
Local Whole-of-Government Policymaking in Vancouver: Beavers, Cats, and the Mushy Middle Thesis

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On a admis, il y a longtemps, que certaines questions concernant la politique urbaine tel que la réduction de la criminalité, le transport et les développements importants au niveau de l'infrastructure nécessitent une réponse de « l'ensemble du gouvernement » et donc la coopération des uns avec les autres du gouvernement fédéral et des gouvernements provinciaux et municipaux. Dans de tels cas, les municipalités sont souvent perçues comme des participants de moindre importance parce qu'elles possèdent moins d'autorité formelle. Dans ce contexte, il a parfois été écrit que les gouvernements municipaux sont soit des « castors » soit des « chats ». Les villes castors sont officiellement les créatures les plus faibles de la province et elles ont tendance à fuir les conflits interjuridictionnels. Les chats représentent les villes qui bénéficient d'une certaine autonomie gouvernementale et qui ont beaucoup plus de liberté en ce qui touche à l'élaboration de politiques. Utilisant des exemples de villes de la Colombie-Britannique, ce chapitre utilise ces métaphores pour classer de façon plus efficace l'habileté des gouvernements municipaux à influencer les programmes politiques et la formulation de politique au niveau de l'ensemble du gouvernement. Premièrement, les castors et les chats – donc tous les gouvernements municipaux – sont perçus comme étant assis au centre d'un continuum d'autorité formelle non-opposé à absolue et ces deux groupes d'animaux sont qualifiés soit de « forts » soit de « faibles » selon la force de leurs pouvoirs formels. Deuxièmement, et d'importance cruciale, l'idée d'agence est ajoutée au mélange pour mieux expliquer comment les castors arrivent parfois à influencer les réponses de l'ensemble du gouvernement en matière de politique même s'ils possèdent peu d'autorité formelle. En utilisant deux exemples provenant de la ville de Vancouver, on démontre que les vaillants castors, c'est-à-dire les conseillers et les maires, de nature batailleurs, peuvent obtenir ce qu'ils veulent même s'ils possèdent peu d'autorité.

INTRODUCTION

It has long been recognized that certain urban policy issues, such as crime reduction, transportation, and major infrastructure development, require a “whole-of-government” response involving the co-operation of municipal, provincial, and federal governments. In such instances, municipalities are often portrayed as minor players because of their weak formal authority. In the 1980s, when comparing this local/senior jurisdictional exchange, Victor Jones and Patrick Smith described local governments as being either “beavers” or “cats” (Jones 1986; Smith 1986). Building on the long-held view of Canadian local governments as “creatures of the province,” or U.S. municipalities as “tenants at will,” beavers were seen as formally weak creatures prone to danger avoidance and fleeing from interjurisdictional conflict, while “home-rule/charter city” cats were described as relatively autonomous units enjoying considerably more policymaking discretion (Jones 1986, 90).

Using examples from British Columbia, this paper builds on the Jones/Smith metaphor to more effectively classify local government’s ability to affect whole-of-government agenda setting and policy formulation.¹ The first addition to the metaphor is that beavers and cats – and hence all local governments – are portrayed as sitting in the “mushy middle” of a none-versus-absolute formal authority continuum, with the two animal families being further described as “strong” or “weak,” depending on the potency of their formal powers. Second, and more critically, the idea of agency is added to the mix to help explain how beaver cities can sometimes drive the whole-of-government policy responses despite a lack of formal authority. As demonstrated using two examples from the City of Vancouver, aggressive “eager beaver” councils and mayors can overcome formal limits to their authority to “get it done even when they are not in charge” (Fisher and Shar 1998).

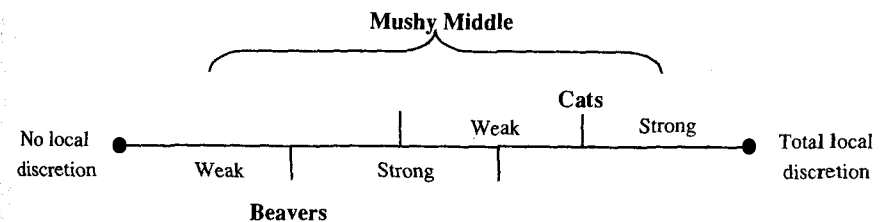
BEAVERS, CATS, AND THE MUSHY MIDDLE THESIS

Whole-of-government responses to urban policy problems are common when cities are faced with issues too large to handle on their own (Australia 2004).² Roosevelt’s Depression-era New Deal is a favourite historical example of a joined-up crisis response, though many contemporary cases of cooperation also exist. Those who write and teach about local government in North America will inevitably, and rightly, explain that from a traditional institutionalist perspective, local governments are weaker than national and provincial/state governments. Canadians describe how section 92(8) of the *Constitution Act*, 1867, gives provincial governments control over all municipal affairs – including local government structure and form. Americans recount how the U.S. Constitution’s tenth amendment states that “powers not delegated to the United

States ... are reserved to the states respectively, or to the people” (United States 1791). These clauses make clear that provincial/state governments are free to determine the discretionary power of these lower-tier bodies. As described by Jones and Smith, local governments can be either beavers (those with a strictly delimited range of authority) or cats (those with the freedom to expand into policy areas without the express permission of upper-tier jurisdictions).

Some U.S. states have sought to create cats by giving local bodies “greater leeway to undertake a variety of actions of their own without first having to obtain expressed state permission” (Ross and Levine 2001, 94). This idea first found formal expression in 1875 when Missouri amended its state constitution to allow “home rule” (Krane and Blair 1999). But despite a more than century-old movement for more independent municipalities, the United States is still much more a land of beavers. Some U.S. cats do exist, but because of the broad range of powers afforded local governments, depending on their size and home state, there is little agreement on which local governments fit into which category. For example, Mead found there were nineteen home rule states, twenty-six states with legislative home rule (where local governments exercise any powers granted to them or not prohibited by either the U.S. or the state constitution), and just five strictly Dillon’s Rule state (Mead 1997). In contrast, Richardson et al. have identified forty Dillon’s Rule states (2003).

Figure 1: The Mushy Middle Continuum



Disagreement about whether a municipality is a beaver or a cat indicates that further refinement is needed to classify local governments more accurately. In an effort to move towards a workable categorization scheme, figure 1 suggests that all local governments sit in the “mushy middle” of a continuum of formal local government authority that has “No local discretion” at one end and “Total local discretion” at the other. These two extremes were chosen to demonstrate that all local governments have at least some discretionary power but never total control – a view confirmed by many, including Richardson et al.: “No state reserves all power to itself, and none devolves all of its authority to localities. Virtually every local government possesses some degree

of local autonomy and every state legislature retains some degree of control over local government.”(2003, 51). The same is true in Canada, where local governments have usually been seen as beavers.

Although all local governments are located in the mushy middle, the “beavers and cats” metaphor is still a useful label when broadly describing in which of the two categories a particular local government may be classed. But it is probably even more helpful to acknowledge that some beavers and cats are “strong” and some “weak.” A strong beaver, defined through formal restraints on its autonomy and the degree to which it controls its own economic, territorial, and political resources, will have a broader range of formal authority to set agendas, formulate policy, and influence decision making on matters that affect its citizens than a weak beaver does.³ On the flip side, strong cats have fewer formal restrictions on their authority than weak cats. As shown in figure 1, some strong beavers may actually have as much or more formal ability to shape policy as weak cats – indicating that struggles for home rule/charter status may be less enabling than merely requesting a broader range of powers.

Using examples from British Columbia, the next section explores the role of local government in light of the above continuum. The final section, which takes examples from Vancouver to explore how informal and formal authority mix, paints an even more detailed expansion of the metaphor. In conclusion, the paper brings the discussion full circle by using lessons from these British Columbia cases to generalize about the role of local authorities in whole-of-government policymaking.

FROM BEAVERS TO CATS? EVALUATING RECENT LEGISLATIVE CHANGE IN BRITISH COLUMBIA

Many scholars of local government acknowledge that early Canadian local governments were endowed with very little formal policymaking authority, both before and immediately after Ontario’s 1849 Baldwin Act (Tindal and Tindal 2000, 27). But as populations grew, so did their formal authority. To use the analogy from the last section, weak beavers grew into stronger beavers as their jurisdiction increased. However, a full species change has never been achieved, since permission from upper-tier masters has generally been perceived as being needed only to expand into new policy areas. But recent developments suggest that provinces may now be willing to allow beavers to transform into cats. For example, a recent B.C. minister in charge of municipal affairs stated that his recent round of legislation – British Columbia’s Community Charter – was to “replace a provincial tradition of rigid rules and paternalism with flexibility and co-operation ... [and] encourage municipalities to be more self-reliant” – language that suggested radical change was on the horizon (British Columbia 2002, 3).

The promise of more empowered local governments has existed for some time. For example, the general trend of municipal legislation in British Columbia “has been to give as large as possible a measure of local and self-government autonomy to municipal corporations, and to facilitate the incorporation of municipalities wherever warranted by population and property” (Crawford 1954, 47–8). Having entered Confederation in 1871, the British Columbia provincial government passed initial general municipal legislation in 1873. This legislation allowed local governments to undertake a range of activities but did not include provisions for incurring debt or mandatory responsibilities (Bish 1987, 15). Later amendments allowed for municipal borrowing (1881), and the *Municipal Incorporation Act* and *Municipal Clauses Act* of 1896 provided a system similar to that of Ontario, without a county tier of government. These acts fleshed out the authority and responsibilities of B.C. local government – for example, “a requirement to make suitable provisions for the poor and destitute” – and set a basic framework for all municipalities (Tindal and Tindal 2000, 46).

The ability to opt in or out of a broad range of powers has allowed B.C. municipalities to develop at least into strong beavers, if not yet into cats. According to Robert Bish, the 1936 B.C. *Municipal Act* listed “266 voluntary functions” for local governments, and “few constraints have been exercised if a municipality had a good reason for wishing to undertake some new function ... The range of functions municipalities perform has expanded greatly over time” (Bish 1987, 16–18). Smith and Stewart have traced this expansion of formalized powers into the 1990s and early 2000s, describing a number of initiatives designed to expand the roles and autonomy of local governments in British Columbia. Under several New Democratic administrations, local political parties were encouraged and a new *Local Government Act* was established. Additional action was intended on related accountability reforms, but it fell by the wayside when the NDP lost power in 2001 (Smith and Stewart 2005).

The most recent developments in the evolution of local government in British Columbia include a “community charter” initiative undertaken by the Liberal premier, Gordon Campbell, elected in 2001. This latest municipal legislation contains language with a promise of Canadian cats. One of the “first ninety days” commitments contained in the B.C. Liberal Party’s New Era election platform document of 2001 was action on the creation of new municipal legislation – the *Community Charter Act*. Structurally and functionally little was to change under the Community Charter, but the legislation, as passed announced a number of financial and jurisdictional reforms – all of which, the province claimed, would free up the hands of local government. These included:

- *Natural person powers* B.C. municipalities were corporate entities, meaning that their powers were subject to some limitations on the making of agreements and providing assistance. Natural person powers do away with

itemized corporate powers and increase the corporate capacity of the municipality in relation to already delegated powers.

- *Service powers* Municipal councils may now provide any service they consider necessary, and bylaws are no longer required to establish or abolish services.
- *Agreements* In terms of public-private partnerships, municipalities gain a simplified authority to grant an exclusive or limited franchise for transportation, water, or energy systems, and provincial approval for agreements between a municipality and a public authority in another province is eliminated.
- *Additional revenue sources* The Community Charter “puts forward for discussion” (but does not yet commit the province to) a number of potential municipal revenue sources outside property taxes, including fuel tax, resort tax, local entertainment tax, parking stall tax, hotel room revenue tax, and road tolls.

In addition, the Community Charter claimed to go some length to clarifying the local-provincial relations by recognizing municipalities as “an order to government” and promising the following:

- *Consultation* The provincial government agrees to consult with the Union of British Columbia Municipalities (UBCM) before changing local government enactments or reducing revenue transfers.
- *No forced amalgamations* Amalgamations between two or more municipalities will not occur unless electors within the affected communities approve the merger.
- *Reduction of provincial approvals* Under the Community Charter the number of routine provincial government approvals will be reduced. As well, the charter allows the province to reduce approvals further over time through regulations.

These legislative commitments suggested that the Campbell Liberals wished to increase administrative flexibility and, as much as possible, free local authorities from time-consuming provincial interference – a measure underscored by the move from corporate to natural person powers, reduced provincial oversight, and promises of consultation and increased revenue-generating capacity. This municipal legislative reform in British Columbia was posed as an attempt to increase efficiency through decentralization, based on limited financial and jurisdictional tinkering and no major structural or functional reforms. The language used by the Liberals suggested that all British Columbian beavers might become extinct.

Passed in March 2003, the *Community Charter Act* set out its purpose in language that was still echoing the earlier promise of transforming all B.C. municipal beavers into cats. Its purposes reflect a desire to clarify both the

municipal and the provincial components of the provincial-municipal relationship in British Columbia and, potentially, to add to local autonomy:

- The purposes of this Act are to provide municipalities and their councils with:
- (a) a legal framework for the powers, duties and functions that are necessary to fulfill their purposes,
 - (b) the authority and discretion to address existing and future community needs, and
 - (c) the flexibility to determine the public interest of their communities and to respond to the different needs and changing circumstances of their communities. (British Columbia 2003a)

Walking the “cat” talk, however, has proved difficult in British Columbia. The Community Charter reform package was much delayed – initially by provincial secrecy and then by local governmental ambivalence. For example, the provincial government met with the UBCM at the union’s annual conference in September 2002 with a plan to introduce the Community Charter bill for legislative approval that autumn. However, the more that UBCM members considered the draft charter, the more concerns they expressed. While the charter promised no provincial downloading onto municipalities without consultation and equivalent fiscal compensation, no such consideration was made when the province simply offloaded a responsibility or service, essentially dropping it entirely. This meant that municipalities have had to take a range of actions in response. They have, for example, had to buy their community hospitals (as Kimberley did after provincial cuts forced its closure); to hold referendums (as Delta did in the November 2002 municipal election to get voter approval for a local tax increase to fund its hospital emergency ward on a twenty-four-hour basis, rather than having it open only during the day and early evening); and attempt to recall the local MLA (as Delta, among other constituencies, has tried to do – unsuccessfully to date).

Further, despite the charter’s talk of limiting interference by the senior provincial authority, if local governments decide to raise local taxes (for instance, on businesses) rather than opting for the newly preferred user fees or public-private partnerships, the province has reserved the right to impose limits on property tax rates – in direct contradiction of the charter’s “empowering local autonomy” intent. And under a redefined provincial-municipal relationship, the charter reminds local governments that apart from acknowledging and respecting each other’s jurisdiction, the legislative intent is to “work towards harmonization of Provincial and municipal enactments, policies and programs” (British Columbia 2003a, s. 2(1b)).

This may work in many instances, but not where a local government wishes to take a very divergent policy tack. Here, the intergovernmental game becomes more perilous for local authorities – a situation more akin to “beaver”

status. The battle between British Columbia's Ministry of Transportation and the District of West Vancouver over the route of the Vancouver to Whistler "Sea to Sky" highway is a good example of this (Smith and Stewart 2005). Having largely lost at the Federal Court of Canada (May 2005), West Vancouver has appealed the verdict. Also against local wishes, the province pushed an amalgamation into the Vancouver Island community of Courtney (*Courtney Comox Valley Echo* 2005). The City of Vancouver, of course, is the legislative exception, since it has its own Vancouver Charter. It has been allowed to "cherry pick" aspects of the Community Charter that it feels are of benefit (Smith and Stewart 2005).

Traditional beaver thinking has also crept back into the province's post-charter legislative agenda. For example, the *Significant Projects Streamlining Act*, passed in 2003, allows the provincial government to override any local governmental opposition to any project deemed of significant provincial interest (British Columbia 2003b). This Act conjures up images of previous actions by the province: the dismissal of school boards in the 1980s; the "over a weekend" order-in-council eliminating Greater Vancouver Regional District's authority to regulate the region's watershed when it tried to block provincial implementation of a natural gas pipeline through that watershed to Vancouver Island; and the elimination of regional planning (Oberlander and Smith 1993). The more recent (2001–5) overturning of a Delta bylaw, which limited the negative air-quality arising from large greenhouses by requiring them to use natural gas or propane rather than wood waste, also undermines the idea of a catlike transformation.⁴

It would appear, then, that the Liberal's first-term New Era (2001–5) served only to reinforce the beaver metaphor in British Columbia, though perhaps the beavers have become slightly stronger. Re-elected in May 2005, the Campbell Liberals restructured the local government ministry again in June – now as Community Services for a "Golden Decade," but with no promise of stronger municipal governments. Although the municipalities of the twenty-first century may have more powers than those of the nineteenth century, their policymaking powers remain significantly circumscribed by the provincial government.

BEYOND FORMAL CITY LIMITS: VANCOUVER'S EAGER BEAVERS

Despite the language used by various provincial governments, it would appear that British Columbia is largely a land of beavers. However, Robert Bish and others indicate that, in the past, local governments in British Columbia have rebelled and have pursued policy in spheres outside their formal range of authority – felinelike actions, which Bish considers to be of the open-ended,

home-rule type (1987, 5–16). This raises the possibility that local mayors and councils may sometimes manage to circumvent formal limitations or – to continue the metaphor – that in some circumstances beavers may temporarily become "eager." The City of Vancouver provides two recent examples that help shed light on "eager beaver" local governments. While these cases do not represent a local governmental norm in British Columbia, they do illustrate some of what any B.C. municipality might need to do to be successful in whole-of-government policy settings.

URBAN DRUG POLICY: VANCOUVER'S SAFE INJECTION SITE

Insite, North America's first legal supervised heroin injection site (SIS), opened on Vancouver's Hastings Street in September 2003. Operated by the Vancouver Coastal Health Authority and the Portland Hotel Society (a Downtown Eastside advocacy non-governmental organization), it is based on a partnership with the City of Vancouver, the Vancouver Police Department, and the community. Insite was established as a scientific research project to assess whether such an operation could reduce the harm associated with heroin and other injected drugs (Vancouver Coastal Health 2005). The first of its kind in North America, Insite is modelled on similar European sites. It was developed by the City of Vancouver through study tours of the health-focused harm-reduction approach taken in EU cities such as Frankfurt and Amsterdam, in contrast to the American-led "war on drugs" approach to drug treatment in North America's cities (Thomson 2004).

Beginning in the 1990s, momentum for Insite stemmed from an overwhelming need to address a significant community problem. Between 1990 and 2000 more than twelve hundred people died from drug overdoses in Vancouver. These deaths were especially prominent in the city's Downtown Eastside (DTES) and were due to a variety of factors: changes in the local drug market, increased poverty, the decision to shut down large mental institutions, lack of affordable housing, and high unemployment. Open drug consumption in the DTES (already Canada's poorest neighbourhood) triggered a common urban problem of core decay – a phenomenon where small businesses and middle-class residents flee problem-ridden neighbourhoods. This core decay served to attract even more problem elements to the DTES, thus amplifying the open drug use and related criminal activity.

Heroin deaths in the DTES peaked in 1993, increasing from eighteen to two hundred in a single calendar year. A 1994 report by the chief coroner of British Columbia, Vince Cain, noted that this increase had occurred despite the Province of British Columbia pouring millions of dollars into related law enforcement and health services in the area (Cain 1994). Most significantly, the Cain Report represented the first major attempt by a public official to get governments at all levels to see addictive drug use not as a criminal problem

but as a health issue and to get them to view drug addicts not as criminals but akin to diabetics in need of health treatment.

A series of reports by other health officials made similar pleas, but they were mainly ignored by all levels of government, and the DTES continued to decline. In October 1997 the Vancouver Richmond Health Board announced a public-health emergency in Vancouver on the transmission of HIV among injection drug users. By 1999, 61 percent of Vancouver's drug-related arrests and 18 percent of the city's crimes against persons took place in the DTES, despite the fact that this area has only 3 percent of Vancouver's population. A 2004 Macleod Institute report corroborated the poor social conditions that prevailed in the DTES:

In the decade leading up to the Vancouver Agreement, the city's downtown eastside (DTES) was falling into serious social and economic decay. The community had once been vibrant with retail, manufacturing and resource-based businesses operating out of Vancouver's original centre of commerce. When the venerable and long established Woodward's store on Hastings closed in 1994, it significantly contributed to the decline of the DTES' commercial sector. In 1998, 27% of the stores along one major thoroughfare were vacant and two-thirds of the area's residents were living below the poverty line. (2004, 9)

Yet as the Macleod Institute noted, it would be erroneous to suggest that governments were ignoring these obvious problems. In fact, approximately \$1 million was being spent per day by some twenty-five federal, provincial, and municipal departments (2004, 10). Not surprisingly, then, citizens grew frustrated at the apparent inability of governments to meet the health, social services, housing, and safety needs of the DTES community (McGirr 2005, 30).

These serious problems did not go unnoticed, especially by the community worst affected by this crisis. Feeling abandoned by all levels of government, in 1997 a large number of drug users, artists, health activists, and others from the Downtown Eastside came together to form the Vancouver Area Network of Drug Users (VANDU). Although individual members had already made efforts to establish consumer advocacy groups, peer support networks, and even an illegal safe injection site, they felt that as a collective they could force decision makers to adopt policies to rescue their community (Health Canada 2001). In the same year, the Non-Partisan Association (NPA) mayor of Vancouver, Phillip Owen, brought together business, government, non-profit organizations, and advocacy groups to create the Coalition for Crime Prevention and Drug Treatment, which discussed how to engage the community in addressing Vancouver's drug problem and drug-related crime (Health Canada 2001).

Initially, members of this coalition were far apart on how to solve the problem. VANDU and other DTES social service agencies lobbied for harm reduction, including the establishment of a safe injection site. Local businesses owners, some

police, and politicians at all levels were opposed to safe injection sites. For example, Ujjal Dosanjh, who at the time was attorney general of the NDP government of British Columbia (and in 2005, as a member of the federal Liberal Party, was minister of health), stated: "You're basically saying, 'if you become an addict we will help you and give you drugs in a safe place.' Well, I'm sorry, that's absolutely the wrong message to send to anybody" (Steffenhagen 1999). Mayor Owen himself repeatedly stated that Vancouver would not put in safe injection sites until they were established in other Canadian cities, because "otherwise, we'll have 20,000 addicts here instead of 5,000" (Bula 2000).

However, with pressure from VANDU and other Downtown Eastside groups, Owen began to soften his stance towards a harm-reduction approach to addressing the ills related to injection drug use in the DTES, and he began to lobby other levels of government to establish such a program. As a result of this city-led pressure, in July 1999 all three levels of government signed a letter of commitment on a deal that eventually became known as the Vancouver Agreement. Officially ratified in February 2002, the Vancouver Agreement provides a framework for the three levels of government to work together in three broad areas: community health and safety; social and economic development; and community capacity building (Vancouver 2000).

Building on the success of the Vancouver Agreement, in 2000 Mayor Owen released a discussion paper describing a four-pillar approach to addressing the city's drug ills. As explained in *A Framework for Action*, the four pillars are harm reduction, prevention, treatment, and enforcement (Vancouver 2001). This framework marked a change in how the problem was viewed, moving the issue of drug addiction from the realm of purely criminal activity to mainly a health issue. It aroused considerable controversy and received a negative response from U.S. President George Bush's "drug czar" (Bula 2003).

In May 2001 the four-pillar approach was adopted as policy by the City of Vancouver. The most controversial aspect of the proposal was to develop a pilot project, since the safe injection site would be the first of its kind in North America. Although adopted by the City of Vancouver, many of the proposals required approval and funding – and even new legislation – by the provincial and federal governments. In November 2002 the federal minister of health, Allan Rock, agreed to fund a pilot safe injection site and create the necessary legal framework. But while praising Owen for his work on the issue, Rock stated that he would not ask any other Canadian cities to open safe injection sites. Rock's stance put Owen in a difficult political position, for he had always stated that he did not want Vancouver to be the only Canadian city with a safe injection site. Even this moderated stance proved unpopular within Owen's right-of-centre Non-Partisan Association party, which had backed him for mayor during previous elections (Bula 2001).

After some contemplation and additional study, Owen veered even more radically from his party's position: he decided to continue to champion the

four-pillar approach even though Vancouver would have to go it alone and establish Canada's only safe injection site. His new stance riled many members of his political party. This rift came to a head in the spring of 2002 when NPA party executives informed Owen that he would have to stand for nomination for the 2002 municipal election – in effect, forcing him to reapply for a job he had held since 1993. Such a request had never been asked of an NPA incumbent mayor, and it signalled to Owen that he had lost the support of his party. After debating for a month whether he would run as an independent, he decided not to run at all, and he stepped aside for Jennifer Clarke – a councillor less committed to the full four-pillar approach (Bula 2002a). Far from having a smooth ride into her new job, Clarke was branded Lady Macbeth for what was portrayed in the media as stabbing the popular Owen in the back for her own political gain (*Vancouver Courier* 2005).

At the same time that Clarke replaced Owen as NPA mayoral candidate, former Vancouver coroner Larry Campbell was recruited by Vancouver's other major civic political party to run as its candidate for mayor. A perennial opposition party, the Coalition of Progressive Electors (COPE) was able to assemble a winning team around Larry Campbell, and for the first time in the 116-year history of the city, a single left-of-centre party won the mayoral position and a majority on Vancouver City Council. This victory can be attributed to in-fighting within the NPA, together with Larry Campbell's popularity (the CBC television series *DaVinci's Inquest* is based on Campbell's career) and the professionalization of COPE by political strategist Neil Monckton. Larry Campbell put the pledge to support the safe injection site and the residents of the Downtown Eastside at the centre of his election campaign, whereas Jennifer Clarke pledged to take the city back "one block at a time" (*Vancouver Sun* 2002).

During the November 2002 election, Campbell stated he would open the safe injection site by 1 January 2003. He took office in December 2002, but the complications of working with multiple agencies from three levels of government forced him to revise his timeline to 1 March 2003 (Bula 2002b). However, by April 2003 the site had still not been opened, owing to a lack of funding. Neither the province nor the federal government wanted to be on the hook for the multimillion-dollar pilot project, and the city simply could not afford to run the site all on its own (*Vancouver Sun* 2003). To add to Campbell's headaches, the coalition that initially supported the safe injection site began to unravel slightly, with one group starting its own unsanctioned safe injection site.

By June 2003, Campbell had managed to persuade Health Canada to back a three-year trial of the safe injection site in Vancouver's Downtown Eastside. In support, the federal government agreed to provide \$1.5 million over four years to cover the cost of a scientific evaluation of the pilot, run by the Vancouver Coastal Health Authority, while the provincial government agreed to provide \$1.2 million to renovate the site in which the project would be housed. Campbell still needed to secure \$2 million per year to cover staffing and supply

costs for the site, which he eventually secured from the provincial government (O'Brian and Bula 2003).

In September 2004, Insite released its first public report, in which it reported that there had been no deaths despite the fact that there were 107 overdoses between 10 March and 3 August 2004. The research team at the B.C. Centre for Excellence in HIV/AIDS claims that it is difficult to calculate how many lives have actually been saved, but the site serves 588 users per day and on some days as many as 850, showing that the need is great (*Vancouver Agreement* 2005). In April 2005 the Vancouver Agreement was renewed by the three levels of government. As McGirr has noted, "some key structural and procedural issues that remain to be addressed in the second term of the Vancouver Agreement include: how money is given out, labour intensity, implementation, communication, community involvement, and evaluation" (2005, 30). The ultimate test of success in this whole of government response to the drug crisis in Vancouver's DTES will be to see a degree of institutionalization of the Vancouver Agreement. At first renewal, however, it met the city's whole-of-government "priority challenge."

At his news conference announcing that he would not run again for mayor of Vancouver in November 2005, Larry Campbell described the establishment of Insite as one of his three main accomplishments. Despite not having the authority or the funding to move ahead with the project, he and his councillors had done so anyway. An obvious eager beaver, Campbell summed up his participation in this whole-of-government exercise in the DTES simply with the words "we changed federal health policy" (CKNW 2005). His other two accomplishments – the Olympic referendum and refurbishing a derelict department store in the DTES – are described in the next policy case.

URBAN HOUSING POLICY AND HOMELESSNESS: WOODWARD'S AND THE OLYMPIC PLEBISCITE

The drug treatment issue demonstrates the capacity of a city to lead in a policy field where it has little or no jurisdiction. This second case illustrates the capacity of municipal politicians to use public support to leverage resources from senior governments. As explained below, Vancouver's eager beavers used a locally initiated non-binding referendum on Canada's bid for the 2010 Winter Olympics to fortify their plans for redeveloping the Downtown Eastside and reducing homelessness. Although they did not initially intend to use the Olympics to "blackmail" the provincial government, savvy local politicians soon recognized an opportunity to push their agenda on the provincial government and effectively did so to suit their own agenda.

In 1998 the Canadian Olympic Association selected Vancouver to represent Canada in the competition to host the 2010 Olympic Winter Games and the Paralympic Winter Games. In preparation for the July 2005 decision by

the International Olympic Committee, the Vancouver bid committee put its best efforts into winning against Salzburg, Austria, and Pyeongchang, South Korea. As the decision date neared, discussion about the potential positive and negative effects of the games on Vancouver residents began to build. In March 2003 the Impact of the Olympics on Community Coalition (IOCC) called for a provincewide referendum on the issue. In September, Larry Campbell (who at the time was COPE's mayoral candidate) said no to a provincewide vote. But later, on a call-in radio show just before the 16 November 2002 civic election in which he and a majority of COPE councillors were swept to power, he said yes to a non-binding plebiscite administered by the City of Vancouver (McMartin 2002).

Both senior levels of government voiced concern. Referendums in other Olympic-hopeful cities had failed, and there were fears that a similar Vancouver vote might imperil the 2010 bid. At first the province suggested that even if the new COPE council rejected the games it could hold the city to a commitment made by the previous NPA administration. Liberal Premier Gordon Campbell openly opposed the referendum, though he later campaigned for the "yes" side (Palmer 2003). However, unlike the harm-reduction plan in the Vancouver Agreement, here the City of Vancouver had the capacity to control all cost issues internally and was able to move ahead – although negative pressure from business and media was intense. One of the first orders of business for Larry Campbell and his new COPE-majority council was to pass a motion for a non-binding plebiscite on the Olympic Games. On 10 December 2002 the city announced an "Olympic vote," to be held on 22 February 2003, in which Vancouver residents would be asked, "Do you support or do you oppose the City of Vancouver's participation in hosting the 2010 Olympic Winter Games and Paralympic Winter Games?"

Although the city set aside approximately \$700,000 to advertise and administer the citywide vote, no monies were offered to the "yes" or "no" side. Thus, if Vancouver's Olympic bid was to avoid the fate of cities such as Berne, Switzerland, and Denver, Colorado, where "no" Olympic victories forced bid withdrawals, a strong "yes" contingent was needed to champion the cause. Many of the new COPE councillors were lukewarm or even hostile to the Olympics. For example, Mayor Campbell's strongest council ally, Jim Green – a former IOCC chair – was initially against the games. But as explained below, Green recognized that the provincial Liberals were desperate to win the bid because it tied in with their plans for reinvigorating the economy, so he moved to exploit this position to the benefit of the DTES community, in which he had been active for decades (Garr 2003).

A decade ago, the Woodward's shopping empire dissolved, leaving a large store building between Vancouver's downtown and the DTES. What to do with the building or the site had long bedevilled the city, the province, and private

developers. In 2001, during the dying days of the NDP provincial government, former Vancouver city councillor (and then municipal affairs minister) Jenny Kwan "bought" the Woodward's building from a developer who had not been able to complete a plan acceptable to the city. By then the building had been the site of years of protest by DTES and housing activists, who wanted a public-housing component included in the plan for the site, rather than only higher-end stores and offices. The cost to the province was more than \$20 million. Then, in the May 2001 provincial election, the NDP government was wiped out (77 seats to 2) by Gordon Campbell's right-wing Liberals.

Days before the Olympic vote, a spate of intergovernmental Olympic deals were announced. Woodward's was sold to the City of Vancouver for a fraction of its value (\$5.5 million), with the province promising to fund at least a hundred social-housing units at a cost of up to \$10 million – despite deep cuts to social spending across the rest of the province. The federal and provincial governments agreed to a \$20 million "living legacy" fund for the Downtown Eastside. Finally, the province also agreed to turn some of Southeast False Creek's Olympic Village into social housing after the games were over (Howell 2003). Directly after these announcements, Jim Green signed on to the Olympic vote's "yes" team, as did Mayor Campbell shortly thereafter. When asked whether "his cool demeanor towards the Olympics was a deliberate strategy to see what he and his pals could squeeze out of Victoria," Green responded, "I don't see anything wrong with that interpretation" (Garr 2003).

On 22 February 2003, just days before the visit of the Olympic Selection Committee, 64 percent said "yes" in the Olympic vote. A surprising 50 percent of registered voters cast ballots – usually Vancouver electoral participation is closer to 30 percent. The Vancouver bid gained considerable momentum from the overwhelming public support, and in July 2003 the IOC announced that Vancouver had been successful. For the city, many of the benefits of its Olympic bid had already been secured by the eager beaver actions of a few savvy council members. In September 2004, Vancouver City Council chose Westbank Projects/Peterson Investment Group to be the developer for the Woodward's project, with Simon Fraser University announced as the project's major partner. So ending the long battle to regenerate an important segment of the DTES.

This case demonstrates that by arming themselves with previous electoral commitments, eager beavers can sometimes drive the intergovernmental agenda. Although this strategy is not without risk, the city saw a clear opportunity to advance its agenda. Local councillors determined that the provincial government was politically vulnerable and used the leverage of public opinion to produce a deal more in line with the city's interests. In this case, eager beavers advanced their agenda under conditions where less aggressive behaviour would have failed.

THE POTENTIAL OF EAGER BEAVERS IN WHOLE-OF-GOVERNMENT URBAN POLICYMAKING

The lessons from these two Vancouver cases for local decision makers when thinking about whole-of-government responses to their priority challenges are several:

- *Individuals can make a difference* Policy champions are needed if local governments are to play the whole-of-government policy game successfully.
- *Political will is essential* Even where stakes are higher, politics matters. Vancouver's response to developing a harm-reduction model on drug treatment was exactly the opposite of that of neighbouring Surrey, the region's second city. There, the main pillar in local policy is enforcement. In Vancouver there are four pillars.
- *Local political support is essential* Although not everyone was on the same policy page regarding how to proceed, the new city council had armed itself with electoral support. This made it harder for senior governments to ignore it.
- *Local buy-in is even more important* Despite millions of dollars in investment in Vancouver's DTES, the relative success of the SIS to date has depended more on local involvement – in the city and in the community.
- *Understanding the organizational cultures of other governmental levels is important* It seemed clear at the beginning of the Vancouver Agreement development that each jurisdiction operated in some isolation. The renewal of the agreement in 2005 showed that considerable learning had taken place in the interim.
- *The policy goal itself is key* The two cases – the drug crisis and homelessness – were recognized across the local political spectrum as priority challenges. The high standing of both issues helped engage the other levels of government in adapting existing public policy to find new solutions.

In the larger sense, the two examples from Vancouver also substantiate the claim that a more complete understanding of the local policymaking process can only be reached by moving beyond an examination of formal institutions. This extralegal or behavioural dimension of local governmental policy influence has been discussed by some U.S. authors as well. For example, describing what they call the Lexis-Nexis Fallacy, Krane and Blair suggest that an overreliance on legal sources, when assessing the capabilities of local governments to influence agendas and policy formulation, leads scholars to assume mistakenly “that the legal language of constitutions and statutes accurately reflects actual practice” (Krane and Blair 1999, 13–14). This strictly legal focus creates several important problems in trying to unravel the scope of local powers and local-senior intergovernmental relations. In the United States:

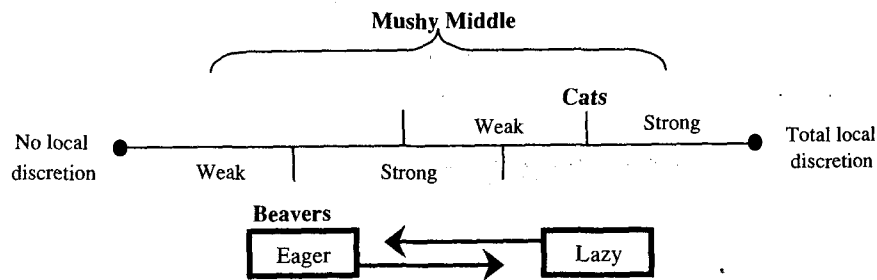
- 1 “[I]n actuality, the amount of discretionary authority available to [local governments] is often not explicit, and varies significantly from state to state” (Zimmerman 1995).
- 2 “[A] classification based solely on the availability of the charter option completely misses other important dimensions of local government authority” (Liner 1989; Gold 1989).
- 3 “[A] legalistic approach to local autonomy does not clearly distinguish between the activities of local governments, and local governments and policy makers” (Gargan 1997).
- 4 “[T]he traditional legal approach to home rule provides little, if any basis for the development of systematic knowledge about the discretionary authority of municipal government and the consequences of variation in that authority (i.e. what difference does home rule make?)” (Krane and Blair 1999).

The usefulness of the formal approach – or, as we have done, classifying local governments as beavers or cats or even as weak and strong beavers and cats – has its limits. This is especially true in understanding whole-of-government responses to local policy problems. Hanson describes the lack of information about informal interactions as a “blind spot.” In the United States, says Hanson, “few scholars know much about the constitutional, political and fiscal ties that bind states and localities, and even fewer have much information about the complex interactions between state and local governments engaged in the delivery of public goods and services” (1998, 3).

For Krane, this continuing blind spot means that “without more comprehensive information about local government discretionary powers in all fifty states, any understanding of local governmental capacity in the United States will be limited” (Krane and Blair 1999). Ellis Katz concurs, stating that despite the constant reaffirmation of Dillon's Rule, “the political reality is that America's cities and towns enjoy a remarkable degree of autonomy and independence” (Katz 2003, 1). Finally, Victor Jones cautions that “the right of a legislature to create, modify or destroy is just that – a right; that is, it is only a legal authority to act. Even though the right may be plenary, it must be distinguished from power, or the ability of the authority to act in full or in part, to exercise unfettered choice, to act at any time, any place, or to any extent it chooses” (1986, 90). It would appear, then, that to classify the policymaking influence of local governments correctly, particularly on senior governmental agendas, some attention must be paid to “mushy middle” local governments that go beyond the law to enact policy – to lead when they are not in charge.

To this end, figure 2 provides a revised policymaking capacity continuum by which to classify all local governments. Following the previous model,

Figure 2: Revised Mushy Middle Continuum



local governments can initially be classified as either beavers or cats, and then can be subdivided further as strong or weak, depending on their range of authority. As shown in figure 2, some “eager” local governments can increase their ability to influence their city’s priority policy challenges in a number of ways around this whole-of-government thinking. Although not explored here, it is easy to imagine lazy cats achieving less than eager beavers, but it is easier still to imagine lazy beavers achieving very little at all. Thus, expanding the Jones/Smith metaphor to include a mushy middle does not only provide a new perspective on the ability of local governments to influence whole-of-government policy. It also makes it harder for municipal leaders to justify inaction, claiming that they are limited by formal constraints. As the examples from Vancouver demonstrate, local politicians are often as powerful as they wish to be – a valuable lesson for local and provincial politicians and the citizens who elect them.

NOTES

- 1 Agenda setting (where problems are identified) and policy formulation (where possible solutions are posed) are the first two stages of the policy cycle – followed by actual decision making, implementation, and evaluation (Howlett and Ramesh 2003).
- 2 This type of intergovernmental cooperation is similar to “horizontal management” (Bakvis and Juillet 2004; Hopkins, Couture, and Moore 2001) or “horizontality” (Hopkins, Couture, and Moore 2001).
- 3 Zimmerman suggests four components of local discretionary power: (1) structure; (2) functions; (3) finances; and (4) personnel (1995).
- 4 The Municipality of Delta had passed a bylaw to provide some local control of large (in this case, 18-acre) greenhouse operations, in particular their use of less-clean fuel sources for heating. The B.C. government intervened when a grower challenged the bylaw, citing Right to Farm legislation over the right of a municipal-

ity to legislate on local businesses. The province also argued that the local bylaw contradicted the provincial *Waste Management Act*, which exempts agricultural operations. Urban-rural issues of this sort are not new to Delta, a Vancouver suburb. In the late 1980s and 1990s, Delta held the longest land-use dispute hearing in Canadian history (over efforts to develop farmland for urban use). The debates over the so-called Spetifore lands near the Tsawassen ferry terminal to Vancouver Island led Bill Bennett’s Social Credit government to abolish regional planning in 1983 when the Greater Vancouver Regional District initially prevented development plans by a Delta Social Credit supporter. The minister of agriculture and fisheries has since also precluded use of local bylaws to prevent/regulate coastal fish farms in British Columbia (Penner 2003).

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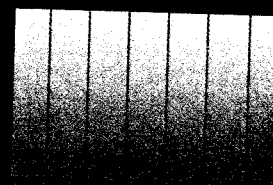
Rhetoric and Restraint: Municipal-Federal Relations in Canada's Largest Edge City

Tom Urbaniak

Ce chapitre examine les relations municipales-fédérales de la ville de Mississauga en Ontario au cours des dernières années. Les politiques concernant l'aéroport, la régénération du secteur riverain et le logement y sont soulignées. Cette ville a su exercer une certaine influence sur le gouvernement fédéral et a même parfois établi elle-même le programme politique, et ce sans médiation, ou très peu, de la part du provincial. Les gouvernements progressiste-conservateur de Brian Mulroney et de Kim Campbell ont été forcés de faire des concessions à la ville de Mississauga en ce qui concerne l'aéroport et ils ont essayé d'obtenir le soutien de la ville afin de se prémunir contre les autres lobbyistes. La ville de Mississauga était à la tête de la planification de la régénération des terres riveraines appartenant au fédéral. Les dirigeants de la ville de Mississauga et ceux du palier supérieur de la municipalité régionale de Peel ne se battent pas avec la même ferveur lorsqu'il est question de redistribution sociale que lorsqu'il est question de développement économique. Toute description des relations municipales-fédérales doit tenir compte de la perspicacité des chefs et de leurs prévisions pragmatiques, surtout lorsqu'il s'agit d'un chef tel que la mairesse Hazel McCallion. Les prescriptions impartiales des économistes politiques ne correspondent pas toujours aux prévisions et aux motifs des chefs politiques municipaux.

"A new deal for cities," demands the *Toronto Star* in a year-long series of articles and editorials. In the same vein, the Federation of Canadian Municipalities' Big City Mayors' Caucus (FCM 2003) is calling for a new partnership with the Government of Canada. Given the considerable media coverage and expressions of concern from political, business, and social service leaders, it is difficult not to surmise that Canada's cities – or at least the large cities – have some very wide-ranging and well-developed demands, not only of provincial but also of federal policy.

**Canada:
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**Municipal-
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Edited by
Robert Young
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