

Le 17 décembre 2010

Office de la consultation publique de Montréal.

Monsieur , Madame,

Le Conseil Communautaire de Notre-Dame-de-Grâce dépose, ci attaché, un mémoire dans le cadre de la consultation publique sur la révision de la Charte Montréalaise des droits et responsabilités.

Nous restons disponibles advenant que des représentants de l'Office juge pertinent de s'informer plus en profondeur concernant notre mémoire.

Nous vous remercions pour l'attention que vous porterez à nos commentaires.

Leslie Bagg
Organisatrice communautaire

Révision

Charte montréalaise des droits et Responsabilités

Mémoire

déposé dans le cadre de la consultation publique organisée par l'Office de la consultation publique de Montréal.

Sommaire des Recommandations

Participation

- Lancement d'une campagne d'éducation (En collaboration avec les Tables de Quartier et s'appuyant sur une approche réputée) sur la manière d'utiliser la charte comme outil.
- Établir un processus simple et rapide pour invoquer des articles de la charte et assister toute personne qui voudrait s'en prévaloir
- Mettre en place des outils afin de vérifier, de manière systématique, les interventions policières, la situation dans les transports publics ainsi que les opportunités de travail de façon à s'assurer que profilage racial ne soit pas toléré

Amender l'Article 22 libellé comme suit: "soutenir avec l'appui des partenaires du milieu, une offre de services diversifiée et complémentaire répondant aux besoins évolutifs de la population;" afin de "soutenir, en collaboration et en appui aux partenaires du milieu..."

Participation dans les budgets de la Ville et de l' Arrondissement

- Organiser des sessions d'information concernant le budget pour l'année à venir et ce le plus tôt possible, idéalement en février ou mars.
- Mai/Juin: Organiser des forums pour inciter l'apport des citoyens concernant les priorités budgétaires.
- Tenir une session du Conseil d'arrondissement où le budget est adopté et au cours desquelles le public a une véritable occasions de poser des questions et de faire des commentaires

- Employer des moyens novateurs pour publiciser les sessions du budget.
- Transmettre des informations et mobiliser les citoyens en partenariat avec les organismes communautaires et tout particulièrement les Tables de Quartier.
- Requérir que les Arrondissements et les Commission des Villes produisent des informations budgétaires suffisamment détaillées pour permettre une participation informée des résidents. L'information doit être présentée à chaque service et inclure une information comparative relative à quelques années antérieures afin de distinguer les tendances ou de modifier les priorités
- Rendre cette information accessible en ligne au minimum deux semaines avant la réunion publique.
- Désigner une personne ressource mandatée par l'Arrondissement et la Ville Centre pour répondre aux clarifications demandées par le public relativement à la structure et à la signification de l' informations budgétaire présentée, au cours deux semaines précédant les sessions.
- S'assurer que le format utilisé pour l'étude et les apports au budget soient novateurs et suffisamment structurés pour être souples et faciliter la participation citoyenne
- Assurer que chacune des clauses de la Charte ainsi que l'amendement proposé selon lequel le terme «Arrondissement» soit inclus de manière à démontrer que cette déclaration s'applique également à cette entité.

Revision Montreal Charter of Rights and Responsibilities

Mémoire

déposé dans le cadre de la consultation publique organisée par

l'Office de la consultation publique de Montréal.

Presented by:



December 16, 2010

INTRODUCTION

Founded in 1942, the NDG Community Council (NDG CC) is a community organization which enables citizens and community organizations to work together to improve the quality of life in our community. In its coordination role in promoting social change, the Council develops and supports projects that respond to the needs of local residents. Over the years, this work has involved supporting the mobilization of citizens with respect to a wide range of issues and has led to the creation of many independent organizations that now play a vital role in NDG. Amongst these are Operation Contact that led to the home care services of our local CLSC, the NDG Senior Citizens' Council and Head and Hands. Our organization has also been active in promoting citizen and community involvement in a broad spectrum of democratic concerns. Commissions, regular and budget meetings of the Borough Council and multiple consultations are amongst the venues in which we have supported citizen participation on issues that concern them. We are pleased to present in the following some of our key reflections that draw on these experiences for the consideration of the Commission currently studying the proposed amendments to the Montreal Charter of Rights and Responsibilities.

WHY PARTICIPATION?

Among the major principles and orientations that underlie “la Charte des droits et responsabilités” we identify frequent references to encouraging the “participation” and collaboration in the affairs of the municipality by citizens and interested organizations and stakeholders.

While this concept is important in the original version of the Charter, we are pleased to see that a number of the proposed modifications give it an even more significant place: article 16 d) ... “afin de favoriser la participation des citoyennes et citoyens;”; article 16 e) ... “prendre des mesures adéquates visant à promouvoir, avec les partenaires du milieu ,”; article 18 e) ... “favoriser la prise en charge de leur milieu par les citoyennes et les citoyens”; article 22 a) ... “soutenir avec l’appui des partenaires du milieu, une offre de services diversifiée et complémentaire”.

For the NDG CC the principle of resident participation in determining the form, quality, level and priorities of local services is fundamental. We believe that such involvement is not only associated with the rights of citizens and taxpayers to have a clear say concerning direct services, but that citizen engagement throughout the process is an important element in fostering a sense of civic responsibility.

It is our observation that many of the essential components of maintaining a healthy community have developed and still continue to be sustained by the initiative and direct involvement of residents and concerned community organizations. As we think of the services provided by the numerous minor sports, recreation and cultural organizations, the food banks, the housing and neighbourhood improvement groups, the urban security and crime prevention groups, we realize that not only do such endeavours depend on the constant investment of energy by thousands of volunteers, but that most have been born from initiatives taken directly by local residents.

In many cases, the initiatives of local groups have become associated with the mandates of various government and municipal entities, and have often experienced a tendency for their priorities and methods to be influenced or determined by the various guidelines and requirements established by officials who have a limited understanding of local realities or the conditions that can be favourable to success.

In this context, the NDG Community Council believes that the Charter should be an important tool that could be invoked in order to ensure resident participation and the respect of the rights and responsibilities both of citizens and of those responsible for the delivery of municipal services.

THE CHARTER AND PARTICIPATION

Unfortunately, presently very many of the community organizations and individuals so closely involved with ensuring the services essential for a healthy community, are unaware of the Charter and its framework of rights and responsibilities. While such groups may have the conviction that they should have a more direct

role in influencing municipal services, they often feel removed or excluded from municipal processes and are unaware that various principles and articles of the Charter provide for their participation.

If the Charter remains at a distance from, rather than an effective tool for, active community forces, we feel it will unfortunately also remain simply a collection of hopeful phrases and wishful thinking.

RECOMMENDATIONS

From this perspective the NDG Community Council recommends that:

A pro-active and extensive information and public education campaign be initiated by the municipal Ombudsman, particularly in direct contact with community organizations active in the development and delivery of local services. To date it appears promotional efforts have put a priority on standard information rather than any form of engagement in facilitating learning about how to make use of the Charter as a tool. Although promotional techniques such as pamphlets, videos and note pads may be effective with some segments of the population, we believe that an approach of “formation et éducation populaire” is essential for the Charter to take root and produce results with the groups and individuals who make so many things happen at the local level.

A simple and rapid process (requiring virtually no technical or legal assistance) be established to facilitate invoking articles of the charter, and that support resources be available to assist concerned individuals or organizations in the necessary preparation and follow-up;

This be complemented by popular education sessions or training workshops providing illustrations of specific articles of the Charter and the types of situations in which they might be invoked, as well as tools for the preparation of requests;

This endeavour for promoting the Charter as an active tool be undertaken in collaboration with the “tables de quartier” who already work closely with the municipality in the development of healthy neighbourhoods;

OTHER COMMENTS

1. Article 16 i) “combattre la discrimination, **le profilage racial, le profilage social,**” :

Incidents identified by some as profiling are often explained as being exceptional, occasional, an individual act and not condoned by the institution. To ensure that the municipality and its agencies are capable of determining that there is indeed no tolerance of either systemic or individual profiling there should be a systematic mechanism for tracking the handling of situations that are the most susceptible for generating sentiments of profiling such as police interventions, transportation and employment opportunities. Various jurisdictions across North America have developed tools and established procedures that provide for recording and analysing the pertinent details of all interventions. Detailed knowledge permitting to track trends relating to the characteristics of individuals concerned is necessary in order to ensure that the behaviour of profiling is indeed not tolerated.

RECOMMENDATION

The NDG CC therefore recommends that such tools be established for systematically monitoring and analysing the interventions in question and that the results of such analysis be transparent and made public annually.

2. Article 22 a) “soutenir avec l’appui des partenaires du milieu, une offre de services diversifiée et complémentaire répondant aux besoins évolutifs de la population;”

There is a significant ambiguity concerning who supports whom. From many perspectives, the “offre de services” originates from the “partenaires” and it is the municipality that should be “en appui” aux “partenaires du milieu” in their endeavours rather than the contrary.

RECOMMENDATION

We suggest modifying the phrase to: “soutenir, en collaboration avec et en appui aux partenaires du milieu...”. After all, when the financial resources or the municipal or government priorities change, it is the “partenaires du milieu” and their volunteer administrators who end up attempting to find innovative means to maintain services.

A PRACTICAL EXAMPLE OF PARTICIPATION: Considerations related to the borough and centre city budgets

The NDG CC, and many of the organizations active in NDG recognize that managers and elected representatives are regularly faced with difficult alternatives when establishing priorities for the resources that will affect the types and levels of local municipal services. We believe that, from the initial stages of the budget process, participation by interested citizens, community groups and other organizations can contribute important insights and possibilities for collaboration and coordination of scarce resources. We feel that this kind of “on the ground” participation and collaboration with local officials is consistent with many of the principles of the Charter. Our experience indicates that, early in the budget process, this requires access to sufficiently transparent and detailed information, as well as the possibility of informed exchanges with those officials directly responsible for the delivery of the concrete services in question. Although such close collaboration may represent a certain level of discomfort for some officials, we have witnessed positive results when the planning of services and resources can have direct input from local individuals and organizations who will eventually be associated with the results either as beneficiaries or as collaborators.

From this perspective, over approximately the last eight years, the NDG Community Council (NDG CC), has advocated for increased citizen participation in the budget planning process. We believe that the adoption of the borough and city budgets are at the heart of the decision-making process that translates into actions and services in the coming year. While recognizing that responsibility for final decisions rests with elected representatives the NDG CC believes that citizens, community groups and organizations have a fundamental right to have their concerns, opinions and suggestions concerning the level and delivery of services incorporated into the deliberations that shape budget decisions. Our energy has been primarily focused at the Borough level, since most of the decisions with respect to the direct services that touch people's lives are now taken by that body. We have however also observed and given input at various Commission meetings on the centre city budget.

Many experiences with both the Borough and the Commission meetings have been discouraging. Many who have participated have felt that while theoretically citizen questions and comments are welcomed, the conditions that are created via the actions of both the Borough and the City are oriented towards a very different conclusion. Experiences over the years have left many with the conclusion that they rarely have the necessary information, that the decisions have already been made, and that their involvement does not appear to really be desired. For those individuals and groups the process appears to be a public relations exercise to respect minimum requirements, rather than a real opportunity for citizens to genuinely engage in the budgetary planning process.

It is in this context that the NDG CC welcomes the proposed amendments (Clause 16, a, d and new commitment) to the Charter regarding the budgetary process, while still believing they need to be more explicit and go much further if the Charter will make a significant difference in citizen and community involvement in the budget process.

Timing: Article 16 a

Our first initiatives at the Borough level were asking to have an information session early in the budgetary planning process, followed at a later date with citizen input as budget decisions are formulated. Knowing that the budget planning process for the following year essentially begins in January/February of the preceding year, we requested that an information session take place early in the year, with the follow-up session inviting input to take place prior to the summer break in order to be able to potentially influence the budgetary outcomes. While several times we succeeded in having information sessions in June, most years, both phases were condensed into a very short period of time, typically in October and November. For all

intents and purposes by that point, the decisions regarding the budget are essentially made and rarely do any changes to take place. If citizen involvement is genuinely desired, then the timing of information and sessions for input needs to be planned appropriately.

RECOMMENDATIONS

- We recommend that information sessions regarding the budget for the coming year take place as early as possible, ideally February or March.
- We recommend that be followed in late spring or early summer (May/June) by session(s) which could take the shape of thematic forums in order to involve residents in having input to priorities with respect to the budget. This would need to take place early enough in order for citizen input to have an influence on the final budget proposition.
- We recommend that this would then be followed later by the session at which the Borough Council adopts the budget, likely in November, which would include as extensive opportunity for questions and comments from the public on the proposed budget.

Promotion: Article 16 a

Currently, the only way that participation in the budget is promoted in the community is by the email invitations sent to those on the Borough's list as well as the standard Borough Council paid advertisements in local papers. The format that appears each month in the local papers is always identical for each Borough Council, except for the date. Even if the budget is mentioned as the focus of the meeting, many who see these notices have indicated that they were understood as simply the announcement for a regular Borough Council. The ineffectiveness of this approach is reflected by the poor showing of citizens at these meetings. Much more citizen-friendly promotional tools need to be developed to encourage citizens to be present at these sessions.

RECOMMENDATIONS

- We recommend that more innovative methods of publicizing budget sessions be developed by both the Borough and City, using all the promotional tools that currently exist (respective web-sites, e-invitations, pamphlets, publications such as Le Citoyen, press releases and more attention-provoking paid advertising) in order that residents be more effectively informed of the budget process and attracted to participating in it.
- Community organizations are often highly effective vehicles for transmitting information to citizens and mobilizing them to participate in issues of importance. We recommend that the Borough enter into a partnership with key community organizations, particularly the "Tables de Quartier", in order to increase effectiveness in promoting participation by citizens in the budget process.

Quality of Information:(Article 16 d)

The information currently provided by our Borough Council at budgetary meetings is frequently extremely general and lacking the detail that would equip citizens to understand the choices being proposed. Typically, this information, is only available at the last minute, usually only at the meeting itself. This gives little opportunity for residents or organizations to attempt to understand what is being presented, to formulate intelligent questions, or present informed comments on the budget.

With respect to the Commissions, information is typically only available on the spot immediately prior to the meeting. Often this information is a dense document, with minimal explanatory notes. With question period typically the first item on the agenda, this practice also disadvantages citizens by giving very little time to prepare.

RECOMMENDATION

- We recommend that Boroughs and City Commissions be required to produce budget information that is sufficiently detailed to permit informed participation by citizens. Information needs to be presented for each service, with comparable information from several preceding years in order to discern trends or shifts in priorities.
- We recommend that this information be available on-line at least two weeks prior to the public

- meeting in order to enable citizens to read and become familiar with it.
- We recommend that a resource person be assigned by the Borough and centre city to respond to clarification questions from the public regarding the structure and meaning of the budgetary information that is presented in the two weeks preceding the sessions.

Support for citizen learning about the budgetary process:

We recognize that the complexity of the budget constitutes a significant challenge in facilitating citizen involvement. It is insufficient to simply provide written information and expect that average citizens, or even capable leaders of community organizations, will be able to understand what is presented well enough to be able to participate competently in the process.

The NDG CC in collaboration with the Cote-des-Neiges Community Council has several times sponsored training sessions for citizens to learn about the budget in preparation for participating in the process. These meetings typically drew 20 to 30 individuals, many of them representatives from different community organizations. They were greatly appreciated as learning opportunities regarding potential participation with respect to the budget. Leadership to these was provided on top of the many demands already being dealt with by these organizations, already stretched to the limit, and without any municipal resources. It cannot be expected that non-profit organizations, without municipal support, assume the full responsibility for organizing such activities. Again, partnerships with Tables de Quartier, would be ideal in enabling such valuable experiences to take place.

RECOMMENDATION

It is recommended that the Borough enter into partnership agreements, potentially with the “Tables de Quartier”, in mounting a public education program to assist citizens and community organizations in learning about the budget and how they might participate in it.

Format for citizen involvement: Clause 16 “New commitment”

For many citizens participating at Commission meetings or Borough and City Councils can be quite intimidating. Given the often abstract and relatively complex nature of the budget, this is even more so for this focus than regular meetings or other consultations. If citizen participation is to be fostered, the format that is used for citizen involvement needs to be structured in such a way to attempt to minimize this impact. As noted earlier, thematic forums on different services would likely serve well for discussion and input at early phases of the budget process. While recognizing that smooth functioning needs to be maintained, flexibility and recognition in the development of the ways in which citizens can be involved would aid in encouraging participation.

For instance, currently the only opportunity to interact formally with respect to the budget other than the information session when questions can be asked is the session when the budget is adopted. The regular rules regarding question period apply. This year, despite there being only 4 people registered to ask questions and some of those having questions and comments on more than one item, only one question per person was permitted.

RECOMMENDATION

- We recommend that the format used for the study and input to the budget be innovative, structured to be flexible and facilitate citizen involvement.

Inclusion of “Borough”: All clauses where city is referred to

While it is quite clear in the Charter that these principles, there have been occasions when citizens have been told that these articles only apply to the centre city. We would encourage the inclusion of the word “borough” in each clause of the Charter in order to minimize confusion. For instance, the new amendment to 6 would then read: Supporting public budgeting processes related to the preparation and the Montreal and *borough* budgets and three-year capital works programme.

RECOMMENDATION

We recommend that in every clause in the Charter and the proposed amendments that the word "borough" be included to make it explicit that the statement applies to that body as well.