



Bill 35: The Municipal Conflict of Interest and Campaign Financing Act

Monday, September 28th, 2009

The Association of Manitoba Municipalities, as the umbrella group for all 198 incorporated municipalities in the Province of Manitoba, would like to take this opportunity to put our views on Bill 35: The Municipal Conflict of Interest and Campaign Financing Act on the record.

Let me start by saying our association and our membership fully supports making all orders of government more open and transparent. As the order of government closest to the people, we fully understand the need for citizens to know what their elected representatives are doing. We see these people in the coffee shop, the grocery store and the local restaurant. Everywhere we go we are asked what council is doing. And if a citizen doesn't see their elected officials directly, council minutes and decisions are easily accessible on the municipality's website. In a lot of ways municipal government is an open book.

However we also understand that there is always room for improvement. The AMM has been advocating for the greater independence of municipal government, including much needed new sources of funding, and we understand greater transparency comes along with this. As a result the AMM can support many of the new directions set out in Bill 35, however there are some areas where we have concern.

One of these concerns is the requirement in Bill 35 that after November 2009 all financial disclosure statements filed must be made public. There is no doubt a council should be basing decisions on what is best for the community and not for their own self-interest and we fully support the right of any resident in a municipality to question whether this is indeed taking place. Currently any resident has the right to ask the chief administrative officer (CAO) whether an elected official is in conflict when making a decision. The CAO reviews the financial disclosure statement to see whether the elected official has declared an interest that would place them in conflict. The AMM is unaware of any situation where a resident was not given the right to question whether an elected official was in conflict or any case where a CAO did not provide truthful information. We are therefore unsure why the current system is being changed in this bill.

Therefore the AMM suggests removing provisions in Bill 35 changing how financial disclosure statements are made public, as we believe the current system is working and provides citizens with openness and transparency in the municipal decision-making process.

We are equally concerned with changing the rules in the middle of the current mandate. Sitting elected municipal officials put their names in for consideration based on a clear set of rules and requirements. Everyone elected gave considerable consideration to the expectations and requirements. We understand the assumption that by entering public office your life becomes more public; however there was never a commitment to have your financial disclosure information available for anyone to review anytime. It is unjust to change the rules on this important issue in the middle of a mandate.

Therefore the AMM is also strongly opposed to changing the financial disclosure rules in the middle of the current municipal mandate.

Another issue of concern for our Association is the penalties for not filing an election finance statement within the allotted 270 days. We believe it is fair that an elected official should lose their seat if they fail to comply with the rules as set out. While this is a harsh penalty no doubt, it is important to ensure transparency in government. We are concerned however that the penalty for those candidates who are unsuccessful is not strict enough. The Bill currently disqualifies these candidates from being nominated for or elected as a member of council until after the next general election. At most these candidates would have to sit out one election cycle and would be eligible to run in any by-election following the next general election.

Therefore, the AMM would support stronger penalties for unsuccessful candidates that fail to file election finance statements within the allotted time.

A final concern for AMM is the requirement for the CAO to report any failure to file an election finance statement to the head of council. As currently constituted this places the CAO in a difficult position as it is entirely possible the head of council could be the one who failed to file their statement.

The AMM would therefore ask that Bill 35 be amended to require the CAO to report in writing a failure to file an election finance statement to the entire council rather than just the head of council.

Another important issue that needs to be considered is the impact these stricter rules will have on attracting candidates to run in municipal elections. We have often heard from our members that it is difficult to get people willing to serve on municipal councils. It is certainly a thankless job at times, with little compensation and long hours. It is critically important that we look at ways to make participation on municipal council more palpable, rather than more onerous.

Communication will also be critical in ensuring everyone knows and follows the new rules. We believe a comprehensive public education campaign must be undertaken to let everyone know about the new rules. The AMM can certainly play a role in letting current elected officials know about the new requirements and will be making time available at our upcoming convention to update our members. However it is equally important that citizens outside of the current process but interested in running for municipal council for the first time, or perhaps in some cases for the second or third time, are aware of the new rules. Municipal offices can help disseminate information once people register as a candidate, but people need to know they must come forward to register first.

It is also critical that the rules in place for election expenses are clear. Issues like what should be considered as mileage, when do you claim meal expenses and who should be considered a volunteer all need to be made clear to candidates. We are happy to work with the department to prepare this material and make sure it is clear. It is important to remember that municipal

candidates do not have official agents or political parties to turn to for support. Often these are local people who have limited exposure to public life but are willing to step up and play a greater role in their community. It is essential that they have all of the support necessary to meet the requirements of the new legislation.

As I stated earlier, AMM fully supports making all orders of government more open and transparent. Citizens today expect the democratic process to be open and accessible. Municipalities have responded to these expectations, as nearly everything done is available either online or at the municipal office. However we can certainly understand the desire to move further in this direction and the AMM can certainly support many of the amendments proposed in Bill 35. However it is critical that we do not go so far that it becomes too onerous to run for council or to serve your community.

I would like to thank the committee for allowing our association to present its view on this important legislation.

Thank you.