



Third Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE

on

MUNICIPAL AFFAIRS

39-40 Elizabeth II

*Chairperson
Mrs. Louise Dacquay
Constituency of Seine River*



VOL. XLI No. 4 - 8 p.m., TUESDAY, APRIL 14, 1992



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHEEMA, Gulzar	The Maples	Liberal
CHOMIAK, Dave	Kildonan	NDP
CONNERY, Edward	Portage la Prairie	PC
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	NDP
DOER, Gary	Concordia	NDP
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DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
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ENNS, Harry, Hon.	Lakeside	PC
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EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
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GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
HARPER, Elijah	Rupertsland	NDP
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	NDP
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
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MITCHELSON, Bonnie, Hon.	River East	PC
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ORCHARD, Donald, Hon.	Pembina	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
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SANTOS, Conrad	Broadway	NDP
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WOWCHUK, Rosann	Swan River	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON MUNICIPAL AFFAIRS

Tuesday, April 14, 1992

TIME – 8 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mrs. Louise Dacquay (Selne River)

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Messrs. Ducharme, Ernst

Mrs. Dacquay, Mr. Edwards, Ms. Friesen,
Messrs. Lamoureux, Laurendeau, McAlpine,
Neufeld, Sveinson, Ms. Wowchuk

APPEARING:

Steve Ashton, MLA for Thompson

WITNESSES:

Dave Brown, Deputy Mayor, City of Winnipeg

John Bock, Private Citizen

Marcel Taillieu, Private Citizen

Don Fleming, Private Citizen

Elizabeth Fleming, Private Citizen

Jarl Johner, Headingley Taxpayers' Association

MATTERS UNDER DISCUSSION:

Bill 45—The City of Winnipeg Amendment,
Municipal Amendment and Consequential
Amendments Act.

* * *

Madam Chairperson: Order, please. Good evening. Will the Standing Committee on Municipal Affairs please come to order.

This evening the committee will be considering Bill 45, The City of Winnipeg Amendment, Municipal Amendment and Consequential Amendments Act. It is customary for us to hear briefs before the consideration of the bill. What is the will of the committee?

An Honourable Member: Agreed.

* (2005)

Madam Chairperson: Agreed, and so ordered.

The list of persons who have preregistered to speak to Bill 45 is as follows: Mr. Dave Brown, Deputy

Mayor, City of Winnipeg; Mr. John Bock, Private Citizen; Mr. Marcel Taillieu, Private Citizen; Mr. Wilf Taillieu, Private Citizen; Mr. Lorne Christianson, Private Citizen; Mr. Don Fleming, Private Citizen; Mr. Jim Pearn, Private Citizen; Ms. Elizabeth Fleming, Private Citizen, Mr. Jarl Johner, Headingley Taxpayers' Association.

At this time, if there is anyone else in the audience this evening who wishes to make presentation, would you please indicate your intention to the Clerk.

I would also like to mention to the members of the public who are present that if you require photocopies of your formal presentations to please notify the Clerk of Committees and she will ensure that copies are made for members of the committee.

I will now call upon Mr. Dave Brown, Deputy Mayor, City of Winnipeg, to come forward. Do you have a written copy? If you would just wait for 30 seconds to ensure members receive a copy of your presentation please, Mr. Brown.

Mr. Dave Brown (Deputy Mayor, City of Winnipeg): Certainly.

Madam Chairperson: Now, if my committee members will come to order, I would ask Mr. Brown to proceed with the presentation.

Mr. Brown: Madam Chairperson, thank you very much, and members of the committee. I appreciate the invitation that was extended to the city to make a presentation tonight.

The presentation that I am going to be making is one that was tabled at our Executive Policy Committee meeting a week or two ago and was adopted by Executive Policy Committee. It has not been on to council, but the intent is that it will go to council at the next meeting.

It deals in four parts, and I will be very brief. The four parts that it deals with are the boundaries and the section on settlement of assets and liabilities. It deals with some terminology in one part dealing with towns and villages, and then the last part deals with the delivery of services and duties and final dates, et cetera.

If you will, Madam Chairperson, I would like to just read the document that was passed by EPC. The bill proposes that the boundaries of the city are to be set by regulation by the Lieutenant-Governor or Order-in-Council.

The province has, since the inception of the city of Winnipeg in 1873, provided all aspects of city governance, including the city's area and boundaries, within one act. Indeed, in the re-enactment of The City of Winnipeg Act 1989-90, all enactments dealing with the city of Winnipeg were incorporated by schedule within one act, The City of Winnipeg Act.

It is now proposed that the area and boundaries of the city may be altered by regulation, a process which only requires cabinet approval. It is suggested that alteration of the city's area and boundaries is an integral part of the city's charter and should be carried out only with full exposure to the democratic process, the passage of bills, legislative debate and public representations.

* (2010)

Since the inception of the city of Winnipeg by charter, its boundaries have been known and incorporated into the act incorporating or continuing the city, and this practice should continue. These amendments support an ad hoc approach to the changes to the city's boundaries rather than a comprehensive boundary review.

The province by this bill has created a new division in The Municipal Act, Division III.1, specifically dealing with the withdrawal of lands from the city of Winnipeg and the creation of new municipalities. This division applies to no other municipal jurisdiction in the province. By this new division, the ordinary settlement of assets and liabilities on such a withdrawal of lands as a result of incorporation of a new municipality by the Municipal Board is bypassed.

The new provisions remove the final settlement of assets and liabilities by an independent body, the Municipal Board, and places the Municipal Board in a recommendatory capacity only, and the provincial cabinet deciding at its own discretion to accept, reject or modify any recommendations made by the board.

The citizens of Winnipeg are entitled to have an independent body, the Municipal Board, decide the settlement of assets and liabilities as it is accorded

to the citizens of any other jurisdiction in the province.

There is another matter that gives the city concern, Madam Chairperson, and that is the fear expressed that the bill lays the groundwork for the eventual splitting off and disintegration of the one-city concept. The concern is fostered by the reference throughout Division III.1 of the application of the legislation to new towns and villages.

Although the case for Headingley is that, as a peripheral community, its circumstances lend itself to the creation of a municipality of rural nature, a rural municipality, the proposed legislation provides that in some future time new villages or towns could be created through the process introduced by Division III. This concern is further reinforced by the application of Section 15 of The Municipal Act under Section 38.1(3) of the bill to any regulation incorporating inhabitants into a new municipality. Section 15 sets out the minimum numbers of persons who can be created a village or a town, and Clause 38.1 of the bill which provides for elections is a replication of the regulations incorporating a village or town under Section 13(5) of The Municipal Act.

The city of Winnipeg as it presently exists is an amalgam of urban, suburban and in small portion rural areas combined together as a city. As a municipal unit the city is comprised of diverse circumstances and interests, and there is some give and take by the citizenry. Citizens in some areas may feel in some ways disadvantaged, others that they are paying a disproportionate share towards the whole. The amalgamation of the city from 12 area municipalities and the metropolitan corporation is not that distant in time, and many citizens in various parts of the city still identify with their particular locality.

The province should not foster, as we believe this legislation does, the retrogressive concept that citizens of former localities, for such reasons as they feel warrant it, may press the minister to submit a referendum to the electors of that locality for secession from the city. We believe that the words "town" and "village" should be removed from the legislation.

The bill provides that by regulation the city is to supply services and exercise the powers and perform the duties that were exercised or performed before the incorporation with the new municipality of

Headingley until such time or times and under such terms and conditions as is provided in the regulation. Until Headingley takes over the services and exercises complete jurisdictional control within the boundaries, the city must plan and budget for the services and duties to be performed. The time set by the regulation for the discontinuance of services and exercises of powers and performance of duties must be such that a reasonable finality to the affairs between the city and Headingley will occur. We are looking for, Madam Chairperson, a date, that after negotiations and reviews, the decree absolute has a date on it.

Generally the bill promotes the use of small area referenda, thereby setting one area of the city or adjacent municipality against others regarding boundaries and service levels, rather than what we believe it should do, dealing with such issues on a more regional and long-term context.

Madam Chairperson, that is the document that I submit to you and that was—

Madam Chairperson: Thank you for your presentation, Mr. Brown. There may be questions from committee members. Would you be prepared to entertain questions, Councillor Brown?

Mr. Brown: I would be prepared to entertain them. I do not know whether I can answer them or not.

* (2015)

Mr. Paul Edwards (St. James): Councillor Brown, we were presented with a document today in the House which purports to be a motion, City of Winnipeg Council meeting March 25, 1992. I am not familiar with the protocol of the City of Winnipeg, and just before this meeting I had a chance to show it to you. Can you advise committee members, who also saw this and received a copy in the House today, what it represents? Who would have passed this motion which concludes: THEREFORE BE IT RESOLVED that Winnipeg City Council request the Province of Manitoba to make Bill 45 specific to Headingley secession and no other locality?

You have mentioned some comments in your presentation that seem to be consistent with that, but is this in fact a motion from City Council that we can adopt as representing City Council's views?

Mr. Brown: Madam Chairperson, I used to be able to follow the motions that were presented on council floor. They have grown very large in numbers and they come from all over the place. To the best of my recollection that motion was probably tabled at

council and was probably referred to the Executive Committee and was taken into consideration when this presentation was put together. I do not believe that motion has any approvals attached to it, any votes attached to it, whether or not it was approved by EPC or council. I would suggest, and I would like to check first, but I believe that there has never been a council or Executive Committee vote on that motion, for or against.

Mr. Edwards: Given your comments tonight, if we are unsuccessful in amending this to—in particular I am thinking of your comment that the province should not foster, as it does by this legislation, the retrogressive concept that citizens of former localities, for such reasons as they felt warrant, may press the minister to submit a referendum to the electors. I agree with that criticism of this bill. If we cannot delete the words "town" and "village," and I believe the bill needs more amendment than that to make clear that this is about Headingley and Headingley alone. If we cannot do that, should we pass this bill?

Mr. Brown: My presentation did not state anywhere in it that we think that the bill should be singularly applied to Headingley. Our concern is that there are areas in it that might be used to go beyond that. We are satisfied that if the towns and villages aspect of the bill was removed that would take care of our concerns in that particular area.

Mr. Edwards: In the event, when we get to dealing with this clause by clause or the minister is not receptive to deleting towns and villages as suggested, is the position of council that it should still be passed or is the position that it is too dangerous? Well, a member is here representing council. I would like to hear his view. Is the position that it is too dangerous to pass?

Mr. Brown: With respect to towns and villages?

Mr. Edwards: Right.

Mr. Brown: Well, I would hope that you would be successful in doing that.

Mr. Edwards: What if we are not?

Mr. Brown: If you are not, you probably will not be successful in stopping it, and I will not have much more luck at that either. It is an important area for us, and we bring the concern legitimately. I hope our comments are taken seriously.

* (2020)

Ms. Jean Friesen (Wolseley): I wanted to ask you a couple of questions about the content of the bill as well. You suggested some concerns about the sections where the minister or the cabinet is able to hive off sections of the city and have referendums in part of them.

One of the things in that particular section of the bill which concerns me is the provision for the cabinet to determine who will be the electors in that particular case. I am concerned not just on the basis of geography but also on the basis of how the franchise is to be determined. I wondered if you had any opinion on who should be determining the franchise. Should it be the cabinet? Should it be the Legislature?

Mr. Brown: Madam Chairperson, through you to Ms. Friesen, that part of the legislation, we did not comment in our brief. The legislation as it stands is obviously not a concern, that particular part. Our concern with respect to boundaries, we believe that there should be a democratic process followed in determining any additions or deletions further from the city of Winnipeg boundaries.

With respect to Part 2 and the authorities given the cabinet with regard to settlement of assets and liabilities, the bottom line for us in that particular area is one of fairness. We are not particularly of a desire to do anything negatively to the new municipality that is being created. By the same token, we have the remaining citizens of Winnipeg to protect, to see that we are treated fairly.

Ms. Friesen: I think we share your concern that the municipality of Headingley get off to a good start and be on the soundest basis that it can be.

One of the things I think that does concern me is the possibility of pressure for development in Headingley, and that there might be undue pressure on a municipality which is just beginning and which may not have perhaps the tax base that it expects in a recessionary time, that there be extraordinary pressures for development.

I wondered if you might make some comments from the perspective of the city of Winnipeg on that and the continuity for the principles of Plan Winnipeg in the new municipality?

Mr. Brown: Madam Chairperson, we have some concerns as well in that regard. We want the new municipality that has been created to get off on the right foot and to be able to sustain itself. We do not wish any ill will in that regard.

Substantial residential development in that area to develop a tax base would be of serious concern to us, and it is in other areas, and we are concerned with that. We bring forward those concerns on a regular basis and hope that there would be some review and rationalization of some of those bedroom communities, if you will.

Ms. Friesen: Some of the research basis on which the proposals for Headingley have been made were based essentially upon the 1981 and 1986 census and also upon a survey of assessments made over four municipalities based on 1986 numbers.

Now do you have any concerns from the City of Winnipeg perspective of there having been changes in those areas such that the tax base may not be what is anticipated in Headingley?

Mr. Brown: Madam Chairperson, I am not familiar with those numbers, and I am not familiar that there has been any significant change either way in those numbers. No, I am not familiar with it so I do not have a concern.

Ms. Friesen: Did the city, when it was preparing its case for the Municipal Board, did it do any investigation of the current tax base and financial future of the new municipality?

Mr. Brown: I am not familiar with that information, Ms. Friesen. I am sorry.

* (2025)

Ms. Friesen: I notice that you have highlighted one of the areas that also caused us some concern, and that was the section of the act which, at least from my perspective, gives the cabinet a blank cheque to ensure that the citizens of Winnipeg continue to pay the services for as long as, and under the conditions that, the minister suggests. I wondered if you would like to elaborate on that point. You suggested fair terms and a limit to the time.

Now, of course, this particular section, as it is written in the bill, applies not just to Headingley. It applies to any municipality that will be formed under the basis of this act. So I wondered if you might have some suggestions for us on what kinds of limits, what kind of time limits, what sort of boundaries should be put on that provision.

Mr. Brown: Madam Chairperson, we would and will and our intent is to certainly continue supplying the services that we have in the past, and we will continue to do that. The time frame, though, there should be a final date set that there is a severance

and the new municipality takes over and we are finally finished.

As far as the length of time between now and when that particular date is, I do not have a position on whether that should be six months or a year or a year and a half or two or three or whatever. I would assume, though, and would believe that we will continue to collect City of Winnipeg taxes, and we will collect revenues, whatever they are from the municipality. If that ceases, then I think that should be corresponding with the withdrawal of services unless other arrangements and negotiations can take place.

Ms. Friesen: I do not think that is the assumption on which the act is based. Is that how you read it?

Mr. Brown: That is my understanding. I do not expect anyone would suggest that the City of Winnipeg is going to continue to supply services to an outlying municipality for any length of time and not collect the revenues.

Ms. Friesen: But that is exactly what the act says as it stands. Is that how you are reading it?

Mr. Brown: That is not our interpretation of it, but we do suggest that there be a final date put forward.

Ms. Friesen: When we come to looking at it clause by clause, we will certainly raise that issue with the minister and see what the intent is there.

As I understand what you are suggesting then, it is both a time limit and a consultation with the taxpayers of Winnipeg through City Council that it be a consultative and joint process?

Mr. Brown: Right, Madam Chairperson.

Hon. Jim Ernst (Minister of Urban Affairs): I just have two comments with regard to the presentation.

Firstly, with respect to a finalized date, the regulation that is passed under this act will in fact specify a date beyond which the services will not be provided unless other terms or arrangements are made, so that the municipality will have to negotiate with the City of Winnipeg for the provision of any service that is required beyond any specific date as specified in the regulation. It was never the intent that a municipality should receive services and pay nothing for them. That is not a reasonable position.

With respect to the question of towns and villages, I will propose later when we deal with the bill clause by clause to delete those words.

Mr. Marcel Laurendeau (St. Norbert): I have two questions, Madam Chairperson.

Mr. Brown, what is it that took the city so long to come to this conclusion that we are seeing here today and has not been brought forward to council, when this bill has been before us since before Christmas? Why has it not been to council yet for final resolution?

* (2030)

Mr. Brown: Through you, Madam Chairperson, Mr. Laurendeau, I do not know why, but this was the soonest we had a report in front of us, and it has not gone to council with our schedule. We were dealing with budgets and other things like that that may have taken up some time.

Mr. Laurendeau: Madam Chairperson, through you, one of the concerns that you are bringing forward, Mr. Brown, is the development of the community of Headingley.

Are you aware that the City of Winnipeg had agreed to a development within that community, and it was the province of Manitoba that stopped that development and not the City of Winnipeg? Why would you feel that there is less restriction if the province has got that capability at this time, when the city had approved that development at a prior time?

Mr. Brown: Madam Chairperson, through you to Mr. Laurendeau, I do not believe anywhere in my presentation that I brought up a concern about the development plan in the new municipality.

Ms. Friesen: I wonder if I could perhaps just get from the minister some clarification then on the date that the member for St. Norbert (Mr. Laurendeau) just put forward. I think he said the bill had been before us since before Christmas. It may have been before the Tory caucus before Christmas, but I believe that the date the minister spoke on it in the House and which presented the actual content to the House was February 24. Perhaps the minister has a specific date?

Mr. Ernst: I do not want to argue over the date. It was in February some time.

Ms. Friesen: Thank you.

Madam Chairperson: Thank you for your presentation, Mr. Brown.

Mr. Brown: Thank you very much.

Madam Chairperson: Mr. John Bock? Do you have copies of your presentation for the committee, Mr. Bock?

Mr. John Bock (Private Citizen): I do not have a written—

Madam Chairperson: Okay, that is quite all right. Please, proceed.

Mr. Bock: Madam Chairperson, honourable minister, committee members, I certainly appreciate the opportunity to talk to this committee. I am not so much interested—although I would be interested in the quality of the bill, as I am in the intent of the bill.

I would like to preface my remarks by first of all recalling that it was the Leader of the Opposition (Mr. Doer) who first listened to the people of Headingley some considerable time ago. I think it is in order that we thank him for that and express publicly our appreciation because sometimes in the rush of events, we forget who started the ball rolling.

Secondly, I also realize that a number of the members of the Liberal caucus have lent their support to the bill. I think as residents of Headingley, we would be amiss if we would not express our appreciation for that.

Certainly, we have very much appreciated the minister's efforts in trying to bring this whole process to fruition. Throughout we have sensed the support and concern of the people in the Legislature toward the people of Headingley. I think sometimes we were somewhat misunderstood, even though we tried to make ourselves clear, but for us this is a major step in the right direction.

There is a new ray of hope, especially for the farmers in the area who were in a situation where they could not pay taxes on \$2 wheat and high assessments.

In speaking to the bill itself, I was particularly pleased to note Section 38(6). While I am not that familiar with legislation in terms of dotting the i's and crossing the t's, having gone through the Municipal Board hearings, and with all due respect to Mr. Brown and his concern for the citizens of Headingley, the mayor at that meeting did not show the same concern.

Recent announcements with respect to withdrawal of bus service and the withdrawal of funds for a septic tank that had to be moved did raise some concerns on the part of the Headingley residents. For that reason, we were very pleased, I personally am very pleased, to see this section in here, which brings a third party into the picture so that there can be some negotiation and some

arbitration with respect to the affairs of the community.

Thank you, Madam Chairperson.

Madam Chairperson: Thank you, Mr. Bock. There may be questions from members of the committee. Are there any questions of Mr. Bock?

Ms. Rosann Wowchuk (Swan River): Mr. Bock, as a member of a rural community I can sympathize with you and the farmers in your community about being concerned about high taxes and not being able to pay them with \$2 wheat. I want to ask you, do you have any concerns that you are going to have a lower tax base to draw from in your community and that you are going to be under pressure for development in your area? Is that causing you any concern?

Mr. Bock: If you are asking me personally, I do not have any concerns. I realize that starting up as a new community we may have some problems getting everything into shape for a while, but I think you will find that the people of Headingley are quite resourceful.

Many of us have lived there for many long years. I have been there for 35 years myself, and I think the people are quite resourceful and are willing to do without for a while, if it takes that, in order to make it work in the long run.

Ms. Wowchuk: You are saying that people are quite comfortable that they are going to be able to maintain the services that they have there or are willing to go without services. You are not concerned that you might be under pressure as farmers to give up new land maybe for development when you do have a lower tax rate.

Mr. Bock: I have not sensed that concern.

Ms. Friesen: I wanted to follow the same line of questioning and just get it straight in my own mind. I know you represent specifically yourself, but your concern will be to maintain Headingley as a rural community?

Mr. Bock: That would be my concern personally.

Ms. Friesen: Do you think that is widespread? Do you think that is the expectation and hope of the majority of people in Headingley?

Mr. Bock: I am not sure I can speak for the majority. I can only speak for myself, I think, on that question. I think there is a sense of rural community out there.

Ms. Friesen: I have read and talked to people who certainly share the same belief that you do, but one of my concerns is that in the most recent study which was done of Headingley, it does suggest that only 10 percent of the residents of Headingley are farmers, and the majority of those are not full-time farmers. Of course it is very—obviously, who is a full-time farmer these days? But I am concerned that that is a small proportion of the population, and I wonder if that expectation—and hope that you have of maintaining a rural sense in Headingley is going to be maintained. Is it shared by the other 90 percent?

Mr. Bock: As I said, I cannot speak for everyone, but I can speak for myself. I think I am very comfortable with the way things are. I haul away my own garbage, I haul my own water, and the city snowplow comes down my road twice a year after I have plowed the snow.

Mr. Edwards: Madam Chairperson, I do not have a question, but we would be remiss, Mr. Bock, if we as legislators did not welcome you back to the Legislature in a different capacity after your many years of service to the Civil Service in this province. So, welcome back, and it is good to see you back as a private citizen making representation to the legislators of this province.

Mr. Bock: Since you mentioned civil servants, I do not know if it is appropriate, but I will say it anyway. We have certainly appreciated Jim.

Madam Chairperson: Thank you for your presentation, Mr. Bock.

Mr. Marcel Taillieu. Good evening. Do you have copies of your presentation for committee members or is it an informal presentation?

* (2040)

Mr. Marcel Taillieu (Private Citizen): No. It is informal.

Madam Chairperson: Thank you. You may proceed.

Mr. Taillieu: Madam Chairperson and members of the committee, I have a short thing to bring up here. It is Clause 38.4, which has been explained here this evening and hope it is not etched in stone where Blumberg Golf Course would be exempt of taxation.

What concerned some of the people of Headingley when the mayor, in the past, has mentioned that the City of Winnipeg built Blumberg Golf Course, Headingley was Winnipeg at the time

and contributed to building that golf course, and I think this is the one concern we have that now it is supposed to be in our new municipality it is revenue bearing and therefore should pay taxes like any other revenue-bearing property in our municipality.

That is my only concern, and if this clarified, which I am assured it will be, there will be negotiations, I have no further problem or any discussion with this here.

Madam Chairperson: The minister I think would like to clarify that.

Mr. Ernst: Mr. Taillieu, this clause was put in the bill to ensure that nobody pulled any fast ones during the process of transfer from the City of Winnipeg to a municipality. The possibility existed that the City of Winnipeg could make a sweetheart deal with some—well, it is not the case, but let us assume for instance the race track was to be transferred to Headingley. They could have said, we will exempt the race track from taxes for 25 years and then when it transferred to Headingley, Headingley would be stuck with a race track that would not pay taxes for 25 years. So that is what this clause talks about—no sweetheart deals in the transition process.

With respect to Blumberg Golf Course, there is another provision of The City of Winnipeg Act already in place that exempts the City of Winnipeg from taxation on property outside of its own municipal boundaries. That will apply to the Blumberg Golf Course as soon as it becomes part of the Rural Municipality of Headingley. However, there are a number of municipalities surrounding Winnipeg who have concerns with respect to the fact that City of Winnipeg property is exempt: the R.M. of Springfield; the Local Government District of Reynolds; the Rural Municipality of Rockwood. In Springfield there are two large reservoirs and the Greater Winnipeg Water District Railway that runs through that municipality. The railway also runs through the Local Government District of Reynolds. The City of Winnipeg also owns a gravel pit in the Rural Municipality of Rockwood, at Stony Mountain.

The City of Winnipeg does not pay taxes on those properties to those municipalities. So what has happened in recent times is that we will be entering into discussions with the City of Winnipeg shortly to begin discussions about how the City of Winnipeg would intend to compensate those municipalities for those properties, particularly because they are

revenue bearing, as you indicate in your presentation.

There will be discussions taking place. The provision there is not there etched in stone forever. I can give you that much assurance with respect to the question of the golf course.

Mr. Taillieu: Madam Chairperson, ministers, with that assurance, I think we can go back to our people, and as you know, they get very upset with different remarks in the news media, some that the mayor has said in the past, and it reflects, and it multiplies, and the people get quite anxious.

The only reason I came tonight was this one article that most of the people were concerned about. I am satisfied with your explanation, Mr. Minister, and thank Madam Chairperson and committee for my time.

Madam Chairperson: Thank you, Mr. Taillieu, for your presentation. Mr. Wilf Taillieu?

Mr. Taillieu: Excuse me, Madam Chairperson. He is absent. He is out in the country; he could not get back.

Madam Chairperson: Thank you for the clarification.

Mr. Lorne Christianson.

Mr. Lorne Christianson (Private Citizen): My concerns have been addressed. Thank you.

Madam Chairperson: Thank you, Mr. Christianson.

Mr. Don Fleming. Do you have copies of your presentation for committee members?

Mr. Don Fleming (Private Citizen): No, these are just notes to jog my own memory.

Madam Chairperson: Okay, thank you, Mr. Fleming. Please proceed.

Mr. Fleming: Madam Chairperson, members of the committee, I am back. This reminds me of a hearing we attended five years ago. At that time I said: government of the people, by the people, for the people. Well, we are the people, and finally we have a minister and a government who have chosen to listen to our plight. On behalf of my neighbours and friends and members in the community, I would like to thank the minister and thank the government for what they have done for us.

There are, of course, individuals who have no business in the issue at hand who kept putting up

roadblocks for us to go around, and hoops for us to jump through, et cetera.

We, the citizens of Headingley, have persevered, and the time has come. We would ask you to please pass this Bill 45 and let us get the show on the road. Set an election date. We need our municipal council to fight the childhood mentality that we have down at City Hall.

There is a lot of work to be done between now and the 1st of January 1993—Independence Day. Be fair to the people who really matter and stop these needless delays. Thank you very much.

Madam Chairperson: Thank you, Mr. Fleming. Thank you for your presentation. Mr. Jim Pearn.

Mr. Jim Pearn (Private Citizen): I think all of my concerns have been answered.

Madam Chairperson: Thank you, Mr. Pearn.

Ms. Elizabeth Fleming. Do you have copies of your presentation for committee members?

Ms. Elizabeth Fleming (Private Citizen): Not enough for everybody, but it is two pages and I have three copies, which might be useful.

Madam Chairperson: Okay, if you would like to give the Clerk one, she can ensure that all members of the committee receive a copy. Thank you. You may proceed.

Ms. Fleming: I am glad at this opportunity to speak to Bill 45. I do have some concerns with it, and they are outlined in my brief.

The secession of Headingley, while regrettable, is not the main purpose of my presentation. The major concern is with the potential which the proposed amendments have to allow future changes to the city boundaries without having any publicly understood rationale or context. I will also comment on the proposed process for altering boundaries.

There is apparently no provincial government policy or stated rationale for altering areas or boundaries surrounding the city of Winnipeg. There has been, to my knowledge, no public debate on whether or not areas or boundaries should be altered, let alone how they should be altered. Therefore, the amendments proposed in Bill 45 do not stem from any valid basic premise or long-term policy direction for the city of Winnipeg and neighbouring rural municipalities. As such, I feel that Bill 45 may be fundamentally flawed.

The City of Winnipeg Act Review Committee recommended that the act establish principles and guidelines to be used in making boundary adjustments between the city and the adjacent rural municipalities. The committee suggested several guidelines, but there is none included in Bill 45. The principle of urban-type development being included within city boundaries and rural or agricultural land use being confined to rural municipalities would be a reasonable place to start debate. It would be in the long-term interests of all Manitobans if debate was within the context of sustainable development principles and guidelines as well.

Both the city and the municipalities, through their development plans, are required to review their respective long-term plans periodically with the province. A plan is based on considerations, such as the community's vision of its future, sustainable development, planning and program co-ordination. The province gives direction by defining its expectations and priorities. It also requires that there is consultation and consensus building in the municipality respecting the drawing up of plans and of their review.

However, without any principles or guidelines indicating how boundaries might be redrawn, there is a high degree of uncertainty involved for people wanting to participate in the planning process. With the secession of Headingley and possibly other areas in the future, it is more difficult to make demographic predictions, to budget, and especially to draw up long-term development plans with any degree of assurance.

Bill 45 goes much further than what is required to allow Headingley to secede. The proposed legislation allows the Lieutenant-Governor to regulate the boundaries of the city without safeguarding the interests of all the communities which may be affected, and that was in Clause 4(1).

The provision for referendums of electors is, again, without a frame of reference or criteria. Boundaries are normally drawn around a community of interest as was done in the case of Unicity. But under this legislation, a locality or community of interest could define itself, lobby the government and demand a referendum. There is no provision for the rest of the original community to also hold a referendum in response. What do they feel?

Also, it would leave the provincial government of the day open to charges of abuse, if one minister can decide who is qualified to be an elector, which locality or part of the city will be allowed to vote, and presumably that minister would draft the referendum and disseminate the pertinent information.

It seems to me that it would be more democratic for the province to establish a regional structure and a mechanism whereby elected representatives with appropriate professional advice could plan for the long term in the interests of the Winnipeg region as a whole. Such a forum would follow the principles and fundamental guidelines of sustainable development, including public participation and access to adequate information.

Bill 45 is in need of amendment changes which would clearly explain the province's principles and guidelines on boundary changes. In addition, the provision for referendums is open to future abuse. It should be removed and in its place a structure or some type of forum should be established whereby the public and elected representatives can plan on an integrated regional basis.

* (2050)

Madam Chairperson: Thank you, Miss Fleming.

Ms. Friesen: You have highlighted some of the things that have concerned us, I think, in the opposition, and that is that, first of all, this bill is not a Headingley bill. It is a bill which goes far beyond the requirements of a Headingley bill, and that really has been the main concern I think throughout the debate in the Legislature.

The second thing I think you have highlighted is the absence of regional planning in Winnipeg in the Winnipeg region, that we may be moving in that direction—it is very hard to tell—but we are certainly not there yet, and we have lost the only principles that we had of regional planning in the additional zone.

I wonder if you would like to comment some more on that, particularly on the absence of regional planning in Winnipeg, in the Winnipeg region. That we may be moving in that direction, it is very hard to tell, but we are certainly not there yet. We have lost the only principles that we had of regional planning in the additional zone.

I wonder if you would like to comment some more on that, particularly on the absence of regional planning.

Ms. Fleming: Madam Chairperson, the way the legislation is drawn with The City of Winnipeg Act and The Planning Act. It is, I think, up to the province to try and co-ordinate those two pieces of legislation, and, yes, there is overlap of the boundaries and within the urban fringe.

That overlap is the cause of numerous disagreements and numerous difficulties in co-ordinating the planning in the area. I think it is very costly for the province as a whole to try and sustain this type of development that goes on in the urban-rural fringe around Winnipeg.

It seems that, looking back at the developments that have taken place when the additional zone was in place, that was not the answer, and I think this government did the right thing in abolishing the additional zone as The City of Winnipeg Act review recommended.

But, in its place, it is, I think, up to the province now to take the leadership and be accountable for development in that area. We do not have anything in place. The thought of a fourth level of government is rather awful. I think most people would not want that.

I do not see that elected representatives from the city, when there are only going to be 16 representatives, are going to have the time, the inclination or the ability just to do the job. So, increasingly, it looks to me as though the elected representatives, my own MLA included, are the people that I will be looking at to do the co-ordinating and to provide this forum that we really need, I think, quite soon.

Ms. Friesen: Again, I am particularly interested in the regional planning aspects, because this bill applies to so much more than Headingley, or at least has the potential to apply to so much more. I wondered if you, in your own research and experience, had any opportunity to offer some examples to others of metropolitan areas where there has been regional planning, where it is possible to co-ordinate a number of municipalities.

Ms. Fleming: I cannot pretend to be an expert in this area. I am not a city planner or an economist. But it seems to me that different methods of regional planning and district planning have been used across the country, in urban areas, with various degrees of success, depending upon, amongst other things, of course, the pressure for development in the fringe in the first place, how the

municipality is growing or the urban area is growing anyway.

Regional planning in and of itself is not, particularly, the answer. I understand Nova Scotia and New Brunswick are looking seriously at the possibility of regional planning. The reason they are doing it is because of the costs of administering municipal services.

It has just become overwhelming, and I feel that unless we move in that sort of direction—there again it is rather confusing here because, although we started Unicity and Plan Winnipeg with the idea of containment and revitalization, the containment part has worked up to a point, I think, with the urban limit line. There has been success there.

But, as many people will point out, and as many people here will have had direct experience of, there has been leapfrogging across. When you look at East St. Paul and see that the growth rate there is four times what it is in the city of Winnipeg, there are problems in the environment with septic tank failures, ground water, pollution. The list goes on, the costs go on, and increasingly so.

So, perhaps in the long run—and probably the sooner we start thinking about it, the better our regional approach—is going to have to be what we go after. There again we have the difficult with central control and local autonomy. But there has to be a realization that, probably, the provincial taxpayer is going to be paying a lot of this, either directly or through grants in lieu to the municipalities. This has to be rationalized at some level, with public participation.

Ms. Friesen: I appreciate the balance that you are suggesting between central planning, essentially, and regional initiative or local initiative and local autonomy. I think that is obviously what we would all hope for as well.

In your introduction you talked about this bill as being fundamentally flawed. Obviously we are looking at the potential for amendment, and also what we wish the minister had done from the beginning, which was to bring in a specific Headingley bill that would deal with this issue as quickly and as fairly as possible.

I wanted to ask you if you thought it was possible to amend this bill so that it did deal with Headingley alone.

Ms. Fleming: I understand the minister is intending to strike "village" and "municipality" from 4(1), part (b)(1). Is that correct?

Mr. Ernst: "Town" and "village" I am prepared to strike, not "rural municipalities."

Ms. Fleming: I think that would be a worthwhile amendment. I think its basic flaw is that it deals in generalities without the specifics, without the specific principles or guidelines, I have mentioned that.

Perhaps it could be best amended by putting in more specifics as they might pertain to not only Headingley, but other areas of the city or rural municipalities that are unhappy at the moment and might be in the midst of discussions. Otherwise, we are going to have bills on each area that wants to secede, and it seems to me if we could do our housekeeping, as the City of Winnipeg Act review committee suggested, in one go, under one set of principles, that would be one thing, but whether specifics at this stage could be included in this to deal with the other areas that are being discussed, I do not know.

Ms. Friesen: Unfortunately, I do not think we will have public discussion at least within the Legislature on other areas of the City of Winnipeg which might want to withdraw or in some cases be added to the City of Winnipeg, because one of the fundamental difficulties of the bill is that it enables this to be done by regulation of the cabinet without public discussion. To me, again, that is one of the fundamental flaws which takes away from what we had hoped would be a simple bill which dealt with Headingley.

Do you feel that there are potentials for amendment there?

* (2100)

Ms. Fleming: My background in legislation is such that I just do not see it. The public input I understand must come through the referendums in this way, and to me they are also flawed as I have described.

I feel there are not enough specifics here on how localities might be defined geographically, or how electorates might be qualified or unqualified so that I really do have a problem with it, and I do not see how in its present form without more specifics—perhaps the referendum bit could be amended. Personally, I do not agree with it.

More specifics in 4.2(1) and 4.2(2) and 4.1, I think are required to pertain to specific localities.

Mr. Ernst: Ms. Fleming, perhaps I can ease your mind. I propose to delete the referendum provisions in the bill.

Hon. Gerald Ducharme (Minister of Government Services): Ms. Fleming, in your opinion, why was the additional zone a disaster? Was it because of the lack of consultation with the previous government, with the surrounding municipalities and the city?

Ms. Fleming: From my understanding, it was the political arrangement whereby the committee of the City Council was in a rather awkward position in having to make decisions on neighbouring rural municipalities' development patterns, and it was pretty undemocratic because they were not elected by those people. I think they felt very awkward in making those decisions, and it was very hard to turn down proposed developments which even the Planning Department may have argued against because of that relationship.

Mr. Ducharme: Are you aware that right now, for about the last year and a half, two years, the province and the City of Winnipeg and the surrounding municipalities are meeting and they are discussing what would be the best way to represent that concern and try not to have that disaster that we had that was addressed when we did bring in additional zone.

Ms. Fleming: Yes, I am aware of that and the staff at Urban Affairs have been very helpful in keeping me informed of that when I have made inquiries.

The minutes of the Winnipeg Region Committee are available to the public and I feel very fortunate to be able to keep up with what is happening. It is a very interesting, innovative move I think to gain that consensus and to work towards a capital regional strategy.

I still do not see from that structure, which at the moment is fairly loose, I understand, and informal, perhaps what will come of that, but only time will tell. It seems to me that they do not have any authority on specific development. Also, it does occur to me that if, as the Urban Affairs Annual Report pointed out, that between 1976 and 1988 there were 5,000 rural residential development units started, that unless there are specific proposals on the amount and type of development that we want to see in the Winnipeg region and these can be agreed upon, that

unless you have those sorts of objectives, perhaps we will not have success there either.

Mr. Ducharme: First of all to comment—there was a reason to keep it loose at the present time, to go through those discussions. As a result of that committee that was formed, that study that you mentioned did come as a result of that, because a lot of your additional zone people did not realize that they were probably—everyone was a cause of what we know as sprawl. They were as equally responsible as the City of Winnipeg.

Madam Chairperson: Thank you for your presentation, Ms. Fleming.

Mr. Jarl Johner, Headingley Taxpayers' Association. Good evening, Mr. Johner. Do you have copies of your presentation?

Mr. Jarl Johner (Headingley Taxpayers' Association): No, I will be very brief.

Madam Chairperson: Thank you very much. Please proceed.

Mr. Johner: Honourable members, members of the committee, I do not want to repeat what John Bock and Marcel Taillieu had to say. They have addressed most of my concerns, so I will be very brief in what I have to say.

We as an association have been working on this now for almost five years. One of the problems that Ms. Friesen addressed was the problem of rural lifestyle, or what the people wanted for the community of Headingley.

In response to that, over the period of years that particular subject was addressed by the action area plan produced by the City of Winnipeg, which clearly states that the people wish to continue to have a rural municipality lifestyle. I do not believe that there are any concerns there.

I do not believe I have anything further to say, except that the wishes of the people are finally coming to the fore and it has been a long road. I want to thank you very much, the people who have helped us in the government, the majority of the people in the municipal departments and various people throughout. Civil servants have been very, very helpful. Other than that I have nothing further to say except, get the bill on the road and let us get on with the election.

Madam Chairperson: Thank you, Mr. Johner. There may be some questions.

Ms. Friesen: I know it has been a long and rocky road, and I am sure you are glad that things are coming to an end, but you are aware that this bill deals with much more than Headingley.

Mr. Johner: Yes, I am.

Ms. Friesen: Do you have any concerns about that?

Mr. Johner: Virtually none at all.

Ms. Friesen: In the study that was done in 1987, which was the last study, I understand, on Headingley, one of the items that was pointed out was the amount of nonresident land ownership in Headingley, that it was considerably higher than that in many municipalities. I believe the figure stated was over 25 per cent. It also identified one very large landholder. That is, it did not identify; it suggested that there was one large landowner in Headingley, and there were a number of landowners who owned over 20 lots.

It seems to me, and I think it was the understanding of the study as well, that certainly speculation had already occurred and the pressures for development on a new rural municipality might be too strong to resist. I wondered as a taxpayer and a representative of the taxpayers what your reflections are on that. Since 1987 have things changed one way or the other?

Mr. Johner: I would say they have not changed at all. The landowners remain the same. The speculation of land that took place in the area took place during the city's—basically prior to our getting involved, and I do not know of any great changes of land that have taken place since 1987. If they have, I do not know of any.

Ms. Friesen: The study did suggest that this might lead to pressures for development in and of itself, and I wonder, since you say the situation has not changed, are you confident that you can maintain that rural lifestyle in a recessionary period, given that large concentration of land ownership?

Mr. Johner: The cause of development, first of all there has to be a need and necessity to have development. If there is no need for development, for people to want to have development and need houses, there is not going to be any desire for development, because people just simply do not want it. We have too much already, so I do not see where that should be a problem whatsoever.

Ms. Friesen: My concern is that the tax base is going to be enough to support the rural municipality of Headingley, and I am concerned that the tax base may, in a recessionary period, not be adequate, say over the next five or 10 years. So I am asking you as a taxpayer, are you confident that will not be the case?

Mr. Johner: I am quite confident that will not be a problem.

Ms. Friesen: Have the taxpayers or the City of Winnipeg in this current last year—we hope the last year of negotiations that you have had—have there been new studies which have updated those figures of 1987?

Mr. Johner: We have done a follow-up on our own, and the numbers indicate that we can run a municipality within a budget if we prepare a budget and provide the same services that we presently enjoy. One of the areas that will be slow—the longer it takes for us to get there will be slow for us to provide, probably would be ambulance. Other than that, I do not see that we should have any problems at all.

* (2110)

Madam Chairperson: Thank you for your presentation, Mr. Johner. Is there anyone else who wishes to make presentation this evening? If not, this concludes public representation.

Does the minister wish to make an opening statement?

Mr. Ernst: Madam Chairperson, I am very tempted indeed, not having had an opportunity to close debate on the bill last Friday due to my absence from the city, but I am going to show great restraint and an even temperament and not make any comments with respect to the bill except to say that I intend to introduce amendments to three areas that will require more than three minutes.

One is the question of towns and villages. As I indicated to the deputy mayor earlier, I am prepared to delete those words wherever they appear in the bill, as appropriate, so that there is no further reference. Secondly, propose to delete the referendum provisions of the bill, and thirdly, to add a new section that will deal with the matter raised by the Leader of the Opposition (Mr. Doer) in his debate on Bill 45, and that is the question of an impact study prior to exercising the powers under the bill. I would hope that those would be found acceptable to the committee.

I also want to point out one or two other things. There has been some question that somehow there is a clandestine, secret plot to somehow subvert the democratic process in the implementation of this bill.

You say that the proposal to have the Lieutenant-Governor-in-Council by regulation amend the boundaries of the city of Winnipeg in future is the same provision that exists in The Municipal Act, has existed there for some time and virtually every other municipality in the province has its boundary adjusted in that fashion.

I have also done a little further research and found that every other municipality in western Canada is done the same way. As a matter of fact, in some cases it is not even the Lieutenant-Governor-in-Council, it is the minister of municipal affairs who in fact changes the boundaries of municipalities in western Canada. That includes Saskatchewan, Alberta and British Columbia.

I do not think anyone need be concerned that somehow this is some kind of a plot to subvert the democratic process. This is the norm. As a matter of fact, the city of Winnipeg is the anomaly, not the proposed bill. I would hope that members would take some heart in the fact that the norm is in fact being applied here as opposed to the other way around.

With that, Madam Chairperson, I think we should proceed with consideration of the bill.

Ms. Friesen: Well, simply, first of all, to respond to what the minister has just said, I do not think anybody has been suggesting a plot. It has been very clear in the minister's intent and bill what he wants to do, and that is to have the Lieutenant-Governor-in-Council make decisions which in previous times in Manitoba have been done by the Legislature.

We do regard that as a change in democratic procedures. The minister has made, and I have referred in my speech in the House to conditions in other provinces. Again, the principle that we have been speaking on is that this is a change, this is new to Manitoba, it introduces new practices in Manitoba which we feel are not as democratic as the earlier practices. We would prefer to defend the earlier practices of bringing changes in the boundaries of the city of Winnipeg to the Legislature.

I think, and the minister will acknowledge, that there is a difference between the condition of the city of Winnipeg in Manitoba and the condition of other

cities in other provinces. Manitoba has one city with over half its population. It is one of the basic engines of the economy of Manitoba in ways that Regina, Saskatoon, Calgary, Edmonton, for example, do share that particular burden. Manitoba has always had a very particular policy towards the city of Winnipeg, and we are opposing the changes in democratic procedures that the minister is bringing.

It is not a question of a plot. The minister has been very clear. The minister is always very clear. I am very appreciative of that, but it is a difference in principle, and one that I think we would like to reiterate again today.

I want to say again as I have in the House that we are very concerned about Headingley. We want to ensure that Headingley gets off on the best possible basis that it can, that it be enabled to retain the rural character that it has always maintained, that it wants, and that the pressure for development in recessionary times will not be too intense to resist, and that Headingley will have the opportunity to create the kind of community that it wants to create.

That is why we have insisted all along in the Legislature that we would have much preferred the minister to bring in a straightforward, sensible, limited bill which dealt with the transition of Headingley to a new municipality. We feel that what has happened here is that the minister and the cabinet have tried to extend the situation of Headingley to enable them to deal quickly, and we believe in relative secrecy, of cabinet secrecy, with other possibilities and other changes to the city of Winnipeg.

We would prefer not to see that happen. So we are concerned about the regulation aspects, the power which the minister is arrogating unto the cabinet and the Lieutenant-Governor-in-Council through regulation. That is one of the principles which we feel leads to this bill being fundamentally flawed.

We are also concerned about the provisions that the City of Winnipeg indicated, that is the absence of time limit and consultation and written principle of fair price for the continuation of services that there is in one of the sections of this bill.

We are very concerned that these changes to the city of Winnipeg boundaries are being proposed at a time when there is a vacuum in regional planning. The minister does have a regional planning

committee. It has not met very frequently. It has not yet made the kind of plans and impact which it needs to do.

Again, the City of Winnipeg has also made this point, and presenters tonight have made the point that from the perspective of the long-term interests of all Manitoba taxpayers that the regional planning and the long-term savings which are required, particularly in environmental issues, really are not addressed in this bill, so we have considerations about that.

I am very glad to hear the minister intends to introduce a section which will delete the referendum sections. We felt that was particularly undemocratic in giving the cabinet the power to determine who electors are. We believe that is a job for Legislatures, not ministers and Lieutenant-Governors-in-Council.

Particularly, we would support the addition of impact studies. Again, I believe that one of the major responsibilities of the province is to ensure that municipalities have the proper tax base for the job that they want to do, so that any changes to municipalities in Manitoba I believe should be accompanied by those impact studies based upon current information. Some of the information that we have for Headingley has largely been based upon 1986 tax years, in fact, the Hilderman and Witty study that precipitated much of this.

I am glad to hear that Headingley has done more recent studies, and I hear they are maintaining their confidence that they are able to maintain the rural character that they want to, and I am very glad to hear that. So again, our concerns have been all along that the minister did not bring the straightforward, simple Headingley bill that we had hoped for. We believe this bill is fundamentally flawed, and we will be proposing some deletions of clauses.

Mr. Edwards: Madam Chairperson, I have listened to the comments of the minister and the presenters and my colleague for the New Democratic Party closely. I want to just start my comments by telling the minister that going from his press release of February 21, 1992, I do not disagree with a word in that press release, and if this bill in fact reflected that press release there would be no problem. That press release indicates that the Urban Affairs minister has introduced legislation to allow for the

creation of the Rural Municipality of Headingley. Stop. End of sentence. End of paragraph.

* (2120)

It goes on to say, we have spent four years discussing and debating the future of Headingley. The press release concludes this does not signal the end of Unicity, rather it is a response to a long-standing anomaly. Headingley has more in common with neighbouring rural communities than it does with Winnipeg. Headingley is talked about throughout that press release. The title is Legislation Introduced to Create R.M. of Headingley.

In his speech to the members of the Legislature, the minister recounted the history of Headingley and it is indeed a unique history. We have other councillors who have presented here tonight and are on this committee who will know that. It has had a unique history and it is in a unique situation, and this bill should be a unique bill. This bill in our view and in our expectation as a party when we supported the referendum in Headingley, the move to treat them as a unique situation worthy of dealing with in a unique way. Having gone down that road, one must respect the will of the voters of Headingley. We committed to that and intend to go through on that commitment.

When the bill came forward it struck me, and I believe members who read the bill, as anything but a bill to deal with Headingley.

In fact, the word "Headingley" in the bill appears once, and that is simply in the section which allows the Municipal Board to start hearings. This is not about Headingley, unfortunately. Were it about Headingley and Headingley alone, it would have passed long ago. Back when we had a meeting with the minister, my friend and I, and the minister was good enough to have a meeting prior to the reopening of the session, we discussed what was going to be done, and we went through the bill at a second meeting.

I think, certainly from my party, express our thanks to the minister for being so open, but at that time I indicated to the minister that this bill had to be rethought. It had to be rewritten on the basis upon which it was proposed, which is to deal with this unique situation, and that and that alone and not one inch further.

The reason for that is simple. As Deputy Mayor Brown has pointed out, it is not so long ago that this

city came together from various different political entities to form Unicity. It is still in many respects—in my area, the area I represent—it is still one that has divisions within its boundaries. We all know that.

It is not an easy thing, it never has been to unify this city, but we made this step. Obviously, people will complain; they will always complain about they are not treated fairly here, they are not treated fairly there. Those things will happen, but you do not throw the baby out with the bath water. If we have problems within the city, we should deal with them. We have tried to do that by revamping City Council and other things, but the answer is not to provide a means by which a community can leave the city.

That should not be an option in all but the anomalous, the extreme case. There is only one by the minister's own argument in his speech introducing this bill, his own press release. There is but one anomaly, and it is Headingley. We want to deal with that in good faith, but we will not be party to something which provides a means by which other communities may appeal to this minister and this government or future governments—in effect, a road map, a blueprint for secession from this city. We will not be a part of that.

Even with the amendments the minister has spoken of, I do not think that this bill is acceptable on that basis. It pains me and it pains our party to come forward, having gone down this road with the citizens of Headingley, and say that this bill cannot, should not, go into law. Not because it does not do what the people of Headingley want it to do, it does; the problem is it does so much more.

Madam Chairperson, let me just point out a couple of sections the minister has put into this bill which are totally unnecessary. Firstly, Section 4 talks about the Lieutenant-Governor-in-Council may, by regulation, establish or confirm areas or boundaries of the city—even accepting the minister's explanation that other cities have that.

Winnipeg is unique. It is a unique city, I believe, in this country in the sense of how it came together and how short a time we have had since it came together, and the strong sense of community which continues to exist throughout the city. It should not be compared to other cities and other jurisdictions. I do not think that is part of dealing with the anomaly of Headingley.

If we have to redraw the boundaries for Headingley, let us do that. Let us redraw the boundaries for Headingley, and let us only do that.

With respect to the new Section 38.1, let me just read it: "Notwithstanding any other Division of this Part, the Lieutenant-Governor-in-Council may make regulations (a) incorporating the inhabitants of a locality previously in The City of Winnipeg as a new . . . rural municipality"—except the minister is taking out "town, village"—"and establishing its area or boundaries." That is an absolute carte blanche to the government of the day without going through the Legislature to create new rural municipalities.

Where is the word "Headingley" in that? Why are we not creating the R.M. of Headingley? We are not. We are providing for the creation of R.M. of Headingley and any other R.M. that wants to be established in future years.

This goes way beyond what was the spirit or intent of the road we started down some years ago with the people of Headingley. This bill is replete with similar clauses working out that proposition, that there should be a process by which the Lieutenant-Governor-in-Council can redraw boundaries and create new rural municipalities. That is wrong in our view. We are here to deal with Headingley. We should deal with Headingley and Headingley alone.

Madam Chairperson, for those reasons, it is with great regret that I enter this debate opposing this bill, because it should have been rewritten. It should have started from a premise which was the premise not just indicated years ago to the people of Headingley when we started down this road, but it was a premise which was articulated as recently as February 21 in the press release from the minister, and as recently as his speech to the members of the Legislature on February 24 in which he reiterated the same principle, that this bill should deal with the anomalous situation of the R.M. of Headingley and that alone.

Where is that bill? This is not it.

Madam Chairperson: Order, please. The committee will now consider the bill clause by clause.

During the consideration of the bill, the Title and Preamble are postponed until all of the clauses have been considered in their proper order by the committee.

Shall Clause 1 on page 1 of the bill pass?

Mr. Steve Ashton (Thompson): Just to clarify, we are referring to clauses here, I take it, referring to the sections of the new act. It may get a bit confusing later on. It is often helpful if we get a clear idea, as members of the committee, how we are creating different sections.

Madam Chairperson: For clarification, the clauses of the bill that we will be addressing are the italicized numbers, and on page 1 there are three separate clauses and I will be dealing with each clause individually. There are, however, sections contained within each clause.

Mr. Ashton: The reason I was suggesting that, it may come to the point where I know the minister may have some amendments, and we are opposed to a number of the sections within clauses, and we may, rather than dealing with a series of amendments, wish to just have a separate vote on each section and deal with it more expeditiously.

Madam Chairperson: Is that the will of the committee? Agreed? Agreed and so ordered.

* (2130)

As the minister has indicated, there indeed will be amendments, and I will go slowly. Each amendment will be introduced individually prior to approaching and attempting to pass each clause.

Clause 1—pass; Clause 2—pass.

Shall Clause 3 pass? There are now sections on here that I will be dealing with in Clause 3.

Mr. Ernst: Madam Chairperson, I move, in both official languages of Canada,

THAT the proposed subclause 4(1)(b)(i), as set out in section 3 of the Bill, be amended by striking out "town, village or" which words are in italics.

[French version]

Il est proposé que le sous-alinéa 4(1)(b)(i), énoncé à l'article 3 du projet de loi, soit amendé par suppression de "en ville, en village ou".

Motion presented.

Mr. Ashton: Our position is that this does not deal with our concerns about this section. It is really irrelevant to us in terms of the fact that the concerns will still exist even as amended. So we will be voting against this clause when we get to that stage, but the amendment is not satisfactory to us.

Madam Chairperson: Shall the amendment pass—pass; subclause 4(1)(b)(i) as amended—pass.

Mr. Ashton: Excuse me, has the amendment passed yet?

Madam Chairperson: Yes, the amendment has passed. That is what I have just said, subclause 4(1)(b)(i) be passed as amended.

Mr. Ashton: Okay, and then it is Clause 4(1) as amended and then we will go back to the clause.

Madam Chairperson: Shall Clause 4(1) pass as amended?

Some Honourable Members: Pass.

Some Honourable Members: No.

Madam Chairperson: All those in favour, please say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, please say nay?

Some Honourable Members: Nay.

Madam Chairperson: In my opinion the Yeas have it.

Mr. Ashton: Yes, I request a recorded vote.

A COUNTED VOTE was taken, the result being as follows: Yeas 6, Nays 3.

Madam Chairperson: The clause as amended has been passed; section as amended has been passed; Section 4(2)—pass; Section 4(3)—pass.

Shall Section 4.1 pass?

Mr. Ernst: I have an amendment, Madam Chairperson. I move in both official languages of Canada

THAT section 3 of the Bill be amended by adding the following after the proposed subsection 4(3):

Study of Impact required

4(4) The Lieutenant Governor in Council shall not exercise the powers under subclause (1)(b)(i) or (ii) unless a study of the impact of the proposed incorporation or the proposed transfer of part of the city has been conducted and made public.

[French version]

Il est proposé que l' article 3 du projet de loi soit amendé par adjonction, après le paragraphe 4(3), de ce qui suit:

Etude de l'effet

4(4) Le lieutenant-gouverneur en conseil ne peut exercer les pouvoirs prévus aux sous-alinéas (1)b)(i) ou (ii) que si une étude portant sur l'effet de la constitution proposée ou du transfert proposé

d'une partie de la Ville a été effectuée et rendue publique.

Ms. Friesen: I just wanted to ask the minister for clarification. This assumes then that the impact study must be done but that then it empowers the Lieutenant-Governor-in-Council to by regulation make the adjustment.

Mr. Ernst: Yes. I indicated that I would introduce a section that would require that an impact study be undertaken. This is the section. It does not alter any other section of the bill.

Motion agreed to.

Mr. Ernst: I have a further amendment, Madam Chairperson. I would move again in both official languages of Canada,

THAT the proposed clause 4.1(a), as set out in section 3 of the Bill, be amended by striking out "town, village or".

[French version]

Il est proposé que l'article 4.1, énoncé à l'article 3 du projet de loi, soit amendé par suppression de "en ville, en village ou".

Motion agreed to.

Madam Chairperson: Section 4.1, as amended—pass.

Mr. Ernst: I move, again, in both official languages of the Government of Canada,

THAT the proposed section 4.2, as set out in section 3 of the Bill, be struck out.

[French version]

Il est proposé que l'article 4.2, énoncé à l'article 3 du projet de loi, soit supprimé.

Motion presented.

Ms. Friesen: I wanted to make the point that we certainly support this. We do not think this should have been in the bill in the first place, and we will support this amendment.

Madam Chairperson: Shall the amendment pass?

Some Honourable Members: Pass.

Madam Chairperson: The amendment is accordingly passed, with respect to both official languages.

Clause 3, as amended—pass; Clause 4—pass; Clause 5—pass; Clause 6—pass; Clause 7—pass; Clause 8—pass; Clause 9—pass.

Mr. Ernst: On Clause 10, Madam Chairperson, I am going to move an amendment that is quite lengthy, quite complicated. I will ask the Clerks to pass it out so that everybody is going to be aware as much as possible of what it means.

Madam Chairperson: Order, please. Mr. Minister to propose an amendment.

* (2140)

Mr. Ernst: I move, in both official languages of Canada

THAT the proposed subsection 38.1 (1), as set out in section 10 of the Bill, be amended

- (a) in the proposed clause (a), by striking out "town, village or";
- (b) in the proposed clause (c), by striking out "new town, village, or rural municipality or the part of The City of Winnipeg transferred to the adjoining municipality" and substituting "new rural municipality or the part of The City of Winnipeg transferred to the adjoining municipality or to persons in that new rural municipality or part of The City of Winnipeg", and by striking out "new town, village or rural municipality or adjoining municipality" and substituting "new rural municipality or the part of The City of Winnipeg transferred to the adjoining municipality or to persons in that new rural municipality or part of the City of Winnipeg";
- (c) in the proposed clause (d),
 - (i) by striking out "town, village or" where it first occurs,
 - (ii) by adding "under and in accordance with The City of Winnipeg Act, The Municipal Assessment Act and any other Act of the Legislature and any regulation under any of those Acts" after "perform the duties", and
 - (iii) by striking out "town, village or rural municipality" before "to make payment" and by substituting "rural municipality or its inhabitants";
- (d) in the proposed clause (e),
 - (i) in the proposed subclause (iii), by striking out "mayor or",
 - (ii) in the proposed subclause (vii), by striking out "town, village or" in the English version,
 - (iii) in the proposed subclause (viii), by striking out "town, village or" and substituting "new".

[French version]

Il est proposé que le paragraphe 38.1 (1), énoncé à l'article 10 du projet de loi, soit amendé:

- a) à l'alinéa a), par suppression de "en ville, en village ou" et de "de la ville, du village ou";
- b) à l'alinéa c), par substitution, à "ville, au village ou à la municipalité rurale nouvellement constitué ou à la partie de la Ville de Winnipeg transférée à la municipalité adjacente", de "municipalité rurale nouvellement constituée ou à la partie de la Ville de Winnipeg transférée à la municipalité adjacente ou à des personnes de cette municipalité rurale nouvellement constituée ou de cette partie de la Ville de Winnipeg", et par substitution, à "ville, pour le village ou pour la municipalité rurale ou pour la municipalité adjacente", de "municipalité rurale nouvellement constituée ou pour la partie de la Ville de Winnipeg transférée à la municipalité adjacente ou à des personnes de cette municipalité rurale nouvellement constituée ou de cette partie de la Ville de Winnipeg";
- c) à l'alinéa d):
 - (i) par suppression de "la ville, le village ou",
 - (ii) par adjonction, après "pouvoirs et fonctions", de "visés par la Loi sur la Ville de Winnipeg, la Loi sur l'évaluation municipale et les autres lois de la province ainsi que leurs règlements d'application";
 - (iii) par substitution, à "ville, pour le village ou pour la municipalité rurale", de "municipalité rurale ou ses habitants";
- d) à l'alinéa e):
 - (i) au sous-alinéa (iii), par suppression de "de maire ou",
 - (ii) à la version anglaise du sous-alinéa (vii), par suppression de "town, ville or",

(iii) au sous-alinéa (viii), par suppression de "de la ville, du village ou".

The effect of all of this is to delete the words "town" and "village."

Motion presented.

Ms. Friesen: I wanted to put on the record that this is all subsidiary to permitting the Lieutenant-Governor-in-Council to enact these clauses by regulation, so that we are consistently opposed to that as a change in the conditions of the City of Winnipeg; and, second of all, it is similar to the earlier amendment. It still enables the Lieutenant-Governor-in-Council to create new rural municipalities on the boundaries of Winnipeg, and again we are opposed to that.

Mr. Edwards: I simply want to just put on the record how easy it would have been for the minister to do just what he said he was intending to do. Had 38.1(1)(a) said that the Lieutenant-Governor-in-Council may make regulations incorporating the inhabitants of the new R.M. of Headingley in the City of Winnipeg as a new rural municipality in establishing its area and boundaries, that would have met with what the minister said he wanted to do. That is how easy it would have been. While these amendments go some distance, they go nowhere near what is required to rectify what is a fundamental flaw in the philosophy behind this bill.

Madam Chairperson: Shall the amendment pass? Pass.

Shall Section 38.1(1) as amended pass? All those in favour of the clause as amended Section 38.1(1), please say yea?

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Yeas have it.

Mr. Ashton: A recorded vote, please.

A COUNTED VOTE was taken, the result being as follows: Yeas 6, Nays 3.

Madam Chairperson: The section as amended has been passed. Section 38.1(2)—pass.

Mr. Ernst: Thank you, Madam Chairperson, I move, in both official languages of Canada,

THAT clause 10 of the Bill be amended by striking out the proposed subsection 38.1(3) and

renumbering the proposed subsection 38.1(4) as subsection 38.1(3).

[French version]

Il est proposé que l'article 10 du projet de loi soit amendé par suppression du paragraphe 38.1(3) et par substitution, au numéro de paragraphe 38.1(4), du numéro 38.1(3).

Motion agreed to.

* (2150)

Madam Chairperson: Section 38.1(4) as amended—pass. Shall section 38.2(1) pass? All those in favour, please say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Yeas have it.

Mr. Ashton: On division.

Madam Chairperson: The section is accordingly passed.

Section 38.2(2)—pass; 38.3(1)—

Mr. Ernst: I have an amendment. I move in both official languages of Canada,

THAT the proposed subsection 38.3(1) as set out in section 10 of the Bill, be amended by striking out "town, village or" wherever it occurs.

[French version]

Il est proposé que le paragraphe 38.3(1), énoncé à l'article 10 du projet de loi, soit amendé par suppression de "en ville, en village ou" et de "de la ville, du village ou".

Motion agreed to.

Madam Chairperson: Section 38.3(1) as amended—pass; 38.3(2)—pass; 38.4—

Mr. Ernst: I move in both official languages of Canada,

THAT the proposed section 38.4, as set out in section 10 of the Bill, be amended by striking out "town, village or".

[French version]

Il est proposé que l'article 38.4, énoncé à l'article 10 du projet de loi, soit amendé par suppression de "en ville, en village ou".

Motion agreed to.

Madam Chairperson: Section 38.4 as amended—pass; 38.5—pass; 38.6(1)—

Mr. Ernst: I move in both official languages of Canada,

THAT the proposed Class 38.6(1)(a), as set out in section 10 of the Bill, be amended by striking out "town, village, or".

[French version]

Is est proposé que l'alinéa 38.6(1)(a) énoncé à l'article 10 du projet de loi, soit amendé par substitution, à "une ville, un village ou une municipalité rurale nouvellement constitué et composé", de "une municipalité rurale nouvellement constituée et composée".

Motion agreed to.

Madam Chairperson: Section 38.6(1), as amended—pass; Section 38.6(2)—

Mr. Ernst: I move in both official languages,

THAT the proposed subsection 38.6(2) as set out in section 10 of the Bill, be amended by striking out "town, village or" in the English version.

[French version]

Il est proposé que la version anglaise du paragraphe 38.6(2), énoncé à l'article 10 du projet de loi, soit amendée par suppression de "town, village or".

Motion agreed to.

Madam Chairperson: Section 38.6(2), as amended—pass; Section 38.6(3)—pass; Section 38.6(4)—pass; Section 38.7(1)—pass; Section 38.7(2)—pass.

Shall Clause 10 as amended pass? All those in favour, please say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Madam Chairperson: On division. Clause 10 as amended is accordingly passed.

Clause 11(1)—pass; Clause 11(2)—pass; Clause 12—pass; Preamble—pass; Title—pass.

Shall the bill as amended be reported? Agreed?

An Honourable Member: No.

Madam Chairperson: All those in favour of reporting the bill as amended, please say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Yeas have it.

Mr. Ashton: Recorded vote, please.

A COUNTED VOTE was taken, the result being as follows: Yeas 6, Nays 3.

Madam Chairperson: The bill as amended shall be reported. Is it the will of the committee that I report the bill as amended?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed and so ordered.

I would like to inform the committee and members of the public that the meeting for Municipal Affairs Committee called for tomorrow evening will now be unnecessary, as the committee has finished consideration of the bill this evening.

The time being 9:55, what is the will of the committee?

Some Honourable Members: Committee rise.

Madam Chairperson: Committee rise.

COMMITTEE ROSE AT: 9:55 p.m.