

Lessons Learned: Findings of Five Inquiries into Municipal Misadventures

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Introduction

It is said that those who forget their history are doomed to repeat it.^[1] The purpose of this paper is to briefly describe four inquiries held into misadventures involving municipal government and their findings in the words of the authors. Such inquiries are rare. They are called in response to events which so alarm or outrage the public that an independent review and public report are required to clear the air. These inquiries attempt to determine the facts and provide recommendations to the political authorities to ensure the underlying causes of the problem are addressed both in the subject municipality and elsewhere. Essentially, these reports aim at restoring and promoting good government. As Justice Bellamy said in her report, described in this paper, “The power of a judicial inquiry flows partly from its public nature and the public airing of the issues, and partly from the necessarily impartial voice speaking of the events examined.”

The five reports of inquiries summarized in this paper are listed below:

- the Richmond Place Inquiry of 1985 by Mr. Justice Maurice of the Court of Queen’s Bench of Saskatchewan;
- the Winnipeg Assessment Inquiry of 1996 by John Scurfield, Q.C.;
- the Walkerton Water Inquiry of 2000 - 2002 by Mr. Justice O’Connor of the Ontario Supreme Court;
- the North Battleford Water Inquiry of 2002 by Mr. Justice Laing of the Court of Queen’s Bench of Saskatchewan; and
- the Toronto Computer Leasing Inquiry of 2003-2005 by Madam Justice Bellamy of the Ontario Superior Court of Justice.

The Richmond Place Inquiry

Regina City Council approved marketing of lots by the City in the new Richmond Place subdivision at its evening meeting on February 25, 1985. When the Department of Buildings and Properties opened its doors the next morning, the first member of the public to apply for a lot learned, to his chagrin, he was number five on the list of applicants for a lot. Complaints from disappointed members of the public spurred an investigation which revealed members of the administration had taken Council’s marketing policy of “first come – first served” as an opportunity to serve themselves first.

Mr. Justice Maurice of the Court of Queen’s Bench was appointed on 3 May 1985 by then Minister of Justice, Gary Lane, Q.C., at the request of Regina’s City Council to inquire into

possible wrongdoing by civic officials in the marketing of lots in the Richmond Place subdivision of the city of Regina. Mr. Justice Maurice conducted the judicial inquiry over the summer of 1985 before issuing his report. In his report, he found that the city's marketing policy for lots in the city's development of Richmond Place was inherently unfair and "was interpreted and advantage was taken of this interpretation by city employees [which] ensured that city employees would be more equal than anybody else."^[2] Following issuance of this report, City Council fired the City Manager and Assistant City Manager. In his report, Mr. Justice Maurice commented on the role of the elected officials acting as City Council and Council's proper relationship with its administration, as well as the harm done by the improper conduct of some of those administrative officials.

In spite of the problems that had occurred City Council made no change to the policy and allowed it to continue intact. That was the first mistake Council made in this matter.

They made their second mistake when they neglected to ensure that the pre-marketing, first-come, first-served policy was implemented at a specific time and place. Their error was no doubt due, in large measure, to their reliance on their administration to develop and carry out a reasonable marketing policy.

However, in the final analysis, City Council is the last bastion of defence for the public against bureaucratic incompetence and indifference. Members of City Council are elected to ensure that City employees do not act in a manner which is incompatible with their duties to the public. They abdicate this responsibility when they blindly accept policy recommendations from their administration. Members of City Council must have a cordial, business-like relationship with their administration. But that relationship should never become so close that proper scrutiny of the administration is foreclosed.^[3]

Conclusion

In spite of its failure to change its inherently unfair marketing policy and ensure proper timing of pre-marketing, I am satisfied that when the Council of the City of Regina passed a resolution providing for a policy of first-come, first-served marketing of lots in Richmond Place, it intended and expected everybody would have an equal opportunity to purchase a lot. The way the policy was interpreted and advantage was taken of this interpretation by City employees ensured that City employees would be more equal than anybody else.

The reputation of the City has been sullied and public confidence in City Hall has been damaged because of the self interest and thoughtlessness of City employees. The citizens of Regina deserved better than what they received from those they employed to look after their interests.

What result flows from this inquiry are in the hands of others, however, I am sure this inquiry will have a salutary effect on City Hall. Bureaucrats tend, after a while, to become insensitive to the interests of the people they serve. Because of this inquiry, City employees have been forced to look closely at themselves and at the manner in which they have been serving the public. No doubt, in the future, they will be more cognisant of their public service function and more

responsive to the interests of the public.[\[4\]](#)

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References

[\[1\]](#) Thucydides History of the Peloponnesian War, Book 1 c. 423 – 400 B.C.

“I shall be content if those shall pronounce my History useful who desire to give a view of events as they really did happen, and as they are very likely, in accordance with human nature, to repeat themselves at some future time – if not exactly the same, yet very similar.”

Samual Taylor Coleridge Table Talk 1835

“If men could but learn from history, what lessons it might teach us!

But passion and party blind our eyes and the light which experience gives is a lantern on the stern,

which shines only on the waves behind us!”

George Santayana, The Life of Reason, vol. 1, ch. 12 (1905)

“Those who cannot remember the past are condemned to repeat it.”

[\[2\]](#) Report of the Inquiry Concerning Richmond Place September 17, 1985, by the Honourable Mr. Justice G.A.F. Maurice, at page 40

[\[3\]](#) Ibid at page 10

[\[4\]](#) Ibid at page 40