the Community Committee, and allow for written argument and/or statutory declarations to be submitted by those parties within 15 days. After receipt of these arguments and/or statutory declarations, the Executive Committee must send copies of them to the applicant and provide the applicant with a further 15 days to respond in writing. The Executive Committee may hold a public hearing to hear evidence and argument, but it need not do so.

The Executive Committee will decide within 15 days of the public hearing (if held) or the expiry of the 15 day period allowed for the applicant to respond whether there will be another hearing and issue an order to that effect. Depending on whether a Local Plan is in effect, the Executive Committee's order will indicate whether the Community Committee or the Executive Committee or its designated subcommittee will hold the new hearing (see Recommendation 32).

Initiation by Executive Committee

The Executive Committee may, of its own motion, order a new hearing only on the basis of ground (c) or (d) above. The Executive Committee must take such action within 20 days of the receipt of the decision of the Community Committee.

Recommendation 32

The Review Committee recommends that the Act prescribe the following two sequences if the Executive Committee decides that a new hearing is necessary.

If a Local Plan is in effect the new hearing will be held by the Community Committee. If there is no Local Plan in effect, then the Executive Committee or its designated subcommittee will hold the new hearing.

Recommendation 33

The Review Committee recommends that the Act be amended to include criteria to be used to determine what constitutes a zoning change and what constitutes a zoning variation.

The Review Committee further recommends that the Province, in consultation with the City, establish a deadline for the City to amalgamate all zoning by-laws into one by-law.

Recommendation 34

The Review Committee recommends that the Act be amended to strengthen the requirements for informing the public, prior to public hearings, of applications for rezonings, subdivisions, conditional uses, zoning variations, and other development approvals.

Recommendation 35

The Review Committee recommends that the Act require that any applicant for a zoning change, subdivision approval, conditional use, development agreement, or demolition permit, file an Environmental Impact Statement as part of the permanent application record, available for inspection prior to any public hearings.

This Environmental Impact Statement (EIS) must specify the nature and magnitude of all negative and positive impacts on the physical, social, and economic environment that are, in the applicant's judgment, likely to result from the proposed change. In addition, the applicant must state the measures to be undertaken to mitigate and/or compensate for negative impacts, as well as to enhance and/or maximize positive benefits of the proposed project.

The Act should require that an EIS be submitted by all applicants, whether they be private, non-profit, or governmental. In the case of a municipal public work, the Executive Committee should be responsible for submission of an Environmental Impact Statement for that work. This statement must be transmitted to Council and each Community Committee at least three months prior to commencement of work.

Either prior to, or following, a public hearing or meeting on an application for approval, one-third or more of the members of the hearing and approving body (that is, Community Committee, Executive Committee, or City Council, as the case may be) may require that a full Environmental Impact Assessment (EIA) be prepared and submitted by the civic administration. The EIA must be available to all Councillors and other parties-at-interest at least 30 days before a decision on the application may be made.

In the case of a municipal public work, at least one-third of the members of a Community Committee whose area may be affected by that work may require that an EIA be prepared. In that event, the EIA should be prepared independently of the civic administration by competent professionals chosen by a Select Committee of City Council established by the Presiding Officer for that purpose.

Guidelines and checklists for the preparation of Environmental Impact Statements and Environmental Impact Assessments should be prepared by Executive Committee and approved by City Council. These documents should be made available to all applicants, Community Committees, Councillors, and other parties-at-interest that request them.

Additional public hearings on an EIA may be held at the discretion of the designated approving authority.

The adequacy of either an EIS or an EIA would not be reviewable by the Courts.

Recommendation 36

The Review Committee recommends that the Federal, Provincial and Municipal governments review and rationalize their respective powers over rivers and streams within the City of Winnipeg and the Winnipeg region.

We further recommend that a Provincial-Municipal co-ordination mechanism be put in place to provide greater efficiency and effectiveness in decision-making and administration of waterway regulations.

Recommendation 37

The Review Committee recommends that the powers of the City Council over rivers, streams, riverbanks, and river-related lands within the boundaries of the City be substantially increased.

Recommendation 38

The Review Committee recommends that the Provincial Government, in cooperation with the City, establish a Winnipeg Rivers Corporation. The Corporation should be established by special act of the Legislature, and referenced as required in The City of Winnipeg Act.

The mandate of the Rivers Corporation should be to provide for the improved planning, use, development, conservation, and management of waterways, rivers, waterfronts, riverbanks, and other related areas within the City of Winnipeg and the Winnipeg region.

The general purpose of the Corporation's activities should be to ensure that the quality, character, and contribution of Winnipeg's waterways, waterfronts, and related lands are preserved and enhanced for present and future generations.

Recommendation 39

The Review Committee recommends that the City of Winnipeg and the Province of Manitoba, together with appropriate municipalities in the extended Winnipeg region, jointly establish a Regional Environmental Advisory Panel. As its purposes and functions, the Panel should:

1) Review the adequacy of environmental evidence, guidelines, procedures, standards, and management practices of the participating members, and make recommendations thereon regarding improvement and change to the member governments;

2) Make recommendations on environmental policies, programs, plans and legislation for consideration of the member governments;

3) Prepare and/or review environmental impact assessments of major public or private projects or programs of regional environmental significance, and submit its reviews and recommendations to the appropriate governments and agencies charged with approval authority;

4) Conduct public information and education programs, and public hearings as appropriate, on regional environmental issues;

5) Publish reports and other materials related to its purposes and activities; and

6) Undertake other purposes and functions as the members may determine.

THE CITY AND ITS NEIGHBOURS

A number of fundamental and difficult regional issues have occupied a considerable portion of the Committee's time and energy. These basic issues are the effectiveness and desirability of what is known as the Winnipeg Additional Zone, the appropriateness of the current boundaries or geographical limits of the City of Winnipeg, the utility and purpose of future mechanisms for cooperation between the City and its neighbouring rural municipalities, and the resolution of a number of inter-municipal grievances and continuing problems that adversely affect their relations.

The Committee resolved early in its deliberations to employ a special process not only to attempt to reach our own conclusions on these thorny issues, but also to achieve as much of a consensus as possible on solutions to those problems among the City, the rural municipalities and the Province. Over a year's time, numerous meetings, consultations, and reviews were conducted with all these parties.

As a result, the Committee believes that general agreement has been reached on most of the basic items, such as the future of the Additional Zone, principles for boundary adjustment, City acquisition of land outside the City, the City's adherence to the approval requirements of other municipalities, and City payments of full grants in lieu of property taxes to other municipalities. Some disagreements remain, especially with respect to specific boundary changes.

Recommendation 40

The Review Committee recommends that the "Winnipeg Additional Zone" be abolished. All statutory references to the Additional Zone should be deleted and references to other municipalities in the Winnipeg region should be appropriately modified consistent with the Committee's other recommendations in this Report and in accordance with subsequent amendments made to the Act.

Recommendation 41

The Review Committee recommends that the Act establish principles or guidelines to be used in making boundary adjustments between the City and adjacent rural municipalities. This section should specifically oblige the Province to make boundary adjustments as required to ensure future maintenance of an urban development standard within the City's boundaries and a rural standard and lifestyle outside the City's boundaries.

Recommendation 42

The Review Committee recommends that the City of Winnipeg and the rural municipalities and/or planning districts within the Winnipeg region consider establishing a formal negotiation, planning, consultation, and advisory organization. For purposes of this recommendation, this organization is entitled the Association of Winnipeg Region Municipalities. Any needed amendments to **The City of Winnipeg Act** and/or **The Planning Act** could be made once the parties agree to establish the organization.

The geographical scope of activities of the Association would be the Winnipeg region. While not precisely defined at this time, the region should certainly include all City of Winnipeg lands outside Plan Winnipeg's established urban limit line and all rural municipality lands within perhaps thirty kilometres of the City of Winnipeg boundaries.

Most importantly, the region should also be defined as including a number of corridors—transportation, development, conservation, river, utility, and other regionally significant corridors—that penetrate either inside the City's urban limit line or outside the 30-kilometre line. For planning and study purposes, the "region" may otherwise be identified as the "Winnipeg commutershed," or the "Winnipeg-centred region," or the "Manitoba capital district," or other appropriate terminology.

With unanimous agreement, the participating parties may revise the Association's geographical scope and functions.

Recommendation 43

The Review Committee recommends that City Council be authorized to acquire or dispose of land in other municipalities by purchase, sale, exchange, donation, lease, mortgage, or other means, at its discretion (section 147(1)). Further to its acquisition of property, City Council would be required to adhere to all requirements of the host municipality and Province as to land use and environmental approvals (see Recommendation 44).

The Review Committee also suggests that the City be authorized to expropriate land in other municipalities within the Winnipeg region under the terms and conditions of **The Expropriation Act** (section 146, 149). Prior to initiation of expropriation proceedings, the City should be required to refer the matter to the Association of Winnipeg Region Municipalities for its comment and recommendation to the Provincial Government.

Recommendation 44

The Review Committee recommends that the City be obliged to make such applications as are required for development plan amendments, zoning approvals, development agreements, and any other needed approvals to any municipality holding jurisdiction over the use, zoning, development or redevelopment of City-owned lands outside its boundaries. In other words, the City must conform with all public hearing and other approval requirements of another municipality as provided in its by-laws, **The Municipal Act**, **The Planning Act**, or other relevant statutes.

Prior to second reading and a public hearing, the City should forward, and the municipality should refer, all such applications to the Association of Winnipeg Region Municipalities for review and recommendation.

Recommendation 45

The Review Committee recommends that Section 659 of the City of **The City of Winnipeg Act** be amended to require the City to pay a grant in lieu of property taxes for each land parcel it owns or holds in trust in another municipality. The Committee recommends that this same principle be applied to the Province in its grants-in-lieu to the City.

The section should be further amended to provide that the grant paid should be equal to the full real property tax that would normally be payable to the municipality.

Finally, the Review Committee, cognizant of the potentially significant financial impacts on both the City and the host municipalities or local government districts, suggests that a study of the implications of this change be undertaken and that steps be taken to provide a smooth transition to full grants-in-lieu. This study should also include a consideration of specific exemptions to the principles of full grants-in-lieu with respect to City-owned parkland and the Greater Winnipeg Water District Railway lands located in rural municipalities.

THE CITY AND ITS RESIDENTS

The first prerequisite of resident involvement is information. As a first step the Review Committee makes recommendations designed to improve the flow of information from the City to its residents. We call for a report to residents on the City's statutory obligations, the adoption of an access to information by-law, the provision of municipal information to residents and the implementation of a records management system.

The second aspect of the Committee's recommendations deal with the controversial and innovative sections of the Act which provide for a formal institutionalization of resident involvement through the creation of Residents' Advisory Groups (RAGs).

The relationship of the RAGs to the elected Councilors is not spelled out in the Act. It has been left up to each Community Committee and to the members of the RAG.

The Committee's recommendations suggest that the Act should require the City to deliberate on the issue of resident involvement, and to find ways of involving residents between elections. The Committee believes that the Act should not pick one method of resident involvement as against another; the method should be developed by Council itself. The Committee comes to the conclusion that Council itself should within three years decide whether RAGs should be kept. The Committee makes some recommendations that would enhance the involvement of residents and help RAGs perform their current functions in a more effective manner.

The Committee deals particularly with the rights of the Francophone community of Winnipeg through three recommendations that would provide for the provision of services in both official languages in certain parts of Winnipeg.

Finally, the Committee recommends the appointment by City Council of a City of Winnipeg Ombudsman who would perform, in addition to the normal role of investigating and conciliating residents' complaints about governmental treatment, other tasks relating to resident involvement, monitoring the City's performance of its statutory obligations, and providing an appeal on matters relating to access to information.

Recommendation 46

The Review Committee recommends that the Act require the Executive Committee to submit a statement as part of the Annual Report on the fulfillment of four of Council's statutory obligations (see Recommendation 8):

- The annual declaration on amendments to the Winnipeg City Plan (see Recommendation 25);
- Adoption and operation of an access to Information by-law (see Recommendation 47);
- Involvement of residents pursuant to Section 23 as amended (see Recommendation 51); and
- Communication with residents in both official languages (see Recommendation 56).

Recommendation 47

The Review Committee recommends that the City of Winnipeg Act require City Council to adopt an access to information by-law which would establish the means and procedures by which the City will provide for the public's right to information.

The Act should require that this by-law include:

1) A clear specification of the limitations and exemptions placed on the public's right to access municipal information; and

2) The procedures for review by the City Ombudsman of the City's decision to deny access to specific information.

Recommendation 48

The Review Committee recommends that the City's access to information by-law provide the broadest practical access to the public and the most effective and efficient process of appeals from decisions to deny access.

In general, exemptions should be few and precisely defined, and the burden of proof ought to be placed on those wishing to deny the request. The by-law should also contain provision for review of performance under the legislation and Council's access policy.

In the event of denial of a request for information, the appeal mechanism in the first instance should be a simple, expeditious and inexpensive procedure readily understood and available to all citizens. We recommend, therefore, the appointment of a single official known as the City Ombudsman (see Recommendation 59), removed from the regular City departments, who would review denials of access to City documents upon request.

Recommendation 49

The Review Committee recommends that the City consider additional and improved techniques by which information on municipal activities and programmes can be publicized and provided to residents.

Recommendation 50

The Review Committee recommends that the Act be amended by replacing section 658(1) through (7) with provisions prescribing definitions of terms; the authority and terms of reference of a City Records Committee; the appointment and duties of a City Archivist; conditions regarding the destruction and copying of records; and terms of reference relating to access to information and records (see Recommendation 47).

The Review Committee recommends that the Act require that no record or information created or held by any department, commission, committee or agency of the City may be destroyed or removed by any person outside

the mechanisms and means established by a City Records Committee, without knowledge of the City Archivist and the approval of the City Records Committee.

The Review Committee further recommends that the Act should require that the Executive Committee establish a City Records Committee to be responsible for and report on the management and condition of records keeping and information handling, and to determine suitable retention and disposal authority and procedures for all city records. The City Archivist should be the chairperson of the City Records Committee.

Recommendation 51

The Review Committee recommends that section 23 of The City of Winnipeg Act be retained with amendments imposing on Council, as well as Community Committees, the obligation to develop and implement techniques of resident involvement.

Recommendation 52

The Review Committee recommends that the Act require that Council either decide to continue Residents' Advisory Groups or to establish a new mechanism to facilitate resident involvement, by January 1989.

The Review Committee recommends that section 21 of the Act, which establishes Residents' Advisory Groups, lapse in January 1989. The Committee further recommends that if, before January 1989, Council decides to involve residents in a different way pursuant to section 23 as amended, section 21 should be deleted from the Act.

Recommendation 53

The Review Committee recommends that until Council establishes and codifies its own means of institutionalizing resident involvement, the Residents' Advisory Groups should be continued and that their governing references in the Act should be retained. Until such time as Council by resolution replaces them, Residents' Advisory Groups should be afforded improved resources and support by Council.

Recommendation 54

The Review Committee recommends that the City and the Province consider some further suggestions concerning the involvement of residents between elections. The eventual mechanism for promoting resident involvement will be chosen by Council (see Recommendation 52); our suggestions are applicable to virtually any choice, and should be applied to Residents' Advisory Groups in the interim period.

We think that, at a minimum, groups of residents as Council or Community Committees may select should be given the following support by Council:

- members of these groups should always be entitled to receive an adequate number of photocopies of the agenda of meetings of the Community Committee and of Council and copies of any relevant City reports at the same time as the local Councillors get them;
- any group with over 50 people entitled to vote by the payment of a fee should be entitled to a minimum of \$1,000 in municipal resources; in addition the Community Committee should continue on a quarterly basis to match the nominal membership fee levied by the group;
- to safeguard the use of public funds, expenditures should be countersigned by a person designated by the Community Committee;
- the groups should have the right to use the community offices for meetings and some designated resources from the community offices, including secretarial help; and
- the Council should provide facilities and resources for an annual conference of resident groups.

We urge the Provincial Government to recognize that it has a duty to assess its creation and to find innovative means to assist the City in identifying and supporting new forms of resident involvement.

Recommendation 55

The Review Committee recommends that all of Part III be rewritten to clarify its intent and to define precisely what is required of the City under the current legislation. We propose that the three levels of service the City is required to provide in French be specified and that definitions of "communication," "the city's central offices" and other important terms be included.

The Committee further recommends that the Act specifically require the City to provide emergency telephone service in life-threatening and personal danger situations in both official languages.

Recommendation 56

The Review Committee recommends that the bilingual character of a portion of the district of St. Norbert be recognized in the Act by including an area to be designated "Historic St. Norbert" in the portion of the City entitled to receive official documents in both official languages, and entitled to street and traffic signs in both languages.

Recommendation 57

The Review Committee recommends that Part III of the Act should be strictly enforced through the Committee's proposed mechanisms of the City of Winnipeg Ombudsman and the Municipal Tribunal (see Recommendations 59 and 61).

Recommendation 58

The Review Committee recommends that the provision allowing for referendum (section 112.1) be deleted from the Act to reinforce the principle that elected representatives should make decisions and be held accountable for the results.

Recommendation 59

The Review Committee recommends that the Act establish a statutory officer to be called The City of Winnipeg Ombudsman. The City Ombudsman should be responsible for:

- monitoring and reporting at least annually to Council and to the public on the City's fulfillment of its statutory obligations including:
 - Annual declaration on amendments to the Winnipeg City Plan (see Recommendation 25);
 - Adoption and operation of an access to information by-law (see Recommendation 47);
 - Involvement of residents pursuant to Section 23 as amended (see Recommendation 51);
 - Communication with residents in both official languages (see Recommendation 55);
 - at his or her discretion, any other matters which the Council is required by law to do.
- providing the first level of review in access to information matters through the operation of the City's Access to Information By-law (or procedures specifically laid out in the Act);
- consulting with politicians, civil servants and residents in developing methods of involving residents pursuant to section 23 as amended (see Recommendation 51);
- investigating, conciliating and/or mediating complaints from residents about the City's treatment of them and their access to, and provision of, municipal information and services; and to report at any time but at least annually to Council and to the public on the Ombudsman's activities in this regard.

The Ombudsman's independence from political pressures should be protected by requiring appointment by Council for five years. The Ombudsman may only be dismissed by

two-thirds of Council present (with proper notice of motion) and only for cause. Council should provide the Ombudsman with a reasonable budget to fulfill the requirements of the position. There should be a recognized right for the Ombudsman to report to Council when she or he feels that budgetary restrictions will seriously impair her or his effectiveness in fulfilling the duties of the office.

The Ombudsman should have the right to refer complaints to the Municipal Tribunal and to appear before the Tribunal or before the courts.

ENFORCEMENT

In this part, the Review Committee addresses the difficult problem of ensuring that the City lives up to its responsibilities as established by **The City of Winnipeg Act**.

We have alluded to this problem in various earlier sections of this Report. We have indicated that the ballot box is, in our opinion, the best means of enforcing the political will of the residents of Winnipeg; that we believe electors require a clear and accountable structure in order to use the ballot box well; and that publicity is often the most powerful tool available to the ordinary resident for enforcing his or her rights.

The first mechanism is found in the annual report required from the Executive Committee and Council. The report, pursuant to Recommendation 48, must contain a statement on four of the Council's statutory obligations and the action taken during the year to fulfill those obligations. The statement furnishes the resident with two useful pieces of information: a description of the Council's obligations and a description of Council's view of those obligations.

Using this information, the ordinary resident can turn initially to his or her Councillor or Community Committee for redress.

The second mechanism is the Ombudsman's report to Council and to the residents of Winnipeg on how the City has fulfilled its statutory obligations (see Recommendation 59). This report by an independent statutory officer will provide the counterpoint to the report of the Executive Committee and Council.

The third mechanism is the case work function of the Ombudsman's office. The Ombudsman would perform the conciliation that is often needed between the aggrieved resident and the administrator. The Ombudsman could not order any politician or civic administrator to do something, but could use the powers of persuasion or publicity (see Recommendation 59).

Recommendation 60

The Review Committee urges the Minister to monitor the performance of the City under the Act, and, the City failing to comply with the intent of the Act or neglecting its statutory obligations, the Executive Council should exercise its authority to reclaim powers previously granted to the City, subject to review by the Legislature at a subsequent session. The Act should be specifically amended to provide for this sanction, and to put the City on notice as to the Province's willingness, and indeed its legal responsibility, to move decisively as required.

Recommendation 61

The Review Committee recommends that the Act establish a Municipal Tribunal having the power to hear applications by any person or group to determine the rights of that person under **The City of Winnipeg Act** and/or under the administration of the Act. In legal terms, the Tribunal would have the power to hear applications alleging that the City had denied or exceeded its jurisdiction, or had denied a person natural justice, or had not complied with statutory requirements; it would also hear applications requesting an interpretation or declaration of rights under the Act.

Although a Court would be able to review the decisions of the Municipal Tribunal to see if they were made within the jurisdiction of the Tribunal and without denial of natural justice, there should be no appeal from a decision of the Municipal Tribunal on any other grounds.

Decisions of the Tribunal would be filed in the Court of Queen's Bench as enforceable judgements.

The chairperson should be appointed by the Lieutenant-Governor-In Council on the recommendation of the Standing Committee of the Assembly on Privileges and Elections (or another all-party committee of the Legislature) for a five-year term, and could be removed only by a vote of two-thirds of the members of the Legislative Assembly present and voting.

Other members of the Tribunal should be appointed on a part-time basis with staggered three-year terms. City Council would have the right to appoint one-third of the part-time members, upon the recommendation of a nominating committee of Councillors selected by the Presiding Officer.

The presence of at least three members of the Tribunal, including at least one City appointee, should be required to conduct a hearing. Initially there should only be three members on the Tribunal, with others added as required.

The Tribunal should have the right, upon giving proper public notice, to treat a complaint from an individual as raising an issue deserving of a public enquiry and to hold such public enquiries as it deems fit.

The Tribunal should have the right to dismiss, without hearing, any complaints made to it that are in its opinion frivolous, vexatious, or without merit.

All references to the quasi-judicial functions of the Municipal Board in the Act should be deleted and the functions transferred to the Municipal Tribunal.

The Committee further recommends that if the Province does not establish a Municipal Tribunal then it should, through the intervention of the Attorney-General, take action to see that the Act is enforced through the courts at the Province's expense.

ADDITIONAL RECOMMENDATIONS

This section contains recommendations concerning amendments to the Act which do not arise in the context of the preceding sections. The first part entails recommendations to "clean up" the Act and make it more understandable; the second with relations between the City and school divisions.

Recommendation 62

The Review Committee recommends that the Provincial Government consult with the City of Winnipeg to consider means to render **The City of Winnipeg Act** more understandable to the average person.

The Review Committee further recommends that the Province provide a detailed, workable and current index for **The City of Winnipeg Act**.

The Review Committee further recommends that the City consider producing a guide that would especially explain those parts of the Act setting out the City's political structure, Council's powers and responsibilities, and the rights of residents.

Recommendation 63

The Review Committee recommends that the Provincial Government consult with the City of Winnipeg to consider the legal implications of the way **The City of Winnipeg Act** is written in order to ensure that the manner by which powers are granted to the City does not unduly restrict the exercise of those powers.

Recommendation 64

The Review Committee recommends that the Provincial Government, in consultation with the City of Winnipeg, reduce the number of sections in the Act that:

1) give the Provincial Government, or any member of the Cabinet, power to overrule decisions of the City of Winnipeg;

2) require Council to act specifically by passing by-laws; and

3) impose unnecessary statutory obligations on Council.

Recommendation 65

The Review Committee recommends that the Attorney-General review the Act and ensure that it conforms to the **Canadian Charter of Rights and Freedoms**.

Recommendation 66

The Review Committee recommends that the Act be amended to delete all sums now specified in various sections, such as license fees, penalties, interest rates, and grants-in-lieu of taxes. In many cases, these sections should be replaced by a statement enabling Council to set such amounts. In other sections, sums should be tied to amounts established elsewhere, such as taxes, assessed value, and actual costs.

Recommendation 67

The Review Committee recommends that if affirmative action is to be addressed by statute, it should only be addressed in a statute applying to all municipal jurisdictions; **The City of Winnipeg Act** should not be singled out for special legislative attention on this topic. The Committee also recommends that the City continue its voluntary efforts to achieve a more representative work force at all levels of the municipal civil service.

Recommendation 68

The Review Committee recommends that sections 524(1) and 524(1.1) which, in effect, allow the City to revoke a licence to practice a trade and provide for an appeal to the same body that revoked the licence, be amended to provide that the Executive Committee have the power to revoke a licence with appeal to the full Council; or, if Council delegates revoking powers to Community Committees, the appeal should be to the Executive Committee.

The Review Committee recommends that section 545(b) of the Act require that the City can neither shut off the supply of utilities, nor charge a lien on property, for failure of a tenant to pay for utilities supplied by the City, unless notice to the owner of the property was given within 30 days of the failure to pay.

Recommendation 69

The Review Committee recommends that no action be taken at this time to bring electoral boundaries within school divisions into conformity with the City's ward or Community Committee boundaries. Consideration of this issue should be addressed, however, after the completion of a school division consolidation study as proposed by the Committee (see Recommendation 70).

Recommendation 70

The Review Committee recommends that the Provincial Government, in consultation with the school divisions and municipalities of the Winnipeg region, initiate a study of the desirability and feasibility of consolidating or unifying the school divisions within the city.

Recommendation 71

The Review Committee recommends that the Provincial Government create a study team of officials from the school divisions, the City of Winnipeg, the Manitoba Department of Education, the Public Schools Finance Board and other Provincial bodies to review and make recommendations for improving the coordination of their policies, plans, and programmes within the City.

IMPLEMENTATION

This section contains two recommendations for implementing all the other recommendations contained in this Report. The Committee believes that the process of implementation is as important as the recommendations themselves, and that many of the recommendations should be phased in over a period of time.

Recommendation 72

The Review Committee recommends that the Provincial Government amend the Act to extend the term of the present Council to October 1987 in order to implement the recommendations contained in this Report.

Recommendation 73

The Review Committee recommends that the changes recommended in this Report be phased in over a period of three years, from 1988 through to 1990.

**March 28, 7PM, Assiniboine Park/Fort Garry
Community Committee Offices**

Mr. K. W. Langridge
Mr. Tom Johnston
Ms. Sandra Russell
*(on behalf of the Assiniboine Park/Fort Garry Residents'
Advisory Group)*
Mr. R. Graydon
Ms. M. Mouser
Mrs. Verna Van Roon
Mrs. Jean Fudge
Mr. Cameron
(on behalf of Heritage St. Norbert)
Mr. Tom Shay
(on behalf of the Manitoba Naturalists Society)
Mr. Herb Palge
(on behalf of the Charleswood Homeowners' Association)
Ms. Donna Mae Yeo

**April 2, 7PM, Lord Selkirk/West Kildonan Community
Committee Office**

Mrs. Alice Balsille
Mr. David Brazer
Mrs. Jean Borys
Mr. Max Saper
*(on behalf of the Lord Selkirk/West Kildonan Residents'
Advisory Group)*
Mr. Michael Gidora
(on behalf of The Labour Election Committee)
Councillor Harry Lazarenko

April 4, 2PM, Winnipeg City Hall

Mr. Val Werier
Mr. David Martin
Mr. Alan Simpson
*(on behalf of The Manitoba League of the
Physically Handicapped Inc.)*
Ms. Ainley Monk
*(on behalf of The Manitoba Federation of the
Visually Handicapped Inc.)*
Ms. M. Bossen
Ms. R. E. Gulak
(on behalf of Handi-Transit users)
M. Real Sabourin
(on behalf of The Société Franco Manitobain)
M. Roger Lafrenière
(on behalf of l'Institut Joseph Dubuc Inc.)
M. Raymond Hébert
*(on behalf of l'Association des Professeurs du Collège
Universitaire)*
Councillor Evelyn Reese

April 4, 7PM, Winnipeg City Hall

Mr. David Matas
*(on behalf of The Manitoba Association for Rights and
Liberties)*
Ms. Liz Coffman
Ms. Penny Mitchell
*(on behalf of The Manitoba Action Committee on the
Status of Women)*
Ms. Susan Cameron

April 9, 2PM, Winnipeg City Hall

Mr. Tim Sale
Mr. Ken Murdock
Mr. Robert Fenton
(on behalf of the Social Planning Council of Winnipeg)
Mr. David Miles
Ms. Doris Young
Mrs. Helen Kolomaya
Ms. Ruth Swan
Mr. Felix Figiel

April 9, 7PM, Winnipeg City Hall

Mr. Ed Thornhill
(on behalf of the Manitoba Association of Seniors)
Councillor Harold MacDonald
Ms. E. Etkin
(on behalf of the Safe Mosquito Abatement Committee)
Mr. Kenneth Emberley

April 11, 2PM, Winnipeg City Hall

Councillor Helen Promislow
Mr. Kent Gerecke
Ms. Judith Flynn
(on behalf of the Manitoba Arts Council)
Mr. Roger Toews
Mr. Brian Coley
(on behalf of the Winnipeg Real Estate Board)
Mr. Kirk Stanley
Ms. Janet Anderson
Mr. Bree
(on behalf of the Manitoba Public Interest Research Group)

April 16, 7PM, Rossbrook House

Mr. Colin Desjarlais
(on behalf of the Urban Indian Métis Planning Group)
Sr. Bernadette O'Reilly
(on behalf of the Inner City Committee for Rail Relocation)
Mr. Greg Selinger
Mr. Doug Martindale
*(on behalf of The Intentional Christians Educational
Community)*
Ms Ruth Pear
*(on behalf of the St. Norbert NDP Constituency
Association)*
Mr. Jack M. Jameson
Mr. Henk de Bruyn
(on behalf of The Indian Family Centre)
Mr. Tim Sale
Sr. Joanna Jonker
Ms. Olga Fultz
(on behalf of The Manitoba Anti-Poverty Organization)
Mr. Dale Miasyabit
Mr. Carl Ridd
Mr. Hrubuchek
Mr. Alan Mossbarger
(on behalf of RENEW)
Ms. Helen Schultes
*(on behalf of The Logan Community Development
Corporation)*

April 18, 2PM, Winnipeg City Hall

Ms. Paula Fletcher
Mr. Bill Ross
(on behalf of the Communist Party of Canada)
Mr. Bill Goddard
Mr. Kenneth Emberley
Ms. Dorothy Wise
(on behalf of the Crossroads Resource Group)
Mr. George Marshall
Mr. Ron Zimmerman
Mrs. Theresa Ducharme

**April 23, 2PM, City Centre/Fort Rouge Community
Committee Office**

Mrs. Elizabeth Ballantyne
Mr. Wally Rooke
(on behalf of Riverbankers Inc.)
Mr. Len Van Roon
Mr. Wayne Hancock

April 25, 2PM, Winnipeg City Hall

Ms. Georgia Cordes
(on behalf of the Young Womens Christian Association)
Councillor Bill Neville
Councillor Abe Yanofsky
Mr. & Mrs. Robert Ballantyne
Mr. Sydney Silverman
Ms. Lily Kaplan
(on behalf of the Manitoba Landlords Association)
Councillor Harvey Smith
Mr. Art Jones
Mr. Ken Wong
Mr. Russ Simonite
(on behalf of the Downtown Winnipeg Association)

April 30, 2PM, Winnipeg City Hall

Councillor Harold Taylor
Mr. Bill Rennie
(on behalf of the Wolseley Residents Association)
Mayor William Norrie
Mr. Don Mallnowski
Mr. Tim Fedinow
Mr. Farley Cates
Mr. Wade Kates
(on behalf of the Council of Inner-City Neighbourhoods)
Mr. Fred Zeegil
Ms. Anita McElrea
*(on behalf of the St. James/Assiniboia Residents' Advisory
Group)*
Ms Julie Van De Spiegle

APPENDIX II

Written Briefs Received

The Ad Hoc Handi-Transit Review Committee 1984
The Age & Opportunity Centre
L'Association des Commerçants et Résidents du Vieux
Saint-Boniface
M. Austin M. Algée
The ARC Advisory Council
The Assiniboine Park/Ft. Garry Residents' Advisory Group
Mr. & Mrs. Robert Ballantyne
Mr. Harry Barchuk
Mr. Norman Beattie
Mr. S. L. Bellinger
Mr. Elsworth Bole
Bonl Co-op Ltd.
Mrs. Jean Borys
Miss Marianne Bossen
Mr. Richard W. Brundrige
Mrs. S. A. Cadzow
The Canadian Pacific Pensioner's Association
Centre Culturel Franco-Manitobain
The Charleswood Homeowner's Association
The Charter of Rights Coalition (Manitoba)
The Citizens Alert Committee
The Department of City Planning - Faculty of Architecture,
University of Manitoba
The Coalition on Semi-institutional Homes
Collège Universitaire de Saint-Boniface
The Community Education Development Association
The Concerned Citizens of Saint Ignatius
Conseil Jeunesse Provincial Inc.
The Council of Inner City Neighbourhoods
Mrs. S. A. Crawford
The Crossroads Resource Group
Mr. Andrew Currie
Mr. Ross Dobson
The Downtown Winnipeg Association
Ms. Theresa Ducharme
M. Normand Dupasquier
Eagle's Circle Junior High School Program
Mr. H. W. East
East Kildonan/Transcona Residents' Advisory Group
Elgin House
Councillor Magnus Ellason
Mr. Kenneth Emberley
The Equal Pay Coalition of Manitoba—
Manitoba Federation of Labour
Councillor Jim Ernst
Mrs. E. Etkin
Mr. W. John Farquharson
Mr. & Mrs. Earl Fethers
Mr. Felix Fiegel
Mr. Denis C. Fletcher
Ms. Doris Fontaine
The Fort Garry Community Career Resource Centre
The Fort Garry School Division No. 5
Ms. Jeannette Fraser
Mrs. E. Jane Fudge
The General Council of Winnipeg Community Centres
Mr. Kent Gerecke
Mr. Peter Gnolnski
Mr. Richard Goatcher
Mr. Richard Graydon
The Grey Nuns
Mrs. Rose Gulak
Mr. Douglas R. Gunn
Mr. D. Hall
Mr. Wayne Hancock
Mrs. Gerdur H. Harris
Harvard Investments Limited
The Harvard Publishing Company
HELP Program
Heritage Winnipeg
Heritage St. Norbert
Ms. Susan Hicks
Ms. Violet Hnatyshyn
Mr. Marshall Hughes
Indian Family Centre
The Inner-City Committee for Rail Relocation
l'Institut Joseph Dubuc Inc.
The Institute of Urban Studies
The Intentional Christian Education Community
Mr. T. D. Irvine
Mr. David L. Jenkins
Mr. W. L. Johnson
Mrs. J. Una Johnstone
Junior-Seniors of Manitoba Society of Seniors
Mr. Harold Kelly
Ms. Marion King
Mrs. Helen Kolomaya
Mr. Ray Kozun
Miss M. L. Kuntzmueller
Ms. Susan Kuzyk
M. Maurice Laberge
Mr. Ronald P. Labossiere
The Labour Election Committee
Mr. K. W. Langridge
Dr. W. C. Lorimer
Mr. Jeff Lowe
Mr. & Mrs. R. Lucas
Mrs. G. J. Lynch
Councillor Harold MacDonald
Ms. Jackie Madden
The Manitoba Action Committee on the Status of Women
The Manitoba Association of Archivists
The Manitoba Arts Council
The Manitoba Association for Rights and Liberties
The Manitoba Child Care Association
The Manitoba Committee of the Communist Party of
Canada
The Manitoba Federation of the Visually Handicapped
Inc.
The Manitoba Intercultural Alliance/Forum for the Aware-
ness of the Minority Electorate
The Manitoba Landlords Association Inc.
The Manitoba League of the Physically Handicapped Inc.
The Manitoba Lung Association
The Manitoba Naturalists Society
The Manitoba Public Interest Research Group
The Manitoba Restaurant & Foodservices Association
The Manitoba Safety Council
The Manitoba Society of Seniors
The Manitoba Teachers' Society
The Manitoba Trucking Association
The Marymound Family Resource Centre
Mr. P.F. McKenzie
Mr. David S. Miles
Mrs. Annie M. Mills
Mr. David Millner
Mr. Marvin Mironchnik
Councillor Don Mitchelson
Ms. M. J. Mouser
Mrs. Mayboth Murrell
The Native Sons of Canada
Councillor William Neville
Mr. G. L. Nicholson
Ms. Lolita T. Oandasan
Mrs. Jean Palmer

Mr. Richard G. Palmer
Pluri-elles
The Prairie Partnership
Councillor Helen Promislow
Reaching out to Everyone in the North End by Worshippers
Councillor Evelyne Reese
The Rehabilitation/Respiratory Hospital-Health Sciences
Centre
Réseau
Mr. R. J. Riddell
Rural Municipality of Ritchot
Rivorbankers Inc.
Mr. & Mrs. Eli Ross
Rossbrook House
The Rural Municipality of Rosser
The Safe Mosquito Abatement Committee
Mr. Harvey Sawyer
Henry Schultz Construction Limited
Mr. Walter J. Scott
Mr. L. D. Searcy
The Seine River Homeowners Association
The Seine River Park Study Group
Mr. Norm Settee
Mr. G. R. Smith
The Social Planning Council of Winnipeg
la Société Franco-Manitobaine
Mr. Wayne Sowden
The Rural Municipality of Springfield
Mr. Kirk P. Stanley
The St. Boniface-St. Vital Residents' Advisory Group
The St. James-Assinibola School Division No. 2

The St. James-Assinibola Residents' Advisory Group
The St. Vital Shopping Centre Co. Ltd.
Ms. Ruth Swan
The Rural Municipality of Taché
Councillor H. B. Taylor
M. Rhéal E. Teffaine
Mr. Carson H. Templeton
Ms. Pat Thomson
Mr. Alex H. Titley
Mr. Roger T. Toews
The United Fire Fighters of Winnipeg
The Urban Development Institute Manitoba Division
The Urban Indian and Métis Planning Group
Ms. Verna Van Roon
Ms. Gladys Watson
Mr. Val Werier
The Rural Municipality of West St. Paul
The Weston Community Residents Association
The Winnipeg Anti-Sniff Coalition
The Winnipeg Chamber of Commerce
The Winnipeg Chinatown Development (1981) Corporation
The Winnipeg Labour Council
The Winnipeg Real Estate Board
The Winnipeg School Division No. 1
The Winnipeg Youth Orchestras Inc.
The Wolseley Residents Association
Councillor Abe Yanofsky
Mr. & Mrs. R. D. Young
The Young Womens Christian Association of Winnipeg
Mr. Michael Zaluski

APPENDIX III

RESEARCH PAPERS

The following studies were commissioned by the Review Committee:

Background Paper on Political/Administrative Arrangements in City Government, by S. C. Johanson.

Equalization Formulae, by Lysa Joyal.

The Franchise in Municipal Elections, by Lysa Joyal.

A Discussion of Grants-in-Lieu, by Lysa Joyal.

The Preferential Ballot, by Lysa Joyal.

Municipal Information, by Lysa Joyal.

Discussion Paper on Models of Citizen Participation Applicable to the City of Winnipeg, by W.S. Kubiak.

Revising The City of Winnipeg Act: A Discussion Paper, by Christopher Leo.

Unity: Strengths, Weaknesses and Remedies, by Christopher Leo

Review of Part XX, City of Winnipeg Act, by Earl Levin.

An Analysis of Intergovernmental Relations Between the Province of Manitoba and the City of Winnipeg, by David Parker

"Manitoba Omnibus Spring, 1985 City of Winnipeg", By Criterion Research Corp.

The following "background studies" were prepared under the Student Temporary Employment Program by the Department of Urban Affairs for the use of the Review Committee.

Part XX: Environment, by Valdene Buckley.

Political and Administrative Organization, by Lysa Joyal

The Additional Zone, by Brent Rosnoski.

All of these studies are now the property of the Minister of Urban Affairs.