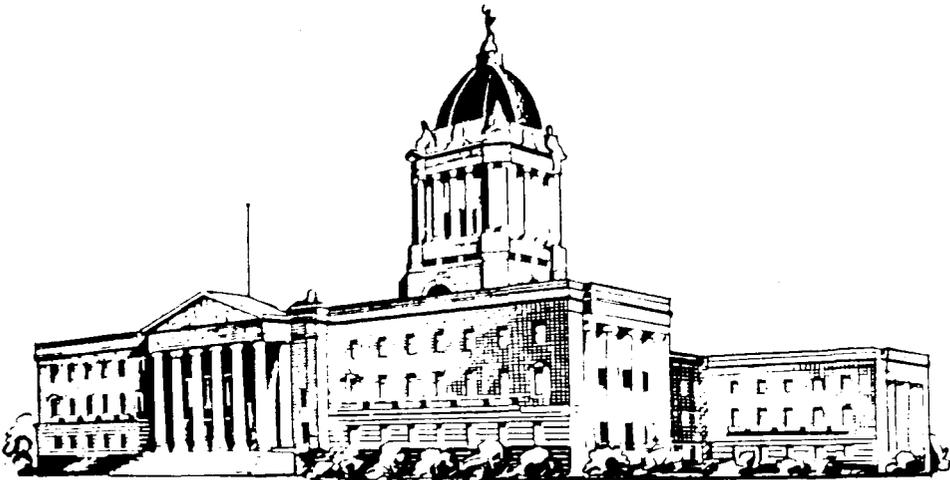




Legislative Assembly of Manitoba

HEARINGS OF THE STANDING COMMITTEE ON MUNICIPAL AFFAIRS.

Chairman
Mr. D. James Walding, M.L.A.
Constituency of St. Vital



8:00 p.m., Friday, June 4, 1976.

THE LEGISLATIVE ASSEMBLY OF MANITOBA
STANDING COMMITTEE ON MUNICIPAL AFFAIRS
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Chairman: Mr. D. James Walding

MR. CHAIRMAN: This joint meeting of the Public Bills Committee and the Municipal Affairs Committee will come to order. We have a quorum, gentlemen. I will read two lists of bills before the Committee and ask any members of the public present wishing to make representation to so advise me the number of the bill and also which committee it is before.

Those bills before Private Bills Committee are as follows:

No. 24 - an Act for the Relief of Elsie Kernsted as Administratrix of the Estate of Philip Lloyd Kernsted.

No. 32 - an Act to amend an Act to Incorporate Tri-State Mortgage Corporation.

No. 35 - an Act to amend an Act Incorporating Fort Garry Trust Company.

No. 45 - an Act to amend an Act to Incorporate the Jewish Foundation of Manitoba.

No. 77 - an Act to Incorporate Carman Golf Club.

No. 78 - an Act for the Relief of Ernest Robert Anderson.

The list of bills before the Municipal Affairs Committee are as follows:

No. 27 - an Act to amend The Flin Flon Charter.

No. 36 - an Act to amend The Municipal Act

No. 48 - an Act to amend The Municipal Act (2)

No. 65 - an Act to amend The Planning Act

No. 67 - an Act to amend The Municipal Assessment Act

No. 71 - an Act to Authorize The Town of Morris to Acquire Certain Real Property and to Validate Its Bylaw 5/76.

Are there any members of the public wishing to speak to the Committee on any of the Bills before Private Bills Committee? If so, would you come forward to the microphone and give me your name and the number of the Bill please.

MR. HAROLD BUCHWALD: My name is Harold Buchwald, Mr. Chairman. I might wish to speak to Bill 45, please.

MR. CHAIRMAN: Mr. Buchwald. Thank you.

MR. PERRY SCHULMAN: Mr. Chairman, I'm Perry Schulman and I wish to speak to Bill 78, please.

MR. CHAIRMAN: Thank you.

MR. KENNETH NUMEROW: Mr. Chairman, my name is Kenneth Numerow. I'm here in connection with Bill 35. I have no submission to make but I'm here to answer any questions the Committee may have.

MR. CHAIRMAN: Thank you.

MR. SID SORONOW: Mr. Chairman, my name is Sid Soronow and I'm appearing here on Bill 32. I have no submission to make but am here to answer any questions you might have.

MR. CHAIRMAN: Mr. Soronow. Thank you.

MR. TOM MOONEY: Mr. Chairman, my name is Tom Mooney and I'm representing the Carman Golf Club on the Act to Incorporate The Carman Golf Club. I have no submission to make but I'm ready to answer any questions.

MR. CHAIRMAN: Thank you. Anyone else? Is there anyone present wishing to make representation to the Committee on any of the municipal bills before the Committee?

MR. CAMPBELL: Mr. Chairman, my name Campbell from Thompson. I'm here to speak on the Bill 36, The Municipal Act.

MR. CHAIRMAN: Thank you. Is there anyone else? We then have two persons wishing to address the Committee on Private Bills and one representation on Municipal Affairs. What is your will and pleasure? Mr. Graham.

MR. JORGENSON: Mr. Chairman, since there's just one on Municipal Affairs, I wonder if it would be possible to hear that presentation on Municipal Affairs first and

(MR. JORGENSON cont'd). . . . then the members of that particular committee could retire to another room and deal with the bills coming under Municipal Affairs so that we wouldn't have to have the two Committees waiting here.

MR. CHAIRMAN: Mr. Henderson.

MR. HENDERSON: There are some of us here who would like to hear any submission that's on either private bills or on municipal bills and I'd like to hear all the hearings before we divide into committees.

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Mr. Chairman, I just wonder how many are in the same position as Mr. Henderson. I liked the suggestion by Mr. Jorgenson.

MR. JORGENSON: I suggest we vote on that if that's what you're suggesting.

MR. CHAIRMAN: Mr. Henderson.

MR. HENDERSON: I'm on the Municipal Affairs Committee.

MR. PAWLEY: Mr. Cherniack's not on Municipal Affairs Committee.

MR. CHERNIACK: I'll listen to all the private ones for you.

MR. HENDERSON: That's not good enough, Mr. Chairman. Seriously, Mr. Chairman, I think there might be others . . .

MR. JORGENSON: I suggest we vote on that, Mr. Chairman.

MR. PAWLEY: Yes, vote.

MR. HENDERSON: You can vote on it afterwards if you like but I want to make my point clear. There might be several of us in here that might want to hear what's said about either bill because it might concern their own local area. When we're running two committees in conjunction with each other we haven't a chance. We're doing this to accommodate the House and speed up the thing which is in general agreement with everybody. But when we have somebody who wants to hear the submissions on both of these I don't see why we can't accommodate them. We aren't that busy tonight.

MR. CHAIRMAN: Mr. Johnston.

MR. GORDON E. JOHNSTON: Mr. Chairman. . . starting an argument in calling for a vote, I wonder if we could not accommodate Mr. Henderson's wishes. I think the nature of the bills that the legal people are here to speak on are such that they can express themselves in a rather concise manner, that it shouldn't be a long drawn out procedure. If it is turning into that perhaps then we could reconsider but I agree with Mr. Henderson that some of us have an interest in both particular committees.

MR. CHAIRMAN: Mr. Jorgenson.

MR. JOHANNSON: Mr. Chairman, I think that the suggestion of the Honourable Member for Morris made eminent good sense and I think there will be very few who want to sit through both briefs. I think if we have the one brief on Municipal Affairs, first, Mr. Henderson could hear it. He could then continue to sit in this Committee and I'm sure that he has very capable colleagues who can look after his interests in the Municipal Affairs Committee. Therefore I would urge that we have a vote now.

MR. CHAIRMAN: Mr. Henderson.

MR. HENDERSON: Mr. Chairman, if you would do this to accommodate anybody that may be interested in two bills I think it would be a good way of pleasing both people. After I've heard both bills that concern my area, I'm happy to have the Committees divide.

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Mr. Chairman, I would move that we hear the brief pertaining to Municipal Affairs, then we depart, those of us on the Municipal Affairs Committee, to the other room.

MR. CHAIRMAN: Mr. Cherniack.

MR. CHERNIACK: Mr. Chairman, I must say Mr. Jorgenson's suggestion made good sense and we're wasting a lot of time. Nevertheless Mr. Henderson should realize that Mr. Mooney said he has nothing to say on 77.

MR. HENDERSON: I'll ask some questions.

MR. CHERNIACK: But that will be only during the time we're dealing with the bill. I'd like to accommodate him but on the other hand there are members of two Committees and when they work concurrently we can't be in two places at once and we accept that.

MR. CHAIRMAN: The motion as moved by Mr. Pawley. Those opposed? Mr. Pawley.

MR. PAWLEY: Mr. Chairman, my motion is that we hear the brief pertaining to Municipal Affairs, then we depart from this room, those of us on the Municipal Affairs Committee, in order to process those bills dealing with Municipal Affairs.

MR. CHAIRMAN: Are you quite clear on the question? Those in favour? Those opposed? Then the motion is carried.

I then ask Mr. Campbell to come forward please.

BILL 27 - AN ACT TO AMEND THE FLIN FLON CHARTER

MR. CAMPBELL: Mr. Chairman, Mr. Minister, Gentlemen. Thank you very much for the opportunity of speaking to this Committee.

I wish to express concern about the intrusion of government into private enterprise, namely the municipal equipment used on private property. I realize that in certain instances in rural areas possibly the only snow plow in the area belongs to municipal government and I certainly have no brief with the use of municipal equipment on private property in such cases, but in other municipalities there are many people who maintain fleets of equipment or one or two, and are ready, willing and able to undertake these jobs. It is the feeling of people in the contracting industry that equipment run by a municipality works at an unfair advantage. They buy it cheaper, they don't have taxes and costing is sometimes rather nebulous. The true cost of doing this sort of work or operating this equipment is not really relevant to the charges that are made for such work.

I think that you should give some consideration to people who are in private business and pay taxes, in many cases substantial, to the municipalities by way of either municipal, school or business tax, and this is what is financing the opposition that you're running into. I would hope that this Committee would give considerable study to this problem and if necessary defer this particular section until such time as further consideration could be given. I'm told that certain municipalities got themselves into a bind by having extra equipment that they don't need and they're wanting to go into private work. This could tend to work a hardship on people who operate their own equipment and pay the tax bills.

I'd be happy to answer any questions of members of this Committee if they so wish.

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Mr. Campbell, I believe previously you have been the Mayor of the City of Thompson.

MR. CAMPBELL: Yes, I had four years of it.

MR. PAWLEY: Prior to the present term of Mayor Farrell in Thompson.

MR. CAMPBELL: That's right.

MR. PAWLEY: Are you aware that it was Mayor Farrell that requested that the Province of Manitoba insert this very provision within the Municipal Act?

MR. CAMPBELL: That I am.

MR. PAWLEY: And are you aware that Mr. Farrell has indicated to myself as Minister of Municipal Affairs that the provision is required, because they just cannot do this work in Thompson if they depend upon the private sector, that the equipment is not available for certain purposes in Thompson, that the City of Thompson must in fact provide equipment in order to do certain functions that cannot be provided by the private sector.

MR. CAMPBELL: Well, I understand the City of Thompson got themselves into a bind last year by doing work that was not within the powers of the municipality, and this will in effect bail them out - well good luck to them - but that's not my fault. Take loaders or graders or dozers, the private operators around Thompson I would say have three times as much of this equipment located around town than the City of Thompson has. The only thing that the private operators have not got is a paving plant. Any jobs of any size that have come up in the past have been done by private enterprise. There are a few driveways that the municipalities have undertaken to do at a price this year, and they could be put in with concrete; most of them are, the better ones are still there.

MR. PAWLEY: Mr. Campbell, how would they do the driveways in the City of Thompson. It has been Mayor Farrell's contention that without the power to do this these

(MR. PAWLEY cont'd). . . . driveways would not be done in the City of Thompson except at a very very great expense bringing in somebody from down south.

MR. CAMPBELL: Or building them with concrete, which stands up better in that area; three-quarters of the driveways have been done in concrete.

MR. PAWLEY: Are you aware, Mr. Campbell that there are many RM's in Manitoba that also indicate that they have to depend upon commercial private equipment, that a great deal of their work which they presently have done traditionally would not be done?

MR. CAMPBELL: I understand that in certain rural areas municipal equipment has been used in the past for that purpose. I'm rather afraid that this is the thin edge of the wedge into empire building. Our local municipality acquired another rubber tired loader last year, clearing snow, and the rest of us had loaders sitting all winter with nothing to do. There wasn't any snow, mind you, but government has a bad habit of acquiring extra equipment for jobs that, you know, they might like to do or would like to have in their stable. I've been in Municipal Government, I know the thinking that goes on in certain people's minds and I don't think it's healthy. I don't know how many of you've been in Russia. I spent a fairly long time there a couple of years ago and their government owns everything and runs everything and the standard of living isn't very good. It doesn't appear to me that they run things very well.

MR. PAWLEY: Are you aware that we are not of course dealing with the Russian situation here but with a situation that has existed in rural municipalities for decades and that rural municipalities in Manitoba through their equipment have been doing custom work, not realizing that there was anything illegal about it but they do it because there was no other commercial equipment readily available, in fact in order to minimize the costs for the ratepayers within that municipality. Now if in fact we prohibited municipalities from using the equipment in those circumstances, forced them to go to the private sector even though quite inconvenient and unavailable for them, that it would enhance the cost to the municipalities a great deal, would you say that for the sake of private enterprise we should still ideologically require the municipalities to do that?

MR. CAMPBELL: No, as I said earlier on, I feel that it's quite necessary in rural areas that this power be given to the municipalities, but the way this bill is written it's almost a blank cheque and would in fact encourage municipalities to build up their fleet of equipment and go into the private sector. I think that an amendment could very well be made to that to restrict either the purchase or the use of equipment; you have legal people here, I'm sure that could come up with suggested amendments to that to restrict the purchase of equipment.

MR. PAWLEY: Mr. Campbell, I don't want to take up a great deal of your time on this but I have discussed this with Municipal people, representatives of the Union of Manitoba Municipalities for instance, Mr. Farrell and others, and every indication from them is that all that we're really doing here is legalizing what has been a traditional and existing practice which has been in effect for many years and which in fact at the present time could open municipalities to legal challenge because of a question which as you know was faced in Thompson as to whether they were doing it within the powers of the Municipal Act.

MR. CAMPBELL: Yes, I quite appreciate that, but I do feel that there should be some provision for monitoring the extent to which municipalities engage in business or private enterprise.

MR. PAWLEY: Would that not be a responsibility for the ratepayers to decide, as to what extent they wish their municipal councils to embark, would that not be the best monitoring system, that the ratepayers could certainly monitor the extent and indicate the degree to which they would like the municipal councils to proceed in this type of custom?

MR. CAMPBELL: I feel that that is one safeguard. I do feel that there could be something else built into it so that municipal government, particularly cities, don't embark on operations into the private sector. I quite agree with you that hardship would be wrought upon people in rural municipalities if you did cut it out, but at the same time I'm looking at the situation where governments have a tendency to multiply and I don't

(MR. CAMPBELL cont'd). . . . think that this should be encouraged, because I don't think they run it that efficiently.

MR. CHAIRMAN: Mr. Johnston, Sturgeon Creek.

MR. J. FRANK JOHNSTON: Mr. Campbell has come very close to answering the question that I have. Mr. Campbell, as I understand it, you said earlier that the use of municipal equipment such as a plow or something of that nature in the rural areas that's not available to people, as has been going on to date, you're not really opposed to . . .

MR. CAMPBELL: No, not a bit, it's very necessary.

MR. J. FRANK JOHNSTON: But the broadness of this bill that says "authorize the use of municipal equipment, materials and labour to carry out private works and private property", I believe this reads they could actually go in the general contracting business if they so desired under this clause.

MR. CAMPBELL: Yes, at their own peril.

MR. J. FRANK JOHNSTON: And your concern is that there are many times - and I know from experience that quoting on jobs is quite often a loss, you have to stick to the quote and in this case it would be a loss to the taxpayers if they are allowed to get as broadly into the construction as this bill allows.

MR. CAMPBELL: I certainly agree with that.

MR. CHAIRMAN: Mr. Watt.

MR. WATT: Mr. Chairman, I would like through you to ask Mr. Campbell, earlier in your remarks Mr. Campbell you suggested that municipalities could buy equipment cheaper than private contractors or private enterprise, how do you arrive at what you state as a fact, that a municipality can buy, say, a bulldozer for less than a contractor?

MR. CAMPBELL: I believe they buy it less federal sales tax, and I rather think they're free of 5 percent, are they - not the 5 percent, but I do believe they're free of the 12 percent, are they not?

MR. PAWLEY: They're free of the federal sales tax but not the provincial. Mr. Banman here is urging that we abolish the 5 percent, but at the moment it's not . . .

MR. CAMPBELL: Well that 12 percent you know is a fair cut. You know, one thing about a general contractor or anyone in private enterprise the bottom line at the end of the job tells you whether you covered your costs or you didn't. Municipal accounting sometimes is a little fuzzy and they don't necessarily put all the job costs into account for the job. We have to, or at least it is our practice at the end of each job to work out our costs on it and see if we made or lost on it. I don't think municipal councils are that close as to their costing nor in their accountability.

MR. WATT: Mr. Campbell, you suggested in your opening remarks that there were municipalities that were in fact over-equipped with Public Works equipment. I assume you're referring to road building equipment or equipment of this type. I assume you're referring to road building equipment or equipment of this type. Have you any specific municipalities in mind that are in a position now, or have been in the past several years, to overstock with what is very costly equipment? In view of the fact that the present government have really overloaded the municipalities with school tax, for instance, there is no municipality that I know of really that could afford to buy more equipment than what they can use.

MR. CAMPBELL: I was referring to our own municipality who bought an extra loader last year.

MR. WATT: You're talking about Thompson.

MR. CAMPBELL: Yes.

MR. CHAIRMAN: Mr. Henderson.

MR. HENDERSON: Mr. Chairman, I'd like to ask Mr. Campbell - I'm in a different part of Manitoba to what you are, where we certainly need the municipal plows to come out to open up our granaries from time to time . . .

MR. CAMPBELL: I quite appreciate that fact.

MR. HENDERSON: There's often somebody sick and we have to have a municipal plow go out so that somebody could get to a doctor; we often have places in the yard that's banked up so bad we have to have a municipal plow. Now it might be different in

(MR. HENDERSON cont'd). . . . Thompson, I'm not prepared to say, but I understand that the town of Thompson were requesting this change.

MR. CAMPBELL: That is right.

MR. HENDERSON: Well if they were requesting this change they probably have found that local people couldn't do it, and if, as you say, concrete could be poured but other things couldn't be poured, don't you think they should be able to put in what they want.

MR. CAMPBELL: I suppose. The fact of the matter is in Thompson's case, what brought this on, they'd done work and they found that they couldn't get paid for it because it was not under the terms of the Municipal Act, they were trying to work a financing deal on the tax base and this is what has brought this request forward from them.

MR. HENDERSON: But everybody who had work done would be charged individually.

MR. CAMPBELL: Oh yes.

MR. HENDERSON: Now another thing is, it says in this bill that your local municipal council may, don't you think if your local municipal council would not be doing it, that it could be done by private enterprise? Have you not enough faith in the local people you elect that they would do what was right for the area?

MR. CAMPBELL: That's sort of a leading question.

MR. HENDERSON: I'm sincere about it.

MR. CAMPBELL: Well I'm rather sincere in the feeling that sometimes local government like to go into work of a private nature, really in a field that is not within their experience in their - I'm talking generally now - or in their training.

MR. HENDERSON: Well, in cases where this could not be done by local contractors, what are these people supposed to do? I mean, actually it could be done at certain times by municipal equipment. And this says "may".

MR. CAMPBELL: I agree.

MR. HENDERSON: Don't you think they should have that privilege, if contractors, local people can't perform, that they may be able to do it and charge them for it?

MR. CAMPBELL: I certainly agree that in the case of snow plowing and work of that nature that's quite within the daily work of municipal government, they've been doing that sort of thing for years and they should be able to do it legally instead of the way it has been done in the past. The thing I'm concerned about is the intrusion of government further into the private sector. I don't say that we're any more efficient than other people, but if we're not efficient the bill collectors take over from us.

MR. HENDERSON: Mr. Chairman, I'd like to say to Mr. Campbell, that in our area there's people that want the roads elevated going into their place so that they won't have to have their roads plugged up with snow all the time. There's no local contractor that's got a road grading machine, and if he couldn't get the local municipality to do it at a reasonable, or even if it was a commercial rate per hour, they'd never get it done, there's no individuals to do it. So I think when you have this word "may", the local councils may, I think that if you've any faith in your local people you shouldn't mind it.

MR. CAMPBELL: Well I feel that there should be some limit to the amount of work that is done by municipal councils in this regard. You have a valid request or view there as far as the roads and plowing is concerned. I think that should be kept in there, but I think there should be some way of safeguarding the amount of this work that is undertaken - or the further intrusion.

MR. HENDERSON: Mr. Chairman, we seem to be agreed on the principle then. Have you any suggestion as to how this could be changed to bring in what you say and still have this other work that can't be done by private enterprise, or by private contractors, still done by the municipality, have you any particular amendment or some particular way that you could handle that?

MR. CAMPBELL: I'd have to think about that. It would be rather difficult to phrase it, but I'll see if I can, if you're going to carry on with this.

MR. HENDERSON: That's all thanks.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Thank you Mr. Chairman. Mr. Campbell, how long ago was it that you were on municipal council?

MR. CAMPBELL: About three years ago.

MR. GRAHAM: At that time did municipal corporations still have to pay the 12 1/2 percent Federal Sales Tax on municipal equipment?

MR. CAMPBELL: I don't believe so.

MR. GRAHAM: I'm not too sure in my own mind when that sales tax was lifted, Mr. Chairman, but I've been informed by the Minister here that it was just about a year ago. Now if we enshrine in legislation for all to see the authority for municipal corporations to go out and do many, many things which will bring them a financial reward, in your opinion is there any danger that the Federal Government may re-impose a sales tax on all municipal equipment?

MR. CAMPBELL: I would think they would look at it if it's used for hire.

MR. GRAHAM: So then there may be a possibility, that while we may be trying to help the municipalities we may be subjecting them to a tax that they have fought for years to get rid of and have just got rid of, and now they may be facing a reimposition of it because of the legislation that we're passing here at the present time.

MR. CAMPBELL: I believe, Mr. Graham, you were directing that at the Minister, were you?

MR. GRAHAM: Well I'm suggesting it to the committee. I think there's a real danger here that if we enshrine in legislation authority for municipal . . .

MR. CHAIRMAN: Order please. This part of the committee is for members of the committee to ask questions of the person making representation, not to the Minister or other members of the committee. If you have questions of Mr. Campbell, please ask them.

MR. GRAHAM: Mr. Chairman, I asked the question of Mr. Campbell, and I asked him if it was his opinion that if we widened the municipal activity to the point where they would be actively competing in a commercial field, if there was not a danger that the Federal Government may re-impose a 12 1/2 percent sales tax which municipalities have fought for years to get rid of.

MR. CAMPBELL: It would be a fair assumption that they would lose that privilege but there again I'm not a tax lawyer.

MR. GRAHAM: I have no further questions.

MR. CHAIRMAN: Mr. Einarson.

MR. EINARSON: Mr. Chairman, through you, sir, to Mr. Campbell; you commented on the reason why you are here tonight and I just wanted to clarify maybe further that point. Were you saying that the municipal corporation in Thompson has done some work on private property and was not able to collect payment for work done?

MR. CAMPBELL: I was asked why a municipal body would be wanting this, particularly in the case where the Minister mentioned that the mayor had requested this, and I was giving that as probably background as to why they were requesting it. The right or wrong of it, I'm not arguing, I'm just saying that's probably what brought it on. I'm just against the intrusion of municipal government into my work, my bread and butter.

MR. EINARSON: Well then, as it's been stated that municipalities in certain areas of Manitoba provide service to private individuals if equipment is available and they're not shirking their responsibilities doing the municipal work, then they are able to do that for private individuals, is that not possible in the municipality of Thompson in the same way as it's done in other parts of Manitoba?

MR. CAMPBELL: I don't believe from what I gather that municipalities can enter on to private property and do work legally under the present Municipal Act, that is my understanding.

MR. EINARSON: Fine then, Mr. Chairman, through you to Mr. Campbell, are you a private contractor yourself, sir?

MR. CAMPBELL: Yes, sir.

MR. EINARSON: I think then I have a question I'd like to ask. Do you pay taxes on the equipment that you have to use for your private enterprise?

MR. CAMPBELL: On certain types of operated equipment, non-operated equipment which we rent - we're in the rental business - we don't pay tax, we tax the bill.

MR. EINARSON: So possibly, just to reiterate a comment that I think you were making in regards to, in this section of the Act that we're talking about where a municipality can get into the business of doing work such as you are doing, then what you are

(MR. EINARSON cont'd). . . . saying, this is unfair competition because the municipal corporation does not have the taxes to pay that you would have to pay in your business.

MR. CAMPBELL: That is right. We pay the 12 percent sales tax on the heavy equipment, on most of it we pay the provincial, we pay municipal taxes, we pay taxes on the garage, taxes on our land, we pay school tax and we pay business tax, and also income tax if you have a good year.

MR. EINARSON: So really then this is one of your main objections to this part of Bill 36, is that right?

MR. CAMPBELL: Yes, to me it's an unfair competition.

MR. EINARSON: All right. Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Pawley.

MR. PAWLEY: Mr. Campbell, you mentioned that in Thompson there was an asphalt batching plant. Could you tell me when that plant was formed in Thompson?

MR. CAMPBELL: The municipal one.

MR. PAWLEY: Yes.

MR. CAMPBELL: I believe in about '64 - it's been there about 12 years.

MR. PAWLEY: Were you on the municipal council at that time?

MR. CAMPBELL: No, there was no council for sometime after that.

MR. PAWLEY: While you were mayor, as the head of the corporate entity, did you involve yourself in this field of asphalt driveways?

MR. CAMPBELL: When I went on the council they had been doing some parking lots but not driveways. This was a policy that was inaugurated last year where they hoped to put it on the tax roll and collect. I'm not stealing their program but I say that as mayor I was only one member of eight in the latter part of that council.

MR. PAWLEY: You disagreed with the balance of council on that policy then, did you?

MR. CAMPBELL: I do disagree on municipalities going into any private work, I think they have trouble enough administering the municipality and forming laws; you know, they have enough trouble to keep the roads clear and the water running.

MR. PAWLEY: Mr. Campbell, would it not be true that some municipalities buy very expensive equipment and unless they can do some custom work that municipal equipment acquired by them is going to be even more expensive to the ratepayers of the municipality, especially a smaller municipality, and that this custom work, especially in the RMs and in towns, can be very helpful insofar as reducing the tax burden upon the municipal people.

MR. CAMPBELL: I am quite familiar with the rural scene, I haven't been in the north all the time, and I very much appreciate the work that has been done by municipal councils in providing plowing and road access into farmsteads and so on. But when they start into snow plowing and given wide terms such as is given here - as one member of your committee said, the wording of this would allow them to go into general contracting, and that's probably the most hazardous business in the world. There are more general contractors go broke than anything else. --(Interjection)-- Well, I'm trying to keep this non-political.

A MEMBER: My job is to keep it political.

MR. PAWLEY: You were referring, Mr. Campbell, to the inefficiency of public enterprise, are you referring to public enterprise general contractors or private general contractors?

MR. CAMPBELL: Well, really no, not if government is set up as a general contractor in any case where they take on buildings or turnkey jobs, but I'd be shocked to think of the results if government ever tried to go into general contracting. It's . . .

MR. PAWLEY: But you were just indicating to me that sometimes it's pretty serious when a private fellow is also involved in it, eh?

MR. CAMPBELL: Yes, you're liable to lose your shirt. You know, that really tends to keep you awake nights and up in the morning.

MR. CHAIRMAN: If there are no further questions, thank you, Mr. Campbell.

MR. CAMPBELL: Thank you.

MR. CHAIRMAN: The Chair has just been advised that there is a delegation in from the City of Brandon wishing to address the committee on Bill 48. Is it the wish of

(MR. CHAIRMAN cont'd). . . . the committee to hear the delegation? Agreed. Alderman Cayer and Mr. Thomanssen please.

MR. RON CAYER: Mr. Chairman, I just became aware of the bill coming to the committee late last evening. I didn't have an opportunity to prepare as much information as I would have or in a manner that I would have liked to have done so, so the information I wish to present to the committee today is, I'm afraid, provided in a helter skelter basis and it's a bit disorganized.

I think perhaps the reason, Mr. Chairman, the bill - at least one of the reasons certainly that the bill came before the Legislature did precipitate out of the problems that occurred in Brandon relating to the downtown core development. There's been a number of situations where in Brandon during the time that the land was being acquired for the downtown core development that there did come up to be quite a large number of irregularities towards purchasing the property, and upon my inquiries to obtain information on those particular matters I was unable to get the correspondence on that.

Now just to go briefly through The Municipal Act here, Mr. Chairman: Section 145 of The Municipal Act entitles any citizen or any councillor to this information, those being related to the assessment rolls, the latest tax roll, the latest list of electors and the monthly financial statement for the current year, report of the auditor, minutes of the Council meetings or resolution of the Municipal Council, and at the time when I was refused information on the downtown core property I managed to persuade council to ask the indulgence of the City Solicitor to provide a legal opinion on this section of The Municipal Act. And we did get a reply from the City Solicitor, Mr. Meighen, and I'd like to quote you excerpts of his letter, this is dated February 4th, 1976. Mr. Meighen points out in his letter; "If copies are required, the person is required to pay fifty cents per page or such lower rate as is fixed by Council." And in his letter he claims he's checked with The Municipal Act and various authorities on municipal corporations that are available to us and have not been able to find any authority that indicates that an alderman would be included in the meaning of the word "person" as set out in section 145 of the Act, nor have we been able to find any other section of the Act that indicates that an alderman is possessed of higher rights in this regard than is an ordinary person.

I think the substance of that, Mr. Chairman, is that despite the fact that I'm supposedly an elected official to represent the people, that I have no greater rights assigned to me than any private citizen as far as the rights of information. And on that basis I find it a little difficult to do my job, and I have had a great deal of difficulty doing that.

Mr. Meighen expresses his opinion. He says: "We would have thought that greater privileges would have been accorded an alderman but have not been able to determine any authority supporting this view." And he's referring to the Roger's book on the law of Canadian Municipal Corporations, Volume one, Page 50: "It appears there is no common law right of an inhabitant or a ratepayer to have disclosed to him all available information relating to the affairs of the municipality; and subject to statute, the giving of such information rests entirely in the discretion of the local authority. Any such rights which is given is wholly statutory and if, for instance, an elector demands any corporation data regarding the personal indebtedness of an individual in this city he will be refused it if the statute does not entitle him to it. Moreover, a newspaper, includes reporters, is in no better position than a member of the public and is not entitled to any information, save that which is open to the public under this statute."

Mr. Meighen makes mention that he makes his comments primarily with respect to The Ontario Municipal Act. And just to summarize Mr. Meighen's letter: "It appears to us therefore that resort should be had to the provisions of Section 145(2) where an alderman seeks information or documents not referred to in Section 145(1) which includes the number of items that I indicated to you earlier. A check of the provisions of The Companies Act indicates that a director of a corporation has a no higher right than any other shareholder with respect to the inspection of documents not specifically made open to inspection by shareholders or creditors under that Act, which would add weight to the view that a member of council does not, without a resolution of the council, have unlimited rights of the inspection of documents."

So I think Mr. Meighen, without putting words in his mouth, Mr. Chairman,

(MR. CAYER cont'd). . . . I think he's expressing some reservations that the councillors throughout the Province of Manitoba do not have unlimited access to information. That access lies in the hands of the unelected people which are the Secretary-Treasurers, Treasurers, Engineers and whatever.

I managed to persuade, Mr. Chairman, the councillors as well to refer this matter to the Deputy Minister of Municipal Affairs, Mr. McNairnay. He did send a letter and I can quote you small portions of it. It's a very brief letter and was in fact more or less to affirm the opinion of Mr. Meighen although it does not certainly make any recommendation, which I understood was the gist of the request to Mr. McNairnay: "On matters of this nature the Department of Municipal Affairs has consistently recommended to municipal councils that they seek the advice of their solicitor. This is based on what we consider to be the very sound principle that should the matter under discussion result in the municipal council becoming involved in litigation it is the municipal solicitor who would be putting forward the council's position. Since your council has sought and obtained a legal interpretation of Section 145 from their solicitor I feel it would be improper for me to purport to give your council legal advice on this matter."

And I understood, Mr. Chairman, that this isn't what we were asking the Deputy Minister, we're asking for a legal opinion as to perhaps what the rights of council were apart from the opinion expressed by Mr. Meighen.

During debate of the letter, Mr. Chairman, I'd like to quote some of the remarks made by the Minister which I have here from the Brandon Council. And one of the remarks that I made in particular on this, Mr. Chairman, and I'll just quote here out of the minutes as they are put down: "Alderman Cayer said he asked questions and wants information and can't have it. This is a democratic system but authority lies in the hands of the Clerk, the Treasurer and the Engineer. If I am denied access I have been disenfranchised. I also pointed out" - quoting the minutes - "He also pointed out that he finds himself in a minority position at times and he felt the system should be put to the test, and whether he gets the information or not seems to depend on the questions and the type of information requested." And the reason I made that particular remark, Mr. Chairman, is that some of the councillors expressed that they have little difficulty in acquiring information, and I made the statement that surely . . . yes when I ask non-controversial information, certainly I get it, but if it stems perhaps on the livelihood of the administration or some of the staff naturally I will be stifled.

I did contact, Mr. Chairman, the Legal Aid Society. I felt at that time my only recourse was either to get a court injunction or begin some legal proceedings to acquire the information I required regarding the irregularities on the downtown core project. And I would like to quote excerpts I received from . . . this is a letter addressed to the Brandon representative of Legal Aid, Mr. Brian Giesbrecht. This letter was sent to Mr. Giesbrecht by Mr. Myers. I'll quote one paragraph here: "With respect to an investigation of the finances of the City of Brandon I would point out that since Mr. Cayer is a city councillor he could quite easily obtain information from the city's finances in that capacity."

Well, Mr. Chairman, I suggest to you that is a bit of a fallacy because I'd like to relate to you an incident that I related at an early Standing Committee hearing.

At one time I was hoping to obtain an option or a sales agreement on a particular piece of property known in Brandon as the Boyarski property, or what is perhaps known as the Beacon Lunch property, it was part of the land assembly. I have information here which I can substantiate, that approximately in October an option was signed, and we have documentation here that does suggest the option or sales agreement had been signed by the city's representatives and also by the Mayor and by the party in question, Mr. Boyarski. When I wanted to get a copy of that sales agreement or option I was told that it didn't exist when in fact I have correspondence here that shows that option did exist; it shows that the option was not outstanding. At a subsequent meeting, I think it was in December, we came to realize that the option price had been increased to \$15,000 from the original one, and for that very reason I asked to see the original option or offer to purchase, and I was told that I couldn't have it. I went down to the City Hall in Brandon - I believe it was a Thursday afternoon - and I went to the City Clerk's office and I asked the City Clerk's secretary that I would like to have or at least peruse all the options and sales

(MR. CAYER cont'd). . . . agreements that were available at that time. She said that she didn't have available to her the particular options. But that previous day I had acquired from the Clerk's department a number of other options but this Boyarski or Beacon Lunch option was excluded from the lot. So I asked her where I could get that. She said, "I don't know, go see the Assistant Clerk." So I went to the Assistant Clerk, Mr. Chairman, and she said, "Go back and see the Clerk's secretary." I went back to the Clerk's secretary once more and I asked her, "Where did you get the copies yesterday?" And she said, "I imagine they're down in Central Registry." I went down to Registry in the basement of City Hall, Mr. Chairman, and it took me perhaps a minute and a half to get down there, and I spoke to the lady in charge; I identified myself and said I would like to see - not to take out or copy, just to see the files on the downtown core property. We went into the vault, the lady in charge and myself, and when we were in the vault the phone rang and the lady in charge of central inquiry was called to the phone. And the girl who answered the phone being a little indiscreet, called out, and I quote more or less the exact words. She said: "It's upstairs calling, they said you are to give Alderman Cayer nothing or show him nothing." And that's the problem we have. And I would like to ask you, Mr. Chairman, how can I begin to represent the people in Brandon, if we're there to certainly protect their interests, at least financially, how can we do it if we are denied information?

I'd like to relate another incident to you, Mr. Chairman. Approximately January 22nd, Alderman Thomassen of the City Council of Brandon had requested verbally prior to the 22nd a number of times, had requested of the City Clerk and the Mayor the minutes of the Administration Board. Finally Alderman Thomassen in frustration wrote a letter on January 22nd to the Administration Board and the Mayor asking for those minutes. On February 2nd all of the councillors got the minutes for the entire year of the Administration Board, which is the Clerk, Treasurer and Engineer, and there was not so much as one mention of any meetings that the Administration Board had regarding the downtown core development, not so much as one word. And surely, Mr. Chairman, you're not that naive, and nor am I, to believe that there was not so much as one word of discussion. The Administration Board meets no less than one time a week and sometimes twice to discuss the matters at hand and to determine what the agenda for Council would be. When I asked the Mayor on this particular point at a subsequent meeting under "Enquiries" he said he was sure if anything existed in the way of minutes on the Administration Board regarding the downtown core development that he would have seen that the administration would have given those minutes to us. So there's a clear case, Mr. Chairman, of the Mayor becoming involved in information being held back.

Approximately on September 2nd, Mr. Chairman, a motion was introduced in Council as to the formation of a Finance Committee, the reasons given that we should have a Finance Committee in the City of Brandon as we don't have at this present time because most of the councillors are left in the dark regarding financial matters. The argument was presented and the vote went to a tie, and as it was the Mayor broke the tie vote, casting a negative vote to have the Finance Committee formed. I'm suggesting that the Mayor certainly believes in keeping the information regarding finances to himself which he has total access to, and the Administration Board. On October 27th a motion was once again introduced for the formation of a Finance Committee and that was lost as well. So efforts have been made to have the councillors procure more information than we have had in a serious number of difficulties.

In December, 1975 I have requested from the Engineer's office no less than six times information on the Sewage Treatment Plant. The Sewage Treatment Plant has incurred a number of difficulties. We've had funds being spent towards repair and maintenance on it but have not showed on the particular engineer's budget, they have been used in operating, and what I wish to do is obtain invoices showing the nature of the work and the totals that have been spent on the Sewage Treatment Plant. In 1975 the Provincial Department of Environmental Control had written to the engineer indicating that they might proceed with legal action because of the failings of the Sewage Treatment Plant. I'm suggesting, Mr. Chairman, that I'm sure the engineer has participated in withholding that information from me. I have requested in December, January, February

(MR. CAYER cont'd). . . . and March for that information, I still don't have it. So as far as the Sewage Treatment Plant is concerned and my knowledge on the finances of it, I'm lost, I just can't do anything on it.

Another situation that has prevailed, there was one time, Mr. Chairman, that we could under regular meetings put questions to the Administration Board. The Administration Board, the Clerk, Engineer and Treasurer do participate in our Council meetings. They express opinions when asked by the Mayor and express opinions on their recommendations on the agenda, but under "Enquiries" we cannot put any questions to them. Yet they make decisions, make recommendations to us. As it remains now under "Enquiries" the administration simply make the statement: "They will take the matter under advisement" and we're left with no answer. In other words, the administration is not answerable to any of the councillors.

Another incident; in January 1975 Alderman Melnyk of the City of Brandon asked for a local improvement that was assessed on Assiniboine Avenue to the CPR Railway. The reason he asked this was because the residents on one side of the street had been assessed for local improvements, the CPR had not been assessed on the opposite side. It took him six months to get information and he had to blow his top and put on a scene to get that information, six months of asking to get information. I don't think this is the way our system was intended to be run. I'm sure many of you gentlemen yourselves were Councillors at one time and are familiar with the workings of a council and I know that you fellows experienced trouble yourselves acquiring information, on both sides of the House. I'm sure that you don't like it and I think there's an opportunity here for you to at least do something about our problem.

If we can't get access to the files then I feel that we're simply rubberstamping because inevitably we're not aware of the choice of directions available. For instance, if there's three paths of directions taken on a particular business item and the administration only shows us two, then I'd suggest you were being manipulated and I don't think anybody can dispute that particular aspect.

MR. CHAIRMAN: Does that conclude your presentation?

MR. CAYER: No, it doesn't. I'll be brief and I'll be through here in a second.

Part of the problem that this has created in the City of Brandon has been a situation of apathy regarding Municipal Affairs. We had one councillor resign and we couldn't get anybody to fill it; Council had to appoint a representative to a particular council ward. This situation happened in Virden with the Mayor. I don't have to express to you that Municipal Affairs are a bit of a problem in the rural areas outside of Winnipeg and certainly if they can't function as they are intended to be I don't think that the situation is going to be enhanced whatever.

As The Municipal Act is now, Mr. Chairman, the administration has every right to charge me 50 cents a sheet for information other than the seven items that are listed in The Municipal Act; and I would ask you, is that the way that the Municipal Act was meant to be? I suggest it's a bit of a shortcoming.

In a letter, Mr. Chairman, that was sent by the Honourable Mr. Evans to the ratepayers' group in Brandon, the reason given by Mr. Evans not to recommend a referendum to the City of Brandon regarding his stance on the core problem relating to McGill Bill, and I quote Mr. Evans, he said, "the government will not intercede because it's not their wish," and I quote, "not to suspend civil authority", but by the same token when we're weakened to a point where we can't ask information or can't get access to it that very situation does take place.

I think that would conclude my remarks, Mr. Chairman. I'd just like to make a brief summary. I don't think, like I said earlier, that The Municipal Act was intended to disenfranchise councillors. I don't think the Act was intended to put the power of legislation in the hands of non-elected people, and I think you can realize we have our problems in all the municipalities and if we can't get access to information. I don't think there's any point in being on the council because what's the point? We're simply rubberstamping; we don't have access to information; we don't know what the alternate courses of direction are; we don't know what's being proposed, whatever. And the fact that we can be charged 50 cents a sheet, in this book that you people govern, I don't think it was meant to be that way and I would ask you to follow through with the amendment.

MR. CHAIRMAN: Thank you. There are one or two members who wish to ask questions, Alderman Cayer. Mr. Wilson.

MR. WILSON: Yes, Mr. Chairman. Through you, I wondered, is Alderman Cayer suggesting that in expropriation proceedings that the city's position be made known as to what they were going to pay. In the case of Winnipeg we would have a 50-man council, would any one of them go in and be able to find out what the city is prepared to offer for a piece of land in a court case? And also in a legal matter pertaining to the acquisition of a commercial situation where they have gone to court and they are willing now to settle out of court, and they're getting down to the negotiating stages, do you think when it comes to land and property acquisition that this information should be available to all elected officials?

MR. CAYER: I would like to answer your question with perhaps two other questions: In whose authority should they be, in whose hands should the trust be placed? I realize there's mitigating circumstances, but the information I was trying to get in relation to one particular item, there was an option or a sales agreement that I can show you that was shown to be completed in October, and I have since asked, and I've been asking for several months, several times a month for that option or sales agreement, and I still can't get it when the deal has been completed. The reason being that it was withheld because of a gross error on the Offer to Purchase.

MR. WILSON: To your knowledge then, through you, Mr. Chairman, and before I ask this last question, you mentioned that you had a team of lawyers through Legal Aid; is it customary in Brandon for politicians to use Legal Aid? To what degree did you use Legal Aid in Brandon?

MR. PAWLEY: Mr. Chairman, that question is surely out of order . . .

MR. CAYER: I'd be glad to answer it.

MR. PAWLEY: . . . that Alderman Cayer should be . . . of that question pertaining to his personal relationship with a lawyer for Legal Aid.

MR. WILSON: Well, he mentioned it. He mentioned it, not me.

MR. CAYER: I'll be glad to answer it. This body before us has not empowered any Municipal Councillor with any other alternative. I have two choices: either accept what's taking place or go and take funds out of my pocket and hire legal counsel. That's the only recourse I have. So I tried to take the more economical recourse and tried Legal Aid, because I could perhaps foresee a court case coming. I was not able to get any help from Legal Aid, as you're aware, and so the matter was dropped. But there is no other recourse available. What other recourse I would like to ask you, Sir, is available, if I can't get information?

MR. WILSON: Then my last question is, what should happen to any elected official who leaks information in property transactions to third parties?

MR. CAYER: I think that could be dealt with under The Municipal Act as well. I think there is some provisions in it to deal with certain types of situations relating, for example, to councillors doing business with the city and things of that nature. I'm suggesting that there could be a further amendment to take care of that situation.

MR. WILSON: Well, in other words - my last question is - that you feel that matters that are before the court, that the information in those files should be available to the elected municipal officials?

MR. CAYER: Well, I would think the fact that I was elected as a councillor was that I was in there to protect the rights and the interests of the general public. I don't think that the people who are a staff necessarily share the same responsibility to the public insofar as funds. I think you have seen yourself a case like this. I'm not suggesting that they're irresponsible, but I'm suggesting that bureaucrats tend to have a different attitude towards public funds than you would yourself. I'm suggesting I share that feeling.

MR. WILSON: All right, thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Johnston from Portage la Prairie.

MR. G. JOHNSTON: Well, Mr. Cayer, as the bill has been proposed by myself, I suggested in the bill, and I'll quote, and the sub-heading is "Inspection by members of council, 145 (2)(1), without any approval of council the Clerk of the Municipality and any other employee of a municipality shall at any time when the offices of the municipality are open for the transaction of business, produce for examination of a member of the

(MR. JOHNSTON cont'd). . . . Council of the Municipality on his demand, any record, document, of the municipality in the possession of or under the control of the Clerk or the employee as the case may be."

Now, during debate on Second Reading in the House it was suggested by many members of the House that a Councillor could go to any employee and ask questions and if this amendment were to be passed he could, not undercut, but he could go to other people in the municipal corporation and question them and be entitled by law to answers. Now I took the suggestions that were made by various members who spoke and I'm prepared to move an amendment that would only require the Clerk of the Municipality to give the information and no one else. In other words, you would have to approach the Clerk only or the Secretary-Treasurer, but the Clerk of the Council, to receive any information you wanted, you couldn't go to any other employee. Would this be satisfactory to you?

MR. CAYER: It certainly would be. I'm not particularly keen or concerned where the information comes from as long as it's forthcoming.

MR. G. JOHNSTON: Thank you. I wanted to be sure that this was fair in that regard.

Another question I have. You said that a councillor in Brandon resigned, and you mentioned I think that he resigned out of frustration. Was the frustration because he was being called upon to vote or make decisions without all the information, is that part of the reason, in your opinion, that he resigned?

MR. CAYER: Well, it's difficult for me to speak for this councillor, he's present. Perhaps you could ask him yourself, Mr. Johnston. But I certainly feel that this was part of the problem. I came near to resigning myself because, and this was, as far as I can see, of a great magnitude in Brandon, the downtown core problem, and it was very frustrating.

MR. G. JOHNSTON: Well, Mr. Chairman, I'd like to have that person called and I'd like to put that question to him.

MR. CHAIRMAN: Would you ask the other gentleman to step forward please?

MR. THOMASSEN: Mr. Johnston, I'd like to answer your question in reply to what you asked Mr. Cayer.

MR. CHAIRMAN: Are you Mr. Thomassen.

MR. THOMASSEN: My name is Mr. Thomassen. I'm an ex-alderman, I resigned two months ago. I wouldn't really say out of frustration, but after I've seen enough - I came back from Europe - what a government committee had done to a petition signed by 2400 taxpayers, normally working class people, what the committee probably held in this same room done with these taxpayers' petition. They ignored the wishes of the public and they just threw it down in the basket.

I came back from Europe. I learned that this went on while I was in Europe. I heard also that a councillor who was elected by the public didn't have any more rights than the public; and if I asked questions on a particular hot issue in Brandon which, in a small way, looked like Trizec in Winnipeg, and I am denied the information for two years in a row, this makes me frustrated and makes me angry; and if somebody gets frustrated and angry there's lots of stress because it's not a full-time job. We do this on a volunteer basis. The pay is 35 cents an hour what we make in City Hall. So it's a volunteer basis. So I think you know by frustrating somebody you create lots of stress.

When I came back from Europe I learned what the committee pertaining to the downtown core had done to the citizens of Brandon, I was fed up with it; I was frustrated; I was shocked that a government on this level could act on a petition of 2,400 people and maybe I was frustrated, but it was stress, and that's the reason why I resigned. I feel bad about that I resigned. People have been asking me more information now than they ever did before and I'm willing to go back for the next year. But many decisions had to be made, in particular Bill 48 is one of the things I think should be in The Municipal Act. But I wouldn't really say that I resigned of frustration. I resigned because of frustration on the belief of this government.

MR. CHAIRMAN: Thank you. Mr. Pawley.

MR. PAWLEY: I wanted to ask Alderman Cayer a question pertaining to his brief. Are you familiar with Section 97 of The Municipal Act, Alderman Cayer?

MR. CAYER: I may be, yes.

MR. PAWLEY: I'd refer you to the concluding words of Section 97. The section deals with the municipality making by-laws, and included within that power to make by-laws is the power to make by-laws for the peace, order and good government in municipalities the council deems to be necessary and advisable and under that section generally a municipality will prepare what is commonly known as a procedural by-law and within that procedural by-law a council can include the requirement that any and all documents requested by a member of council must be released to that member of council upon the request by the member of council. Now did the City of Brandon have no such by-law of a general or specific nature in that connection?

MR. CAYER: Yes, Mr. Pawley, we do have the by-law and I hoped to bring it and I just couldn't locate it before I left because of the short notice. I realize that there is provision for council and I think there is provision under 145 as well, for the municipality to pass authority or to pass a motion to give council that authority. But you can appreciate, Mr. Pawley, if you were sitting on the opposite side of the House, do you think you could get through that request if you were in the opposition. And I'm afraid that's the situation that I am in. I am relegated to the position of the opposition. I don't think municipal councillors were intended to have opposition and majorities, but we do have them, and would you, Mr. Pawley, think that I could for one minute get through a motion. I have attempted, and I do have minutes to verify that on my desk here, that I did attempt to ask council's indulgence if they would consider passing that and it was turned down.

MR. PAWLEY: Council refused to pass a by-law requiring that upon the request of a member of council any and all documents relating to city business must be released to a member of council?

MR. CAYER: That's right.

MR. PAWLEY: The City of Brandon has no such by-law?

MR. CAYER: No, we don't.

MR. PAWLEY: You have requested the city to pass that type of general by-law, have you?

MR. CAYER: I don't know if I formally introduced a motion. I spoke on it, and I do have the minutes here on it. I suggested it and I think I may have made the motion. I know in any case it was lost. There was no support on it. You see, Mr. Pawley, with alderman Thomassen leading there was nine councillors there and myself, so there was ten, but you can appreciate that when you make the remarks, at times I do, and look for possibly the problem of the sewage plant, when you uncover what I uncovered in the downtown core development, you can appreciate I don't get much support because the attitude of council is very much laissez-faire. They don't wish to rock the boat and if they can see that I would be afforded access to more information they would not support me. I can simply relate the matter as you trying to get the similar request if you were in the opposition to the House. You simply wouldn't. It's as simple as that. Because I'm afraid . . .

MR. CHAIRMAN: Mr. Axworthy.

MR. AXWORTHY: Well, Mr. Chairman, I think Mr. Pawley asked one of the questions I wanted to represent but I did want to pursue it with Alderman Cayer. Just to make sure that I'm hearing you right, that there is no standing by-law under the Brandon Council that requires information to be distributed upon request, in each case you have to make a special request?

MR. CAYER: That's right. There is provision in the procedural by-law that upon request of the councillor they could request a particular piece of information be made available to them.

MR. AXWORTHY: And that would have to be endorsed or accepted by a majority on council . . .

MR. CAYER: Majority vote.

MR. AXWORTHY: So if you're in an opposition then you will find yourself being outvoted on all those requests.

MR. CAYER: That's right. This is why I say, Mr. Axworthy, this is why I feel that I'm disenfranchised. Either I go with the majority or I'm lost.

MR. AXWORTHY: Fine. Mr. Chairman, I just wanted to also check with

(MR. AXWORTHY cont'd) Alderman Cayer on another point that he raised. I take it that you indicate you do not receive any kind of assistance when you try to go and procure information, you don't have any research help, you don't have any assistants in the way of staff time that's 42 councillors to help them in digging out this, there's no funds available for your own investigations or enquiries.

MR. CAYER: Nothing whatever. The only assistance we have is a telephone credit card, and that's the extent of it.

MR. AXWORTHY: You have a telephone credit card?

MR. CAYER: That's the only extent of the assistance we have.

MR. AXWORTHY: That's more than we've got. One other question, Mr. Chairman, to Alderman Cayer. On the subject of issue when you're talking about the downtown development core, and I think it's important, at what point in the proceedings did you request this information after proposal had come before council for debate or just as it was being negotiated and developed by the administration.

MR. CAYER: This was after, this was in the year of '76. The correspondence I have indicating that the options did exist - well as a matter of fact the option I asked had been outdated because we have correspondence to indicate, substantiate, that an option was, I think, available October 22, 1975 for 125,000 on this piece of property.

MR. AXWORTHY: Excuse me, the point I'm getting at, it wasn't a matter that was within the purview of the administration, this is something that had been put forward to council for consideration.

MR. CAYER: No, the deal had been consummated and I took exception to the figure that was proposed to us. At a previous time.

MR. AXWORTHY: I see. But it was already within the boundaries of council's decision?

MR. CAYER: Oh yes, certainly.

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

MR. CHAIRMAN: If there are no further questions, thank you, Alderman Cayer. That concludes the representation to the Municipal Affairs Committee. In accordance with your previous motion . . . Mr. Thomassen.

MR. THOMASSEN: I would like to address it to you here because I just came here to answer a question to Mr. Johnston.

MR. CHAIRMAN: Was your question answered, Mr. Johnston?

MR. THOMASSEN: No, Mr. Johnston asked the question, that's why I came forward. I would like to make my presentation now.

MR. CHAIRMAN: The Chair was under the impression this was one delegation from Thompson. Mr. Johnston.

MR. G. JOHNSTON: On a point of order, I observed about twenty after eight the two gentlemen came in and you may be under the impression that only one was going to speak. I was myself also but I believe that in view of the fact that ex-alderman Thomassen came 150 miles I think he should be allowed to be heard.

MR. CHAIRMAN: What is the wish of the committee? Agreed? Will you proceed, Mr. Thomassen.

MR. THOMASSEN: Mr. Chairman, Mr. Minister, I'll make it fairly short because I was informed around 1:30 that there was a meeting tonight so I have nothing prepared. But as you probably all know, that this controversy arose because of the downtown core development in the City of Brandon, and normally it was not a very hot issue in the City of Brandon, particularly, there is not a big demand or request for information by any aldermen. Being the senior alderman from the City of Brandon, I'm not now, after I resigned now, I know the previous council, you know, we never had an issue like we had on the downtown core. During the downtown core issue since 1974, it went smoothly up to about 1975, in May 1975 and in October the boat started to rock a little bit and myself and Alderman Cayer and some other aldermen started asking questions. Up till January 22nd after many requests we finally got all the information we wanted, and not all of it; probably the ones most important on options where there was money paid out, more than the options was arranged for, we never got this information. We have in Brandon a so-called . . . system - the public in Brandon calls it a troika system - and it's a system that is run by the city clerk, the city treasurer, and the city engineer, and it seems that these people are the ones who run the City of Brandon.

(MR. THOMASSEN cont'd) It's very hard to get information from these people if they don't want to give it. Now it seems that they don't have to provide information, it came out what Mr. Meighen told us in Council that he didn't have to provide all the information, and honestly I feel bad about it. As an elected official at that time, if I have to represent a ward and if I want to fight for something for my people who elect me and I cannot get the information, I think then I'm on very bad ground.

I'm certainly in favour of Bill 48 and I would accept amendments because I don't think that it's right for any elected official to go to any city employee or city hall staff member to get some information, I think it should be provided strictly by the City Clerk, that's his job, and he should be the only one who should provide it. We had a case for court with the city of Brandon in relation to Keystone Centre, nobody asked any questions and it is still for court, and no questions have been asked in City Council on this. So I don't think that any councillor in his right mind would ask any questions if it's in court.

So I would certainly be in favour of an amendment to Bill 48 and I hope that your government, you will really push this particular bill through, because it's frustrating if you have an elected council of 10 people and you've got two or three members in non-political opposition and you've been told, by motion, that they don't have to supply information, you know, and this is not small beans for Brandon, it's a 15 or 18 million dollar project and if the public start asking questions - the Minister, Mr. Pawley, knows this one - questions being asked on the downtown core development, they've been asked by 2,400 people and we didn't get the answers. And I think if this is the case then at least the council, the elected officials, should try to get the answers and you shouldn't have to go through a court case or court injunction to get the answers. And that's my reason for my appearing here tonight, being an ex-alderman, and I'd like to get back next year again and take another crack at it because I really miss it. I hope that you will pass Bill 48 because I think it's for the benefit of, not only Brandon, but for all the citizens in Manitoba. Thank you very much.

MR. CHAIRMAN: Are there any questions of Mr. Thomassen? Hearing none, thank you, Mr. Thomassen. That concludes the representations to the Municipal Affairs Committee. In accordance with your previous motion the Municipal Affairs Committee will recess for five minutes and reconvene in Room 200 with the Honourable Member for Gimli in the Chair.