

4:42 p.m.

[Chairman: Mr. Bogle]

MR. CHAIRMAN: Okay, we'll reconvene. A special welcome to you, Kurt. With your permission we'll stay on the record.

MR. GESELL: Yes, please.

MR. CHAIRMAN: Thank you. The process we've been following is to listen to the presenter and make comments, and then we go into a general question-and-answer session. So please proceed.

MR. GESELL: Thank you very much, Mr. Chairman. I'd like to thank you, first of all, for the opportunity to make a presentation to the committee. I'd like to do that in a fairly structured way and as briefly as I can. I'd like to make some general comments first, and they relate to the legislation that is guiding us here, I guess, in drawing these boundaries because there have been some comments from the media about that and people are concerned about it, not that I'm recommending that we should change the legislation. I just want to provide some opinions with respect to the representation.

Particularly the city of Edmonton is proposing that there should be additional seats. Well, if I go on the principle of municipal representation at a local level – that is, being closer to the people than, say, perhaps the provincial representation or the federal representation; it's sort of a hierarchy of larger areas, more general principles that are being dealt with – then I believe it might be appropriate to compare the number of municipal councillors in, say, the city of Edmonton, 12 plus the mayor, to how many MLAs we've got. If we have 12 municipal councillors, and MLAs are supposed to be dealing with the broader issues, then why would we have 17 MLAs? It seems to be overkill to some degree. Now, if we were to reduce that, and I favour that, then there might also be some reduction necessary in the other ridings throughout the province, and we might end up with maybe 50 or 45 or whatever MLAs for the total province. I'm not averse to that, but that's a separate issue; that would involve some changes in the legislation. I just wanted to make those comments because those issues are out there.

Let me start by accepting the existing legislation and deal specifically with Clover Bar and say that we're going to have 83 constituencies. Let me make certain assumptions first, and they will sort of relate to Clover Bar as an area for consideration with boundaries. If we assume that the city of Edmonton boundary will be coterminous with a provincial constituency boundary, if we accept that – and I believe that's sort of been the representation that has been made – and if we also accept that Sherwood Park is an entity of some 35,000 people or close to it, then there are limited things that you can do with Clover Bar because it falls right into that area.

I'd like to address basically two alternatives that I'd like to suggest to you. There might be a third one: we can do away with it altogether, I suppose, absorb it with some other constituency. It's a possibility. I don't think it's a good one, but it's a possibility. I'd like to address the alternatives: number one, from the cohesion of community point of view, people that have similarity of interests; and the second one of municipal responsibilities, a municipal jurisdiction point of view, and they vary to some degree. I think there are good arguments for either one of those alternatives.

Let me back up to the interim report. The interim report that was prepared by the commission created some severe concern in my constituency. I believe the city of Fort Saskatchewan and also the county of Strathcona made representation to the commission

expressing those concerns. I circulated to my constituents some information about what was being proposed and also, in order to generate some discussion, drew up a map that they might want to consider. It was based on the sense of community, the cohesion that exists out there. Let me start off by saying, first of all, that in accordance with – and I know you're working with the '91 census numbers now. I don't know exactly what they are. I expect they have increased for Clover Bar. When you look at population – and I think that's what we are working at – according to the '86 census the Clover Bar population was 28,505 people. The provincial average was 28,504. So Clover Bar had one person more than the provincial average. If you look at it from the point of view of one person, one vote, then Clover Bar is almost perfect. Why tinker with it? Particularly when you assume those boundaries of the city of Edmonton and Sherwood Park as an entity, it predetermines to some degree what the next configuration of the constituency might be. It depends on which end you start working the boundaries for the map.

The proposal in the interim report was completely unacceptable. There are certain things in there that didn't really make any sense at all. I don't want to dwell too long on it, but the strip south of Sherwood Park one mile wide and four miles long – the people in Whitecroft in that area were extremely upset. They have nothing in common with the rest of that area that was defined. It didn't recognize the representation, the people, the spheres of influence of the people out there at all.

Let me deal a little bit with the final report of the commission, and before I do that, let me outline how I see the application of the legislation to Clover Bar. We've gone through the Alberta Court of Appeal, and that legislation is appropriate, but say if I use the Cripps and Biggs proposal in the final report which suggests that there should be some changes in the constituency, it basically would be bringing the rural area of the county of Strathcona and the city of Fort Saskatchewan into one constituency so that there are two municipalities actually that are represented instead of the five that are represented now. It would also suggest that the population, '86 numbers again, should be slightly over 30,000, which is really plus 8.24 percent. I have no difficulties with that, because the scale that I see is from plus 25 to minus 25. So because I'm closer to the city of Edmonton with Clover Bar and I'm representing only two municipalities, heck, I would be happy with a population of 33,000 or more, because the effectiveness of representation is not jeopardized by that increase in numbers.

So I view the plus/minus 25 as somewhat a scale. Single-municipality constituencies might be close to approaching that 25 percent. If Clover Bar as a two-municipality constituency approaches 20 or even 22 percent above, I don't think that represents a difficulty because of the two municipalities and because of the proximity of Clover Bar to the city of Edmonton and the Legislature, the ease of access. As we get farther away and we add more municipalities and the distance factor into the equation, then I think that scale needs to reduce until perhaps the more remote areas go down to minus 25 or maybe as high as minus 50, as was contemplated. So I have no difficulties with that, no difficulties with increasing the population in Clover Bar if there are appropriate changes in the number of municipalities that are represented. No problem at all.

I'm not sure if I should actually make some subjective comments about the final report, Mr. Chairman. I'm sure you've heard them before, but perhaps I should get them on the record. I have some grave difficulties with the final report of the commission. They relate basically to page 132 of the report where the court outlines and refers to the McLachlin decision. It states:

First, absolute parity is impossible.

This is a quote from the McLachlin decision, right up on top on page 132.

It is impossible to draw boundary lines which guarantee exactly the same number of voters in each district. Voters die, voters move. Even with the aid of frequent censuses, voter parity is impossible.

So zero percent variation in electoral representation population is impossible.

4:52

I need to go on, then, to page 128. The middle paragraph in there indicates towards the end of it that

the 43 will among themselves average 16 per cent above the province-wide average . . .

Those are the single municipalities.

. . . and the 40 will be 17 per cent under.

I see that as a theoretical calculation, Mr. Chairman, of the 83 constituencies in the '86 population numbers. So to me those are absolute minimum variations in order to accomplish what we're trying to accomplish here with the boundaries. It's a theoretical calculation. But then if I go to page 12, this is really where the grave concern comes in. I must read this paragraph at the bottom of page 12 to you. It's the report by Thomas K. Biggs. He says:

Unfortunately, I feel that the Commission went astray. The Commission began its work on the basis of trying to achieve a 0% variation in the electoral divisions.

Now, as I pointed out to you on page 132, the courts have found that that is impossible. Back to the quote.

Following the decision of the Supreme Court of Canada re: The Attorney General for Saskatchewan v. Roger Carter, our work was continued on the basis of working toward a +/-10% variation. My discomfort with this variation still remained in that five non-elected persons were making major decisions that affected all the people of Alberta based on what was a very random choice. In my opinion, the selection of the +/-10% goal exceeded our jurisdiction.

Not only that, Mr. Chairman, as soon as they set themselves that goal – and I refer you back to page 128: the minimum theoretical variation that's possible is plus 16, minus 17 – they were doomed to failure. There was no other way. It was completely impossible to achieve that goal they had set for themselves. So it's not the legislation that's at fault; it's the goal that the commission members have set for themselves in that particular instance. I felt so strongly about that that I needed to make that point.

Let me get back to Clover Bar. I've mentioned two alternatives. The first one is on the basis of cohesion. I've got a map here, Mr. Chairman, and it is a map that was drawn by myself utilizing the '86 population census numbers. I tried to achieve and recognize the community interest that exists out there, and what you need to know is that Fort Saskatchewan serves as the centre for a predominantly agricultural area. It includes Bruderheim and Lamont. Their interests are similar. It serves an agricultural area that is basically north of Highway 16, the Yellowhead. The population and the type of land use and development use change once you start going south of Highway 16.

Let me stay with the northern area first. That area has class 1, class 2 soils, is good farming country. It's generally level. It's a basic rural farming community. That's where the majority of the bona fide farmers that I have in the present Clover Bar live.

Once you move south of Highway 16, you're into a different area. You're into the Cooking Lake moraine, part of the Beaverhill moraine, an undulating, generally different geography that exists there, geology as well. You have acreage development. The soil is not of high capability. We're into the Canada land inventory class 4 and above, some-odd 3. There are limited farms, consisting of dairy farms predominantly, but the majority of people in that area – and you only need to look at the county map that is being produced – live on acreage developments, smallholdings. They have a

different interest. Their sphere of community is different than the northern area. They are more what I might call semiurban in their demands for services and how they see themselves living out in that specific area. Their attitudes are quite different.

So those two boundaries with population numbers – and I'll leave that for you – were drawn in reaction to the interim report and to generate some discussion amongst my constituents. As I say, I personally prepared these on the basis of the influence of and as a reaction to the interim report.

Now, the second alternative really falls in line with the Cripps map that has been drawn, and when I talk about that particular map, I talk about option 1, I believe it's called, where she has included all of the rural area of the county of Strathcona. When I say that, the hamlet of Sherwood Park, which is not incorporated, has some boundaries in fact, and she has recognized those as a unit. She has also included the city of Fort Saskatchewan.

The spheres of influence there – as I explained in the first alternative, there are two different senses of community there, but they are linked together because of the municipal representation that exists. The county of Strathcona basically provides all services even though they are somewhat diverse in the way people live and the way they interact with each other. That exists right now in the present constituency. It does not create a major problem as long as the MLA for the area understands and deals with that in an appropriate way, and I'm sure that that occurs. We've only got two sort of basic areas. I'm assuming that in other constituencies or municipalities you may have three or four such diverse community interest groups that need to be combined in order to form a constituency. So it's not an insurmountable problem.

Let me deal a little bit with the historical importance of this particular area. I think it's important, and it relates to the naming of the area and some recognition of what was there before or some of our traditions. I feel that the naming of the areas is very important. I do not believe that it is appropriate to name an area on the basis of, say, a major urban centre that happens to be located in that area. It may be appropriate in certain instances, but I don't think it might be appropriate for Clover Bar. I actually don't believe it's appropriate for Edmonton either. Perhaps they should be known by Avonmore or Gold Bar or Parkallen rather than the initial Edmonton in front of it. I think it might eliminate some of the real or perceived conflict that exists perhaps amongst some of their constituencies.

Actually, Clover Bar was the first government area in Alberta. As a matter of fact, it existed prior to the formation of this province as the second statute labour district, the first one being in Saskatchewan. We're talking still territories at that point in time. It was a second statute labour district which was formed not for government purposes but for fire fighting purposes at that point in time. That statute labour district then became Clover Bar, and it formed a township area right around Ardrossan. So there's a long history to this Clover Bar designation. If I may, Mr. Chairman, the name actually originates from a prospector that moved into the area and panned gold on one of the bars on the North Saskatchewan River. His name happened to be Clover, so for a long period of time that area was known as Clover's Bar. We lost the S somewhere along the way, and I don't know exactly when.

MR. DAY: Saint John gave it to St. John's.

MR. GESELL: Could be.

Some of the people I've talked to that have lived in this constituency for ages and ages were the original pioneers that settled there. They're very much attached to this name, and I believe if that name were to change, you might hear some considerable opposition to it. I just wanted to make that point.

5:02

MR. CHAIRMAN: Good point.

MR. GESELL: So there's that historical significance, that importance attached to that area as well.

I haven't really touched upon some of the early pioneers that settled that area, the Josephburg area and so on. That relates to that community of interests. Those are there, and I'm assuming those issues were presented to the commission and they're available to this committee.

I think that concludes what I wanted to say to you, Mr. Chairman. I personally like the Cripps proposal that's been put out. I'd like it even if population increased significantly in Clover Bar in order to accommodate that. No problem there, because I think the effectiveness of the representation will still be there whether it's me serving as MLA or someone else.

MR. CHAIRMAN: Okay. Thanks very much.

MR. GESELL: I'd be pleased to answer questions.

MR. CHAIRMAN: Stock. Any questions or comments?

MR. DAY: Just for our information here, which of the Cripps are you referring to there?

MR. GESELL: Oh, okay. Hang on. I have to dig out the map. She's got a number of alternatives, and most of them are very similar, except for the last one.

MR. DAY: Which was the one that you felt would best meet the needs of the constituents there?

MR. GESELL: Well, I'm missing some of these already.

MR. PRITCHARD: Here's another set for you.

MR. DAY: I just want to make sure, Kurt, that we know which one you're zeroing in on.

MR. GESELL: Certainly. I think it's number 3 or 2.

MR. DAY: On the big one.

MR. GESELL: Schedule 2, yes, but I believe schedule 3 is the same as well, isn't it? Just one second. Let me look at schedule 1. If you look at schedule 1 or schedule 2, they're both the same for what she calls Fort Saskatchewan. It does not alter. Therefore both of them are acceptable. I think on schedule 3 we've still got the same thing.

MR. PRITCHARD: Yeah, I think it's consistent all the way through.

MR. GESELL: No; I'm sorry. That's the city of Edmonton. Schedule 1 or schedule 2 are exactly the same as far as I can tell, and they're both acceptable. No problem there at all.

Schedule 7 would be one that I would say would not be acceptable.

MR. CHAIRMAN: Which one is most acceptable?

MR. GESELL: One or 2. They're both exactly the same for Clover Bar, and I've concentrated on Clover Bar. I haven't really looked at the other constituencies.

MR. CHAIRMAN: It basically follows the county boundary.

MR. GESELL: It follows the county of Strathcona boundaries. Presently I have in Clover Bar the city of Fort Saskatchewan, a large portion of the rural area of the county of Strathcona, a small portion of the county of Lamont, a small portion of the county of Beaver, and a small portion of the county of Leduc. So what Mrs. Cripps is proposing is that I pick up the additional portion of the county of Strathcona that exists plus some portion from the present Sherwood Park and drop off that portion from the counties of Lamont, Beaver, and Leduc, and that's perfectly acceptable.

MR. DAY: County No. 30 is Lamont, right? Is that right?

MR. GESELL: Yes.

MR. DAY: And county No. 20 is Fort Saskatchewan.

MR. GESELL: No. That's Strathcona.

MR. DAY: Strathcona. Oh, yeah.

MR. GESELL: Beaver is 9, and Leduc is 25.

MR. DAY: Did you want me to go ahead, Mr. Chairman?

MR. CHAIRMAN: Sure. Please do.

MR. DAY: In the interim report, if I'm looking at all these lines correctly – by the end of the day the lines do start to blur – how big a factor is the river when you're talking about community of interests as far as it's related to Gibbons and Bruderheim?

MR. GESELL: The river is obviously a major separation. When I drew my map on the influence portion, it goes across the river, but there is a problem with it because there's only one bridge at Fort Saskatchewan. The next bridge is at Vimy, which is quite a way farther north. So the linkage is limited, and the sphere of influence, although it does extend to some degree across the river, doesn't extend very far. The original settlement plan for Fort Saskatchewan does include some settlement lots on the north portion of the river. That's been developed as an industrial park, but it is actually in the MD of Sturgeon, not in the city of Fort Saskatchewan. So yes, the river does form a very substantial barrier to that community of interests.

MR. DAY: In schedule 1 Bruderheim is sitting outside the constituency of Fort Saskatchewan. Correct?

MR. GESELL: Yes, it is in the county of Lamont.

MR. DAY: Right. It would be in a proposed constituency of Westlock-Smoky Lake.

MR. GESELL: Yes.

Just a point: that boundary definitely recognizes the North Saskatchewan River as a boundary.

MR. DAY: Yeah. It's forming the boundary, isn't it?

MR. GESELL: Yes.

MR. DAY: Josephburg in the interim one is not included in Fort Saskatchewan.

MR. GESELL: That's correct.

MR. DAY: Would it make more sense for it to be included in there?

MR. GESELL: Certainly. It gravitates naturally to Fort Saskatchewan, and in Cripps' proposal it is in what she calls the Fort Saskatchewan constituency. I don't think it's identified on your map, but it is within that area. Josephburg is only seven kilometres east of Fort Saskatchewan. They do not have a school there. They do not have a grocery store. They have a fire hall, which is provided by the county of Strathcona, but all necessary services to that area of Josephburg are provided from Fort Saskatchewan.

MR. CHAIRMAN: Anything else, Stock?

MR. DAY: Just the southernmost boundary in schedule 1 here, where it runs east and west: is that a county line also, or do you know?

MR. GESELL: Yes, it is. It's the southern boundary of the county of Strathcona.

MR. DAY: So you've got a natural boundary to the north there with the river, and you've got an already established boundary to the south.

MR. GESELL: The post office serves up to that boundary. There are certain things that occur that are limited by that boundary. Presently the Clover Bar constituency extends some four miles south of that, I believe. Just one second; let me be a hundred percent sure. It depends which area you're measuring, but where Highway 14 levels off, it's basically two miles south of the county boundary line.

MR. DAY: Bruderheim and Lamont are not included in the suggested schedule 1, but they're not included in your constituency now.

MR. GESELL: No, they're not.

MR. DAY: But Bruderheim is drawn in in the interim one.

MR. GESELL: Well, Bruderheim actually has made some overtures to become part of the county of Strathcona. I don't know how realistic that might be. There is a similarity in the community there, but it doesn't exist right now under the same municipal jurisdiction and it's not in the present constituency. It could be accommodated.

MR. DAY: To reassure you on the more general topic of the Supreme Court, we've already plainly stated to other MLAs who have come in and are concerned that we might violate the intent of the Supreme Court ruling and the appeal court ruling that we have no intention of doing that. Remarks to the contrary that you might see in the media about people who just pick numbers out of the air that they think sound nice, whether they're a 10 percent variation or whatever, the Supreme Court's really clear, as you already pointed out, and in Saskatchewan and Carter and in the appeal court, and there wouldn't be deviations unless they were justified. That's clear. It has to be justified. We're clearly of the view that if we were to just pick a number at random, even as was done in the report from the commission, it would almost be like being in contempt of court.

MR. GESELL: The interim report?

MR. DAY: In the final report; sorry.

MR. GESELL: The final report.

MR. DAY: Yeah. So rest assured we are following the spirit and the letter of the Supreme Court and the Alberta Court of Appeal.

5:12

MR. GESELL: Well, I want to re-emphasize a point to you. It's a very difficult task to draw these lines. I can appreciate that if Clover Bar is to remain and if it would be along the lines of what is proposed by Mrs. Cripps, a percentage variation in population above the average is no problem.

MR. DAY: Right.

MR. GESELL: There's no difficulty there, because the effectiveness of representation would still be there; it would not be jeopardized.

MR. DAY: Yes.

MR. GESELL: So if it's two municipalities that are being served, plus 20 percent somewhere as an upper limit would not be frowned upon by the people in that area, and I don't believe there would be any justification for them to claim they would not be effectively represented, even with that population.

MR. DAY: Good.

MR. CHAIRMAN: Okay. I think Stock has covered the points I had, and you've come back to the other issue of staying within county 20, which you'd share with Sherwood Park. The 1991 census showed that we can fit one single municipality and one multimunicipality within the county, counting Fort Saskatchewan as well.

I also very much appreciate the history lesson you've given us on the name "Clover Bar." That was a question I was going to ask: what is the history of Clover Bar?

MR. GESELL: It's very significant.

MR. CHAIRMAN: I know that it's not the name of the county. You've given us an explanation which is very valid. We thank you.

MR. GESELL: Thank you, Mr. Chairman.

I wanted to leave that with you. That was information I provided after the interim report.

MR. CHAIRMAN: Good. Thanks.

[The committee adjourned at 5:14 p.m.]