



Legislative Assembly of Alberta

The 29th Legislature
Third Session

Special Standing Committee
on
Members' Services

Thursday, September 14, 2017
9:31 a.m.

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Special Standing Committee on Members' Services

Wanner, Hon. Robert E., Medicine Hat (NDP), Chair
Cortes-Vargas, Estefania, Strathcona-Sherwood Park (NDP), Deputy Chair

Cooper, Nathan, Olds-Didsbury-Three Hills (UCP)
Dang, Thomas, Edmonton-South West (NDP)
Jabbour, Deborah C., Peace River (NDP)
Luff, Robyn, Calgary-East (NDP)
McIver, Ric, Calgary-Hays (UCP)
Nixon, Jason, Rimbey-Rocky Mountain House-Sundre (UCP)
Orr, Ronald, Lacombe-Ponoka (UCP)
Piquette, Colin, Athabasca-Sturgeon-Redwater (NDP)
Schreiner, Kim, Red Deer-North (NDP)
van Dijken, Glenn, Barrhead-Morinville-Westlock (UCP)*

* substitution for Jason Nixon

Also in Attendance

Clark, Greg, Calgary-Elbow (AP)

Support Staff

Robert H. Reynolds, QC	Clerk
Jessica Dion	Executive Assistant to the Clerk
Allison Quast	Special Assistant to the Clerk
Alex McCuaig	Chief of Staff to the Speaker
Shannon Dean	Law Clerk and Director of House Services
Brian G. Hodgson	Sergeant-at-Arms
Cheryl Scarlett	Director of Human Resources, Information Technology and Broadcast Services
Scott Ellis	Director and Senior Financial Officer, Financial Management and Administrative Services
Janet Schwegel	Managing Editor of <i>Alberta Hansard</i>

9:31 a.m.

Thursday, September 14, 2017

[Mr. Wanner in the chair]

The Chair: Good morning, everyone. I'd like to call the committee meeting to order. First of all, welcome back, all of you. This will be a busy time on a go-forward basis, so I hope everyone had an enjoyable and relaxing summer.

My name is Bob Wanner. Before we get started with our business items, I'd ask that members and those joining the committee at the table introduce themselves for the record, and I will then call on the members joining the meeting via teleconference to introduce themselves.

Ms Quast: Allison Quast, special assistant to the Clerk.

Cortes-Vargas: Estefania Cortes-Vargas, MLA for Strathcona-Sherwood Park and the deputy chair.

Ms Jabbour: Debbie Jabbour, MLA, Peace River.

Mr. Clark: Good morning. Greg Clark, MLA, Calgary-Elbow.

Mr. Orr: Ron Orr, MLA, Lacombe-Ponoka.

Mr. Cooper: Good morning. Nathan Cooper for the outstanding constituency of Olds-Didsbury-Three Hills.

Mr. McIver: Good morning. Ric McIver, MLA, Calgary-Hays.

Mr. McCuaig: Alex McCuaig, Speaker's office.

Mr. Piquette: Good morning. Colin Piquette, MLA for Athabasca-Sturgeon-Redwater.

Mrs. Schreiner: Good morning. Kim Schreiner, MLA, Red Deer-North.

Mr. Dang: Good morning. Thomas Dang, MLA, Edmonton-South West.

Ms Scarlett: Cheryl Scarlett, director of human resources, IT, and broadcast services.

Ms Dean: Shannon Dean, Law Clerk and director of House services.

Mr. Reynolds: Rob Reynolds, Clerk of the Assembly.

The Chair: Could we go to the call-ins? Mr. van Dijken, are you with us?

Mr. van Dijken: Yes. Thank you. Good morning. Glenn van Dijken, MLA for Barrhead-Morinville-Westlock.

The Chair: Thank you, Glenn.

Is there anyone else?

Ms Luff: Yeah. Hi, Mr. Speaker. Robyn Luff, MLA for Calgary-East.

The Chair: Hi. Thank you, Robyn.

For the record Mr. van Dijken is covering for Mr. Nixon.

The meeting agenda and other items were posted last week to the committee's internal website for members' information. If anyone requires copies of the agenda today, please let the committee clerk know. I would indicate this moment that on a go-forward basis my office and the Clerk's office will make best efforts to ensure that the agendas are out within a week before the meeting and that items

that are addressed within the agenda would also be posted at the same time. I just want to mention to the committee that, as we all know, this is a very busy workplace, and it may not be consistent that we're always getting things, but we will make best efforts to do that. There are sometimes items that are not yet ready or information that is not prepared and ready to be posted, so I would ask for your indulgence as we move forward, but our target will be to achieve the information distribution within those timelines.

The microphone consoles are operated by *Hansard* staff. Please keep your mobile devices on silent for the duration of our meeting. Audio and video of committee proceedings are streamed live on the Internet, and audio is recorded by *Alberta Hansard*. Audio and video access and meeting transcripts are obtained via the Legislative Assembly website.

Are there any additions or changes to the agenda? If not, I would ask for a member to approve the agenda. Member Estefania Cortes-Vargas. All in favour, please say aye. Opposed? The motion is carried.

The approval of the meeting minutes of February 6. I'm presuming that all of the members of the committee read the minutes of February 6, 2017. Are there any errors or omissions to note? If not, would a member move adoption of the minutes of February 6.

Mr. Cooper: I'll move it.

The Chair: Mr. Cooper. All in favour at the table, say aye. All those participating by phone, say aye. The motion is approved.

We go to the agenda. This is more of a status report update for the committee, completing the three-sixty on this item. This was initially discussed by the committee on September 26, '16, almost a year ago, and it was again noted in the November 25 meeting. You will recall that Mr. Mark Day, the executive director of risk management, made presentations to us about coverage for members. The changes to coverage identified by Mr. Day have now been passed by the Treasury Board, so it's been approved. Are there any questions?

Mr. Clerk, any items you'd like to add additionally?

Mr. Reynolds: Well, yes, Mr. Chair, just to clarify a few things. We're talking about the risk management and insurance presentations that were on September 26 and November 25 last year. Basically, Mr. Day, as the chair said, provided an update about coverage, because coverage for MLAs had not been updated in a number of years. The point was to get the MLA coverage up to the point and the standard that it was for the rest of the public service and the government of Alberta. Mr. Day came and presented suggestions, proposals on November 25, the committee approved those proposals, and what's happened now is that Treasury Board has given effect to them. Really, that's it. Certainly, if members have more questions about coverage, we could pursue them now, or you could contact my office later.

Thank you.

The Chair: Any questions at the table? Any questions on the phone? Thank you. If there are questions afterwards, please feel free to contact the Clerk's office.

The other item that is on the agenda is entitled MLA Transition Planning. Time seems to pass very quickly around this institution, so we are in preparation for the next election planning cycle. The LAO administration is beginning to review the election planning process and the documents used to inform members and staff.

9:40

In one of these documents, which I'd like to just directly quote from, the guidelines are as follows on members' remuneration.

Upon the calling of an election, or the dissolution of the Legislature, as it's called, "Members continue to receive their indemnity up to the day preceding the polling day."

Now, another major subsection in that report is the extended benefits option, which

provides Members with continued benefit coverage after [a member may] resign or if they choose not to run for re-election or are defeated. Benefit coverage may be extended for benefits listed under "Members' Choice,"

again on the LAO website.

If a former Member exercises this option, the extended coverage continues:

- until the age of 75 years (except for life insurance coverage which terminates at age 70);
- until . . . death . . . or
- until the date the former Member gives written notice to discontinue the coverage.

A final key point in those guidelines, which, again, I would urge everyone to refresh their memory on: only members "elected before April 23, 2012, are eligible for the payment of a transition allowance." For the vast majority of the members of this 29th Legislature there is no transition allowance. I simply wanted to share this item for information only. I wanted each of us to be aware that there is no severance, no transition allowance when you cease to become a member unless you were elected before 2012. The vast majority of our members are first-time members of the Legislature, so it applies to all – I think it's 71 – new members.

The dissolution guidelines are on the website for the LAO. They're also public documents, I think.

Do you have any questions or clarifications? From the telephone, any questions? I guess not. You're still with us – right? – folks.

Ms Luff: We're still here.

Mr. van Dijken: Absolutely.

The Chair: Let me move along to item 4(c), the feasibility of common Calgary caucus office space. As you will note, as recorded in the minutes of our February 6, 2017, meeting, a motion was passed directing the LAO office to investigate the feasibility and costs associated with establishing a Calgary office that could be available for use of all caucuses. The LAO administration completed that study, and a copy of that study was posted to the committee website prior to the proposed meeting of February 26, which was subsequently cancelled, and the documents were also removed from the website. Given the amount of time that has elapsed, the information is very dated and stale. If the committee would wish continued efforts on this report, I'll leave it to the committee, but it would take some additional time and resources to update that. I'm presuming that that matter was adequately addressed and discussed. What's the wish of the committee with respect to this item?

Mr. Cooper: I'm just seeking some clarification from you. Essentially, you're considering the issue closed? Is that what I'm hearing you say, that there's no reason to consider this option?

The Chair: At any time if the committee wishes to reactivate and update this report, then – at this point in time we've assumed that the matter is closed. It was distributed. If we need to bring the matter back – Mr. McIver.

Mr. McIver: Mr. Speaker, would it be helpful if we just made a motion to accept the report for information so it's on the record? Or is that not something that is normally done here?

The Chair: Yes, I think that would be an acceptable motion.

Mr. McIver: If it's not helpful, then I don't need to make it, Mr. Speaker.

The Chair: I would seek the guidance of the committee. Mr. McIver is prepared to make a motion, is so doing, if it's okay.

Mr. McIver: I sense it's not helpful, so I'll let it ride, Mr. Speaker. I don't see a lot of joy or enthusiasm, so I'm just going to let it pass, okay?

The Chair: Yes. But now we have video, Mr. McIver, so you can share that enthusiasm with the entire province.

The notes will simply reflect that the matter will have no further discussion and that any other reports that might be necessary into the future would be at a new meeting and a new agenda.

A small item but, nonetheless, one that impacts all of us, particularly those young children who are attending the Legislature throughout the course of the year. There were some concerns expressed – this was an outstanding issue from February 6, the labelling of school photographs. These are when young students, usually grade 6, come to the Legislature. Very, very often they look forward to a picture with their MLA. The matter was outstanding on the February 6 agenda, and it specifically related to the labelling of photos taken with the classes. Members received a memo dated May 30, 2017, and an attachment from the Clerk, which was posted to the internal website, which, I believe, addresses the concerns that were referenced by the members.

Mr. Reynolds, I'm not sure if you've heard any more feedback from that. Do you have anything to add to the report?

Mr. Reynolds: Thank you, Mr. Chair. I think the memo that was, as you say, provided along with the briefing materials is quite self-explanatory with respect to the procedure for school photographs. If members have any questions, they can certainly contact my office. I can say that I'm not aware of any difficulties that have arisen recently, but if there are, just contact myself or visitor services and we'd be pleased to help resolve them.

Thank you.

The Chair: Mr. Dang.

Mr. Dang: Sure. Just really briefly. Thank you, Mr. Speaker. My only comment, I guess, is that the intent of the school photos program was always for, in my mind anyway, a no-cost program for the students that came and got photos. I mean, I'm sure that a lot of members in this room remember fondly when they were in grade 6 coming to the Legislature and getting their photo taken. I guess my comment is that the new policy is that if the member wasn't present in the photo, the photo would be sent directly to the school instead of the member. I'm just wondering if it can also be sent to my office so that I could still print those photos and provide them to the school. Send it to the school as well, of course, but I'd also want the digital just so that my office can pay for that print instead of having it be left to the school.

Mr. Reynolds: Thank you, Mr. Dang. It sounds reasonable. Can I get back to you on that after the meeting?

Mr. Dang: Yeah. For sure.

Mr. Reynolds: Thank you.

The Chair: By the way, Mr. Dang, my recall of my grade 6 class might be much more faded than your recall.

We're dealing with item 4(e), former MLA benefits. This matter has been brought forward as an update to the discussions at previous committee meetings. I believe, Ms Scarlett, that you have some information to share.

Ms Scarlett: Thank you. I just want to take a quick moment to provide a brief update. By way of summary, on September 26 of last year the LAO presented a briefing note to the committee seeking their direction relative to the possibility of extending health benefit coverage for former members past the current provisions, as have already been spoken to. There was a motion that was passed that directed us to explore a supplemental retiree plan to provide options for coverage past age 75 and expanded out-of-country travel coverage that would operate at no additional cost to the LAO.

9:50

We have been working with our service providers and exploring and looking at options. I just wanted to let the committee know that we're continuing to do this. We are reviewing products that may be available in the marketplace in the future and would be coming back to the committee at a future time.

The Chair: As I understand it, Cheryl, some companies are maybe in the process of developing new packages that might be available, but that research is still ongoing.

Ms Scarlett: Correct.

The Chair: Are there any questions with respect to that matter?

Mr. Piquette: I'm just wondering at what timeline we might be able to revisit this issue.

Ms Scarlett: It would be our hope to come back and provide an update of information as it becomes available to us, so we are hoping that in the near future we'll be able to come back to the table.

Mr. Piquette: Thanks.

The Chair: I'm hoping that we will probably have a series of meetings related to finance and budget in any event, and I'm hoping that that would be if not the next meeting then the one after that, before January 1. Is that agreeable?

It's entirely too quiet in here. This may be the time that that changes. Members, I'll just move along to 5(a), members' expenses. Members were provided with a copy of a letter which I received from Mr. Clark. The date is August 10, 2017, and my response to Mr. Clark is dated August 25. These letters form the basis for this being on the agenda. An inclusion with those letters in the briefing materials was intended to refresh our collective memory on the temporary residence allowance guidelines.

I'm wondering what the direction of the committee is. Member Estefania Cortes-Vargas.

Cortes-Vargas: It's a long name; I get it.

I just wanted to comment and thank Mr. Clark for sending the letter to the Speaker. In the letter I think it focuses on what Albertans really expect of us, which is strengthening the rules and making sure that we're operating on the highest level of accountability and transparency. I know that the subcommittee that has been formed has been doing this work for actually quite a while. In kind of looking at the items raised within the letter by Clark, I did notice that there would be a need for a motion to expand the work of the subcommittee to make sure that there's capacity, that the subcommittee has scope in order to look at the Members' Services orders fully in regard to benefits. Originally, when we put in the

motion, it said not to include MLA benefits, kind of talking about not touching the remuneration of MLAs, so that can also be interpreted to not allow the aspect of looking at the allowances.

I wanted to move a motion to be able to, one, address Mr. Clark's letter and to, two, really dive deeper into some of the wording and the right choice of moving it forward. I'm just going to read out the motion that I have and then present that to the committee. Moved by Member Cortes-Vargas that

the matter raised in Mr. Clark's letter to the Speaker of August 10, 2017, be referred to the subcommittee that is reviewing the Members' Services Committee orders and that this subcommittee be empowered to make any recommendations concerning these matters that are deemed appropriate.

The Chair: It's a motion proposed, an action item with respect to this matter.

Mr. Cooper.

Mr. Cooper: Thank you, Mr. Chair. I'm just wondering if that's available in some sort of format to be distributed amongst committee members or in written form so we could have a bit better understanding of the scope of the motion.

You know, generally speaking, I think that having the subcommittee continue its work on a wide range of review items of the Members' Services orders is an important task to be completed. I, too, have a motion that I would like to be addressed immediately following this one.

Once we have the actual wording, we can continue to discuss it if that's fine.

The Chair: Okay. I think that seems reasonable. Are you asking for a hard copy of the motion?

Mr. Cooper: I mean, I would prefer a hard copy, but if the screen is all we have, I'll be fine.

The Chair: If we could just pause a moment, we'll get a copy of that for you.

Robyn and Glenn, Allison or someone will e-mail you a copy of the motion. I will read this out as well.

Mr. van Dijken: Yeah. That will be fine.

The Chair: The motion, just for the record, is moved by Member Cortes-Vargas, that the matter raised in Mr. Clark's letter to the Speaker on August 10, 2017, be referred to the subcommittee that is reviewing the MSC orders and that the subcommittee be empowered to make any recommendations concerning these matters that it deems appropriate.

Nathan.

Cortes-Vargas: Sorry. Could I just talk to the motion beforehand?

The Chair: I think I go to Mr. Cooper at this point.

Mr. Cooper: Thank you. I have two questions with respect to the motion and what the ramifications of passing the motion are at this point in time in the meeting given other potential motions that may be before us.

At the beginning of the meeting I had sent you a note asking to be the first speaker at new business as I also had intended on introducing a motion that dealt with the Members' Services orders in 6(1). Given that this particular motion from Member Cortes-Vargas speaks to Mr. Clark's letter, which also specifically references 6(1), if I was to introduce a motion after this motion was to pass that specifically speaks to 6(1), would that motion then be

in order, or would it be out of order because we'd already passed a motion that spoke about the content of the letter, which includes 6(1) going to the subcommittee? If Parliamentary Counsel could answer that. If it is out of order, then I intend to move a subamendment at this point in time.

10:00

The Chair: Mr. Cooper, just for the record I do have your note indicating a request to speak. In actual fact, for the information of the committee, Member Cortes-Vargas approached me prior to the meeting and asked for it, so consistent with the practice in the House I was contacted by the first person.

Back to you, Member Cortes-Vargas. Do you have any additional questions?

Cortes-Vargas: I mean, they could answer the question, but it wasn't my intention to make it out of order. Basically, what we're hoping to accomplish here is to address the issues outlined. If a motion was introduced to specifically address an issue, it's still passed by the Members' Services Committee, and at any point we could introduce a motion in that regard. So I don't see how it would be out of order, but I refer that to Parliamentary Counsel.

The Chair: Shannon.

Ms Dean: Thank you, Mr. Speaker. Of course, it would depend on what your motion said, Mr. Cooper, but it wouldn't necessarily be out of order if it just touched upon the same topic because the committee can make decisions concerning the temporary residence allowance and section 6 of the orders.

The Chair: Mr. Cooper, it may even be possible that a friendly amendment might happen. Maybe just for the sake of moving along, if you could identify the intent and the wording of the motion you're proposing.

Mr. Cooper: Yeah.

The Chair: Is it somewhat unusual? We're talking about the first motion.

Mr. Cooper: You know, certainly, we could propose a subamendment, and the government members may be agreeable to that, but at the end of the day this is an issue that's important to the United Conservative Party caucus. The issues around fiscal accountability and the issues around being open and transparent to Albertans are very important to us. That's why as leader I've taken the appropriate steps to address some of these issues.

The exact purpose of my motion would be that it would be a change to the short-term rental of temporary residence, which is in Members' Services order 6(1), that a member who claims any allowance for a temporary residence under section 6 of this order shall not during the period of time the allowance is claimed use any commercial services, including but not limited to Airbnb, through which a member or a third party on behalf of the member rents out the residence for a fee as a vacation rental or any other type of short-term accommodation.

If that would be considered in order, I would be happy to move it immediately following the vote on Member Cortes-Vargas's motion. I would also be agreeable to that portion of the motion being continually discussed at the subcommittee as a subamendment to her motion.

The Chair: Just for the record we're on the original motion by Member Cortes-Vargas.

Mr. Clark.

Mr. Clark: Thank you very much, Mr. Speaker, and thanks to Member Cortes-Vargas and to Mr. Cooper for your comments. As it relates specifically to my letter of August 10, I think that the motion that I've seen here addresses, really, the two issues that I've raised in this letter. I think it probably will go far enough to address the issues. The issues that I've raised in the letter are: is it possible for the Speaker to impose a penalty for any member who is found to be in violation of the consolidated Members' Services orders? Mr. Speaker, in your response, you said that there is, in fact, no provision for doing so.

I had the opportunity to have some conversation with Parliamentary Counsel. That question is not a simple one. Much as I would think there is a model from perhaps the Conflicts of Interest Act, perhaps the Election Finances and Contributions Disclosure Act, where if a constituency CFO doesn't file papers, a fine of \$500 could be levied, as we discover in this role, what sounds simple is not nearly that simple as it relates to members in particular. I'm comfortable if that discussion was to move to the subcommittee because there are some complexities, I think, that we need to delve into and to discuss as well as the question of conducting a review of living allowances to date for compliance. So as it relates specifically to those two issues in my letter, I'm comfortable.

What Mr. Cooper has talked about is, I think, a third issue, which is something that I think we have as an obligation, notwithstanding the fact that the subcommittee exists, given what appears to be a pretty serious loophole in our current rules: that it is, in fact, not against the current rules by the ruling of the Clerk and the Speaker and the Legislative Assembly Office, that in fact what happened this summer with Mr. Fildebrandt actually isn't against the rules, that "actual cost" is defined very narrowly or interpreted very narrowly to be just simply the amount of money it costs you, that there's no provision in our current Members' Services orders to capture or back out any revenue generated from that property.

Mr. Cooper, what you're trying to achieve – I have a similar motion, which I would suggest maybe we consider, which is a little more general than the one you've put together. It doesn't name Airbnb, but I would hope it will stand the test of time.

I believe this motion is fine because we can have the subcommittee review the two questions of the penalty and whether or not an audit is required or how that may be done, the resources required, the outcomes we're looking for. Those are questions, I think, that probably demand a little more study, but I don't think Albertans are going to be satisfied if we leave this room today without closing the loophole. Again, Mr. Cooper, I think that's what you seek to do, but I would very much encourage all members on this committee to take that step today.

Given everything we saw, I think it's important that we take at least this one step on the path of restoring Albertans' confidence in us as members and in that process. I would hope that we can get to that point. Perhaps it's two separate motions, but I personally have no concerns with this one and look forward to – perhaps if I get the opportunity to move my motion, at the appropriate time I can read in the specifics of that. I'm going to talk to Mr. Cooper and others as well.

The Chair: Mr. Cooper, you had an additional point?

Mr. Cooper: Yeah. I would just like to provide some clarity. My preference is to deal with the motion that I have spoken to that I am proposing separately. The reason for bringing it up now was my concern around it being ruled out of order once Member Cortes-Vargas's motion had been voted upon.

I am also in support. I would never speak for my colleagues, but my guess is that they are also in support of Member Cortes-Vargas's

motion. I would be happy for us to move forward on that if there isn't another significant comment, and I would like to then move the motion that I have already read out in an official capacity immediately following that because I, too, agree that this loophole needs to be dealt with. It's a much more narrow issue than the broad strokes that need to be addressed at the subcommittee. I think it is very important that we take action on this today, and it's exactly why I would like to propose the motion in an official capacity in a moment.

The Chair: If I might for just a moment, I'd like to consult with parliamentary staff on the matter. If we could just take a minute. As I understand it, your concern is that if we deal with the first motion, being Member Cortes-Vargas's motion, it might somehow impede the intention of your second motion. Is that correct?

Mr. Cooper: Correct.

10:10

The Chair: Hon. members, I think the most appropriate course of action, I'm understanding, is that if you were to move it at some point, I don't think that the second motion would be limited by the approval of this item.

Before I recognize Member Cortes-Vargas, are there any questions?

Member Cortes-Vargas to bring closure on the motion?

Cortes-Vargas: Yes. Basically, I think there's a lot of agreement in this committee that we have to have some form of interim measure to address the loophole; that is, the case that was brought up in the summer with Derek Fildebrandt. I think that how we get there is the question before the committee.

I think that even if we pass something today, we still might have to work on the wording to make sure it's appropriate in the different variations of what happens because people have kids living with them, and we have to make sure that whatever we pass is actually a sustainable mechanism that the LAO can implement. I think we want to close the loophole but also make sure that the subcommittee does go even further and make sure that that wording is appropriate in the long term and can stand the test of time, as was said.

I think there actually is a lot of agreement here. The question is now about: what is the right wording to get there? I don't think there's much more conversation about my motion but, instead, probably after voting on this one, going on to the next motion and discussing the wording that is appropriate in the interim.

Mr. Orr: I would just like to affirm the comments that were just made by Member Cortes-Vargas. I do fully agree that the subcommittee is the right place to be able to look into these kinds of details. So, yeah, I think we're going in the right direction here.

The Chair: Thank you.

This committee approved the establishment of the subcommittee and, working closely with our staff, some of the business practices, et cetera, part of the FMAS review process, which has been dealt with by this committee, so my sense is that there is a very strong consensus about extending these matters to the all-party subcommittee, and it's up to this committee to deal with the recommendations that that subcommittee brings forward.

I'm seeing no one. Are there any questions from the telephone?

Mr. van Dijken: Yes. I have not been able to access the motion. I don't have access to the internal workings of the Members' Services Committee, so if you could please read it out before we vote.

The Chair: Well, we thought it had been sent to you.

Robyn, did you receive a copy?

Ms Luff: I have access to OurHouse, so I was able to get it, but if your Internet connection is being weird, it's possible that one might not have.

I just want to quickly say that I want to thank Mr. Clark for bringing forward these issues. I think they're something that is important to all of us on the committee and, in fact, all of us in the Legislature, so I'm very supportive of looking at these issues at the subcommittee level because I think every one of us, you know, knows that it's important to be accountable to the public, and we want to make sure that we're doing that correctly.

The Chair: Thank you.

Glenn, I'll just get Allison to read out the motion.

Ms Quast: Moved by Member Cortes-Vargas that the matters raised in Mr. Clark's letter to the Speaker of August 10, 2017, be referred to the subcommittee that is reviewing the MSC orders and that the subcommittee be empowered to make any recommendations concerning these matters that it deems appropriate.

The Chair: All those in favour, please say aye. On the telephone? Anyone opposed? The motion is carried.

Mr. Cooper.

Mr. Cooper: Thank you. As I mentioned in my previous comments, I have copies of the motion that I would like to propose, and you can take the wording of that from the screen. We may have also provided you that in advance.

As I also mentioned, this issue of closing this loophole and ensuring openness and transparency is important to members of the United Conservative Party caucus. As such, I think it's important that we address this issue today in our ongoing review of the Members' Services orders. Ensuring openness and transparency to Albertans is our first priority.

Mr. Cooper to move that

the Members' Allowances Order, RMSC 1992, c. M-1, be amended effective October 1, 2017, by adding the following after section 6: short-term rental of temporary residence, 6.1, a member who claims an allowance for a temporary residence under section 6 of this order shall not during the period of time of the allowances claimed use any commercial service, including but not limited to Airbnb, through which a member or a third party on behalf of a member rents out the residence for a fee as a vacation rental or any other type of short-term accommodation.

As I also mentioned in my previous comments and have a sense that there is some agreement with around the room, I'm happy to work to get to a solution today for us to be able to close this loophole, address some concerns. If that also includes coming back to this particular order post the subcommittee's work, I would be happy to provide that or some assurances that we address those issues on an ongoing basis.

The Chair: Mr. Piquette.

Mr. Piquette: Yeah. I'd just like to agree with Mr. Cooper. I'm just wondering if an amendment might be necessary to make that intent clear. By that intent, to make sure I understand clearly, you know, there's a public perception that needs to be addressed quickly and firmly, but at the same time we understand that this is a complicated issue. There are various factors interrelated, and we want to make sure that we evaluate them to make the actual best long-term solution that's transparent, keeps people accountable, and is simple and understandable for the public.

If it's that spirit, then, I'm just wondering if we need to make that clear or whether the subcommittee, since it's not actually passing

motions, would be able to make recommendations on this particular motion. I guess I'm looking for guidance on that.

The Chair: Well, I believe that the subcommittee is in a situation to bring forward, after appropriate consultation with members and others, any recommendation. The decision about whether or not those recommendations are actually approved and implemented rests with this committee, Members' Services.

Are you looking for an amendment to the motion?

Mr. Piquette: I'm just wondering if one is actually necessary in order to serve our mutual intent.

The Chair: Mr. McIver.

Mr. McIver: Thanks, Chair. I appreciate Mr. Piquette's concerns, but reading the motion proposed and passed by Member Cortes-Vargas, it's quite clear. I read directly from it because it's important to do so in this situation, Mr. Speaker: "that the subcommittee be empowered to make any recommendations concerning these matters." My reading of that is not: any recommendations except for what was discussed today. It doesn't say that. It says: "any recommendations." I think the subcommittee is empowered by what we just passed to do whatever they have to do to make the rules and the dispensation of those rules better. I think your concern is legitimate, but I think Member Cortes-Vargas put forward a motion that actually addresses your concerns. At least that's my reading.

I would like to thank both Member Cortes-Vargas for her motion as well as Mr. Cooper for the motion that's before us now. I think the public needs and wants and deserves assurance, and this is one of those areas, Mr. Speaker, where we're all in it together. The public either has confidence in us as legislators and as MLAs or they do not, and it's incumbent upon us to take actions that make sure that the public's confidence is either restored or maintained. I think that both of these motions take us in that direction, which is why I supported the first one and intend to support the one before us now.

10:20

The Chair: Mr. Clark.

Mr. Clark: Thank you, Mr. Speaker. I appreciate what Mr. Cooper is driving at here. I think we're on the right track, generally speaking, but, you know, my experience tells me that simpler is better. One of the concerns I have about this specific motion is that it speaks only to renting out the residence for a fee, mentioning specifically Airbnb. I understand why we would perhaps want to have the word "Airbnb" given what happened this summer, but Airbnb didn't exist three years ago. Who knows what's going to come down the pipe here in the next short while just given the pace at which technology changes?

While I appreciate what we're trying to achieve here, my feeling is that this motion is overnarrow. One of the things I think we need to make sure we consider here is all eventualities. This leaves loopholes around – you know, what if someone was to say: "Well, okay. I'm not going to rent out my apartment to you for a fee. But I'll tell you what. Why don't you pay utilities this month, and then I'll still claim my full amount?" By this, there's a loophole you could drive a truck through. "Why don't you just pay condo fees this month?"

Again, I know that we're getting into what may seem like a kind of unlikely scenario. Frankly, the idea of an MLA renting out an accommodation on Airbnb and claiming that back seemed like a pretty unlikely scenario, but it happened. When I drove the changes initially to compel MLAs only to claim up to actual costs, to change

it from being an allowance back in 2015-16, in my wildest dreams I never thought something like this would happen. I think what we should do is endeavour to cast as wide a net as possible.

Obviously, not being a member of this committee, I cannot make motions. I have shared a draft motion with other members of the committee, and there are copies in the works here. With your indulgence, Mr. Speaker, I'll just read out what I would suggest may be an option, which is for greater clarity: prior to claiming allowance under subsection (1), a member shall deduct from the member's actual costs any income received by the member relating to the use or occupation of the temporary residence by a person other than the member. That's what I would suggest is a better approach to this because it's broader.

Now, again, I can't move motions, and I can't vote on motions on this committee either. But I would suggest to the members that the approach I propose is more general and therefore probably a better way of addressing this. If the committee, then, goes forward and feels that there are other changes that are required in the future, we can certainly, obviously, entertain those as well, but I would hope the committee would agree that this more general approach is a better one.

Thank you.

Ms Dean: I just have a minor drafting comment with respect to the reference in the proposed motion to Airbnb. Typically, drafting style is such that you don't reference specific commercial entities, so I would suggest that to make the motion in proper form and reflect the Alberta drafting style, the phrase "including but not limited to Airbnb" is not necessary and could be removed.

Mr. Dang: I guess, thinking a little bit tangential to this, I'm wondering: is it necessary for us to – I know there was concern about how the motion for the subcommittee's creation was originally. Now that we have passed a motion to expand their scope to some extent, is it necessary to make an additional motion or a subamendment to this motion perhaps that would expand the scope of the subcommittee to be able to address this issue as well? I guess that's a question for the Clerk and for Parliamentary Counsel.

The Chair: Any comments?

Ms Dean: The committee can vote on this.

The Chair: I think you can vote on this matter. That will determine the answer, I think, to your question. It's been suggested by someone at the table that the original motion by Member Cortes-Vargas included the words "any item," but it's the will of the committee that will determine that. There is a suggestion, if the committee agrees with it, that Parliamentary Counsel is advising that you would delete the reference to Airbnb, but I seek the guidance of the committee as to our next steps.

Mr. McIver: Well, Chair, I understand what Mr. Dang is saying, but I think that in the earlier discussion, when Mr. Cooper moved the motion and some of the subsequent discussion thereafter, I guess you could say that technically it's not necessary except for the fact, which I think is a really important and pertinent fact, that I believe we owe the public some assurance in making a rule change today and giving the public the assurance that we're going to, through the subcommittee and then back to here, look at the broader scope and all eventualities and come back with further recommendations. But let's set the public's mind at ease or at least let the public know that we are aware of their concerns.

There's one action we can take today before we go into a more in-depth review. For me, I'm going to support the motion, though

some may consider it unnecessary, because I think the public deserves that assurance that we've heard them and we want to make positive changes. You can call it unnecessary if you want, but I think that satisfying the public's desire, those people whom we work for, is a good idea. Again, this improvement on the current rules does not in any way stop the subcommittee and then back to the committee from making more improvements as we go. To give the public some assurance today that we've heard their concerns, we respect their concerns, and we're going to make a rule change today while we can and while we're gathered here is something, in my mind, that's worthy for us to do.

Cortes-Vargas: Okay. I just want to say that the FMAS review was conducted to make sure that the processes were in place, and then we talked about making sure that we're going to address the guidelines to take into account the different ways in which people can put expenses, and that work has been under way for about a year, since January. I mention that because in each one of these things that we have brought up when the guidelines are being reviewed, it's extremely complicated to make sure that the wording is appropriate because of the various scenarios that can happen. I think that that's why it's important.

I actually don't think that an amendment to this to say that it's also going to be reviewed by the Members' Services Committee is no longer necessary just because of my previous one, but I do think that we might want to look at amending this. So I will propose an amendment to the motion:

to exclude the words after "commercial service" and before "through," so "including but not limited to Airbnb."

It should be able to accomplish the same intent, as was mentioned by Ms Dean.

My hope is that we can continue to discuss this because I think what Clark has mentioned is just that there are various ways in which this can happen. But I think that if we don't approach this carefully, it can be worded in a way that isn't doing what we're hoping to create. I really want to move forward with the motion. I think that the motion Cooper has presented actually allows us to fix the loophole as an interim measure, and then the subcommittee can come up with the various wordings that could potentially address this in the long term, that addresses the fact that, as Clark said, there are various scenarios in which you could be gaining some form of income, and we want to make sure that, at the end of the day, we're not allowing that people are essentially double-dipping. That's what we don't want to allow.

I think that if we move forward with this and if the subcommittee is committed to also reviewing that, then we're able to accomplish that in such a way that is able to be implemented and assures the public that it is a priority for each and every one of us.

I'm hoping that the amendment addresses the concern brought up by Parliamentary Counsel to exclude the word "Airbnb," but I'm hoping that that doesn't actually take away the intention of your original motion, just gets it up to date.

Ms Dean: Mr. Speaker.

The Chair: Yes.

10:30

Ms Dean: The motion, Member Cortes-Vargas, would be that Mr. Cooper's motion be amended by striking out ", including but not limited to Airbnb,".

Cortes-Vargas: Yes.

The Chair: Mr. Cooper.

Mr. Cooper: Thank you, Chair. I guess I have a couple of quick comments with respect to where we're at. We're a little bit removed from Mr. Clark's comments, but I would address them, and then I'll address Member Cortes-Vargas's and Member Dang's comments. I do think that while it's possible Mr. Clark efforts to include every eventuality, I think that that is a task of the subcommittee, so when we review this particular motion, that I hope to see passed here today, we can address some of those other things around, you know, other ways that people might try to find a path to receive some sort of revenue. Initially some challenges that I see with his comments were around: how do we determine whether or not someone has paid two utilities or otherwise?

This particular motion that I've proposed is specifically about commercial use of the property or rented out for a fee as a vacation rental. You know, it may not be a hundred per cent perfect, but I think that we've efforted to address the issues around short-term rental accommodations. We had said a number of weeks ago that we would take some steps and propose some solutions, and that's exactly what we've done today. So my recommendation would be that we go ahead and pass this particular motion and perhaps address some of Mr. Clark's concerns at the subcommittee as we move to try to make a more wholesome view of the Members' Services orders, and then that would include this one as well.

With respect to the subamendment that is now before us from Member Cortes-Vargas, I think I can be agreeable to voting in favour of removing "including but not limited to Airbnb." I think, you know, one of the things is that Albertans expect action on this. They expect some clarity, which was exactly why I chose to include Airbnb in the motion, but I do acknowledge the fact that it's possible that in two years from now Airbnb won't exist and that it will remain in the Members' Services orders as such. I am willing to support the motion from Member Cortes-Vargas to amend my motion, and I speak in support of that. Then, hopefully, we can pass the motion as it then will exist, and we can address some of the other issues at the subcommittee to ensure that we've actually accomplished the goal that we set out to do today.

The Chair: Mr. Clark and then Mr. Dang.

Mr. Clark: Thank you, Mr. Speaker.

The Chair: Can I just clarify for the sake of all of us? We're dealing with the amendment, a subamendment, if you will, as proposed by Member Cortes-Vargas.

Mr. Clark: I like it. We should take that out. But I think there's more to do here. The words "use any commercial service": the more I read this and the more I reflect on this, actually, the narrower it gets. What if it's not commercial? What if it's your cousin? What if it's just a friend? You didn't use a commercial service; you didn't put it out on the Internet. You just said: "Hey, you know, I'll tell you what. I've got this place in the summertime. Why don't you come use it? Give me 500 bucks a month. No big deal." That loophole continues to exist under this motion, so the motion, I think, the more I read it, gets narrower and narrower, and frankly it's not that complicated.

While I appreciate that the committee can and should have a deeper look into it, I think what we really need to do here is to simply define what actual costs are. Actual costs are how much it costs you for something less how much money you make out of that thing. My opinion is that if you were to ask any accountant, if you were to ask the CRA, they would agree that that's already the definition of actual costs. I would interpret the MSC currently to be that. It hasn't been interpreted that way, which is why we're having this conversation.

Again, I would really encourage the committee to think hard about making sure that we're not being overnarrow, that we're not inadvertently or, I can't imagine, deliberately – I hope not – leaving loopholes in here. Frankly, I don't know if it's really all that complicated to just define actual cost.

Thank you.

The Chair: Mr. Dang.

Mr. Dang: Yeah. Thank you, Mr. Speaker. I think that what Mr. Cooper has proposed here and the amendment that's being proposed here as well address the immediate issues as an interim solution for us to move forward with, and I think that a lot of what Mr. Clark is speaking to and his motion are things that will be encompassed by the scope of the subcommittee at this point. I think that those broader nets he's talking about are something that are quite often quite complicated, and when we have these very complex, unique situations, that might require a bit more work. I think the role of the subcommittee is to do that extra work.

At this time I think that I do like Mr. Cooper's motion, if we do amend it, as amended as it would immediately close the loophole that we're here to speak about while still giving us the opportunity to go back with the subcommittee and bring recommendations that fill out all the other gaps that we might be approaching.

Cortes-Vargas: Okay. I actually remember when we did this originally, changing the allowances, and, Mr. Clark, we brought forward the ideas. It changed from what you originally brought forward to what we were able to implement, and that was because of the costs associated with administrating it. So when I'm talking about making sure that the intent that you have is reviewed in the subcommittee, I do very much mean like what you have written as a suggested motion, looking at the possible consequences of putting that in place or looking at the options of being able to put something in place that addresses all of those concerns.

But as we found out last time when we were doing this, in changing the forms of the allowances that are distributed, we learned that there was a pretty high administrative cost that was going to be joined if we were going to make it verifiable to the point that perhaps might be needed in order to administrate what you're suggesting. I think it's just a matter of actually playing out those scenarios and making sure that we're moving forward in an informed manner and making sure that we're addressing it.

I think that we're actually on the same page here. I know that as a subcommittee we really, actually, do intend to review the suggestion that you have made and the suggestions that other people have made as well and also put something in place that is there to address the public's concern, which is the fact that no member should be making income out of this. We need to find a way to do this, and we need to find a workable way to do this that is actually not going to create a further administrative burden that makes it worse than it already is. I think that's something that when we discussed it the first time, we actually talked about, and we figured out kind of a medium measure of making sure the actual cost was something that was able to be ensured. I think, as we have found out, there's a loophole in that.

What you're trying to do is create the definition for actual costs. I think what is being created here is an end to this idea that just because it didn't say that Airbnb was not allowed, it can be allowed. Also, you mentioned, you know, that we only used the words "commercial service." What if it's in a different scenario? It says: "commercial service" and "or a third party on behalf of a member." That indicates that if the intention on behalf of the member is to

make income, that would be inappropriate, and I think that that allows what we're trying to talk to today.

10:40

So this actually does cover those things. I would argue that the example that you gave is actually not legitimate because of that wording that says, "or a third party on behalf of a member." You would not be able to do it in that instance. The wording is different, and it is a narrow way to address this issue, but that's because we have to make sure that if we move forward on a broad basis, it is an informed way of moving forward.

I recognize the difficulty in doing that, having been on the subcommittee, having reviewed the guidelines, like, deeply, having at this point almost memorized different sections of the Members' Services orders and highlighted it through, and knowing that they have not been updated. Some of the guidelines are still reflecting things like when we had MySpace, so they need to be modernized.

That's a thing that has been clearly articulated by the reflection of this committee to create the subcommittee. I think that at first you think, "Oh, it's really simple; we'll just add this in" and that there's no counterconsequence to that. But what we've learned and the reason that the FMAS review was done and that then all of a sudden we go into the subcommittee to discuss the consequences is that implementing in such a way that is clear and that is able to be administrated by the LAO needs to be done thoughtfully, and that's what I'm hoping to create here. I think that there's a lot of commitment from the members who have met over the summer to talk about the numerous Members' Services orders, that that's where we're hoping to go.

At the end of the day, I think we're all in agreement here that we do not want a situation like this to come up again. I think it is inappropriate and that the public deserves better and expects MLAs to act above the bar, and we should always attempt to do that. We are here to be respected members and honourable members, and that's something that, you know, we're referred to as but that we also need to be able to demonstrate. I actually believe that putting this in place allows us to do those things and to do those things in a way that the public deserves, which is something that can be maintained, something that can be administrated, and something that can be implemented in the long term.

The Chair: Members on the phone, any questions or comments on the amendment as proposed by Member Cortes-Vargas, which deletes the words "including but not limited to Airbnb"?

Hearing no questions, then I believe we are at a motion with respect to the amendment as proposed by Member Cortes-Vargas. All in favour, please say aye. On the phone? The motion is carried.

Now I believe we are back to the amended motion. Mr. Clark, go ahead.

Mr. Clark: Thank you. I'll just say one final thing on this, and that is to Member Cortes-Vargas's comments. I do think my motion addresses the issue or that my approach addresses the issue. I don't see that this, my approach, would incur any additional costs because there's nothing about verification, which would be the area where additional cost would be incurred. That's something that the committee is going to deal with.

I think that in terms of unintended consequences I would make a strong case that this motion as proposed, because it's so narrow, has more likelihood of unintended consequences than my motion, which is more general.

Having said all that, I'll take it. It's better than nothing. If this is the will of the committee, then I think I can go along with that because it does address the issue, the very narrow, very specific

issue, in the immediate term. I would, however, have preferred to see something which I think is more likely to stand the test of time. I think that these changes are very unlikely to stand the test of time and continue on in their current form.

I would have preferred to see a more general approach which does not incur any additional costs, which does address the specific issue we saw this summer from Fildebrandt but also is broad enough to capture other aspects. I'm curious why the committee doesn't want to consider a more general motion or more general changes that would be more likely to stand the test of time.

Having said that, I can support this given that it does at least address this one narrow issue that we've seen, and we can move on. Thank you.

The Chair: Any further questions with respect to the amended motion? All in favour, please say aye. On the phones? Is there anyone opposed? The amended motion is carried.

In closure on that item, I'd just like to mention, if you'd allow me, that hon. members are expected to be just that, honourable. They are also expected to be accountable to their constituents. We need to remind each of us that in 2013 expense disclosure reports were required, and any resident of this province can go to that site and check that. I think our public have sent a fairly clear message to this Legislature.

The next item is timelines for the Legislative Assembly budget. If I might, I read the detailed discussions from our last meeting, on February 6. As you know, over the last year we went through a series of meetings for the budget process. Some will recall that we had discussions at that meeting as well as before. It's been suggested that the format, if you will, might be considered so that we're somehow in line with other legislative offices. I've actually taken a look at those, and there seems to be some variance in all of those. Nonetheless, staff have taken under consideration the requests that were made, and the parameters do in fact reflect the business planning, if you will, of other legislative offices and departments. So we'll take that under advisement. I know that the specific issue that some members have addressed is with respect to outcome measures. I'll leave that, but that's what we can expect. You have a proposed timeline, which requires us to set some meeting dates.

Mr. Clerk, is there anything you'd like to add?

Mr. Reynolds: Mr. Speaker, with respect to the budget parameters the process that the Members' Services Committee has followed for, I believe, five or six years has been to set the parameters, really the assumptions, that we'll be proceeding with for the budget so that the Legislative Assembly Office can go ahead and prepare the budget. It's really a two-stage process. The point of the parameters meeting is to discuss items that may not be part of the budget or to discuss, if you will, the projected level of services for the LAO and the target so that we can go ahead and budget accordingly. I just wanted to make that clear.

These dates that are given or included in the timetable are, of course, up to the committee to consider. Of course, it depends on the length of session. We have used dates that correspond to timings with session in the sense that session is projected to continue until December 7 this year. That's why the week of December 11 is indicated as a possible meeting for the Members' Services Committee, just so that you could conceivably wrap this up by the end of the calendar year. Of course, once again, that's in the hands of the committee.

Thank you.

10:50

The Chair: So the target: you recall that last year we needed to go into February. Our intention is – I think that the committee would share this view – that we make best efforts to finalize a budget with the necessary priorities, assumptions that the committee wishes to consider. Let's aim to have it finished before January 1. So that's the target intended here, which leads me to the question: could the committee agree to a possible date during the week of October 23 to 27?

Mr. Cooper: I'm certainly agreeable. I don't know why we wouldn't wait till the following week, till we're all in Edmonton anyway, and do a meeting immediately following the conclusion of session in an effort to be responsible and utilize everyone's time as well as possible. I would think, you know, Tuesday evening, the 31st, or something ...

Mr. Clark: Boo. Scary.

Mr. Cooper: Yes.

... or the 1st of November if people are going – I know I'm going to be dressed up like a politician that day, so I'm happy to trick-or-treat with all of you folks that night. We could even go to the 1st. My point: I think that to have a meeting just on budget parameters the week prior to session could be a better use of our time, to take care of that in an evening once session has started. But if that's not the will of the committee, I'm happy to be here a few days prior to that as well.

The Chair: Well, you raised a good point. The intent was – again, you're pressing on the timeline to provide the necessary time so that we can get a strong consensus and collaboration of the committee.

What are the wishes of the other members? Do you wish for the week of October 23, or would you like to move until – there's an upside, I think, for the staff. That might give them a little bit more time. Nonetheless, it's going to put pressure at the other end of the window. What's your wish?

Mr. McIver.

Mr. McIver: Thanks, Mr. Speaker. Respectfully, I agree with my colleague from Olds-Didsbury-Three Hills. We're up here a lot. We're going to be up here that next week no matter what because it's our job to be here. I don't see a huge benefit to running up and down the road an extra time, but as always the will of the committee will prevail.

Cortes-Vargas: I think November 1 is fine, but, I mean, we can always just poll the dates as well.

I do have a question in regard to some of the timelines and some of the budgets.

The Chair: Yeah.

Cortes-Vargas: Last year, when we were reviewing the budgets, there was an annual report that the LAO produces, and it struck me that that almost also read like a strategic plan. I found out that when you're reading through the budget of the LAO and what the different departments are going to be doing, there are not a lot of details about, like, the specific goals that each area is working on and the progress on that, and I found some of that was more in the annual report. I think my request would be: would there be a possibility of being able to do some form of strategic plan that is included when we receive the budget for the different departments, which allows us to give context to what those departments are working on, those kinds of outlines? I think that that is already

somewhat outlined within the annual report. It's just in a different document. I think there definitely would be more things to include, but I was just wondering if that could be included as well.

The Chair: Well, certainly, you know, we've had that discussion with staff. I think I concur that all of the information that I think the committee and yourself wish to include be there. We've had a discussion on this. If I'm correct, we may need to reformat and be more clear and consistent with the annual report. I know that staff will make their best efforts to achieve what you're after.

Mr. Clerk.

Mr. Reynolds: Thank you. We'll endeavour to look at providing different information, then, as part of the budget process.

Thank you.

The Chair: Are there any further questions on that matter?

Seeing and hearing none, then, do you wish to ask that we do a check? Are you prepared to identify a meeting date today, or do you wish to be contacted to find a common day? What's your wish? November 1: does that work?

Cortes-Vargas: Poll? Is everyone okay with polling?

The Chair: Do it here or outside?

Mr. Reynolds: It would have to be in the evening.

The Chair: What's your wish: the evening of the 1st? Consensus? There's agreement. On the telephone, available November 1? I'm assuming your silence means agreement.

Mr. McIver: Silence is occasionally consent.

Cortes-Vargas: It's not always consent.

The Chair: Not always.

Mr. McIver: Not always but occasionally.

The Chair: The minutes will reflect that we will aim for a date of November 1 for discussion on the budget parameters.

Is there any other business that the committee wishes to deal with today?

Seeing and hearing none, thank you, members. We're going into a pretty busy period in the next several months. Take care of yourselves, and listen to your residents.

I need a motion to adjourn.

Mr. Cooper: So moved.

The Chair: Mr. Cooper. All in favour, please say aye. Anyone opposed, say no. The motion is carried. The meeting stands adjourned.

[The committee adjourned at 10:58 a.m.]

