



## Legislation Text

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### Review of Council Governance

Presented by: David Leflar, Director, Legal & Legislative Services

### RECOMMENDATION:

That the Governance, Priorities and Finance Committee accept the report entitled "Review of Council Governance" dated October 15, 2019 as information and as background to Councillor Hansen's Motion on the same topic which is scheduled to be moved and debated at the October 21, 2019 regular Council meeting.

### PURPOSE OF REPORT

The purpose of this Report is to give Council members an opportunity to discuss publicly a number of alternatives to the current municipal governance model, in a Committee setting where no decisions are expected to be made, in order to help Councillors prepare for debate and voting on Councillor Hansen's motion when it comes forward to the October 21, 2019 Council meeting.

### ALIGNMENT TO COUNCIL STRATEGIC PRIORITY

N/A

### ALIGNMENT TO SERVICE DELIVERY

N/A

### ALIGNMENT TO COUNCIL DIRECTION

On April 23, 2018 Council passed the following motion (CM 18-032):

*That Administration review best practices in relation to Council governance. The review to encompass the use of formal Council meetings, Committees of Council, Council subcommittees, Council workshops. Administration should consider previous governance work and the report on Council governance completed by Western Management Consultants.*

*Administration to provide a menu of options for Council's consideration detailing the impact in the reduction in formal council meetings, the impact on individual Councillor meeting commitments, the impact on administrative work load and the ability of citizens to provide input into the political process.*

*The review and recommendations, including cost, be presented by the end of Q3 2019.*

An *in camera* Council workshop took place on August 28, 2019 to allow Councillors to consider the

advice and analysis of Administration with respect to alternatives to the *status quo* governance model.

On September 23, 2019 Councillor Hansen served notice under the *Procedure Bylaw* of a Motion she intends to make, dealing with the same subject matter of Council governance restructuring (see Attachment 1 to this Report). That Motion is scheduled to be moved, debated and voted on at the October 21, 2019 Council meeting.

## BACKGROUND AND DISCUSSION

From 2012 to 2014 there were several Council motions and initiatives that dealt with various aspects of municipal governance. A notable outcome of this focused attention on governance was a 2013 report on governance from Western Management Consultants ("WCM") (see Attachment 2). It is interesting to note that one of the more significant recommendations in the WCM report -- a Standing Committee governance model - was never implemented.

The 2013-2017 Council term was challenging in many ways, including from a good governance perspective. A 2016 Provincial Government review of the municipality led to a formal inspection in 2017 by George Cuff, a well known and experienced municipal governance consultant. Mr. Cuff produced an inspection report that discussed at length the governance practices of St. Albert. He concluded that the Council of the day was spending an excessive amount of time and energy on operational/administrative issues, to the detriment of their primary governance role under the *Municipal Government Act*.

The Cuff Report was received close to the end of the 2013-2017 Council term, so it fell largely to the new (current) Council -- elected in October 2017 -- to determine how best to respond to the Report, and what governance structure they wished to implement. Council chose not to make significant changes at the beginning of their term to the model they had inherited. One exception was to begin holding regular monthly meetings of a new Committee that had been created in June 2017 -- the Governance, Priorities and Finance Committee (GPFC) - as a replacement for Committee of the Whole meetings. Section 14 of the bylaw creating GPFC (Attachment 3 to this Report) sets out the scope of GPFC's authority, but the bylaw does not contain any clear statement of GPFC's mandate or purpose. Perhaps to fill that legislative void, a practice has developed that GPFC meetings serve as an "advance sounding board" for sensitive matters, allowing Councillors to work out their own positions and/or receive feedback from residents, prior to decisions being made at the Council table. It has also come to be normal practice for the Agenda Committee to send all bylaws and policies to GPFC before they go to Council.

Here are some features of the current governance structure and practice, and of a potential alternative governance model (recommended in the WMC Report in 2013) that Council members may wish to consider when contemplating whether to make a mid-term adjustment to municipal governance in St. Albert:

### Frequency, Length and Conduct of Council and GPFC Meetings

- A meeting occurs on Monday of almost every week -- whether Council itself or GPFC -- at which all Councillors are expected to attend (except on the fifth Monday of a month). With very few exceptions each calendar month contains three Council meetings and one GPFC meeting.
- The frequency of Council meetings in St. Albert is unusual for mid-sized cities in Alberta - the norm is a Council meeting not more than twice per month.
- When Council meets on a regular basis more often than twice per month, the burden on Administration becomes very significant. The CAO and Deputy CAO, Directors and other senior staff often feel they have inadequate time to do their other substantive work, since a large portion of their efforts are devoted to preparing for, attending at, and dealing with administrative follow up from, Council and GPFC meetings. If the City's finances are further constrained in the future, this burden may become increasingly difficult to cope with since it is unlikely that the City will be able to afford new resources to help address workloads that will only continue to grow.
- Weekly Council/GPFC meetings on Mondays also have consequences for public participation. There is little time or opportunity for a resident to prepare a presentation or seek more information from Administration, upon seeing an Agenda on Friday afternoon, before they must decide whether to address Council the following Monday on a matter on the Agenda.
- The size of Council/GPFC meeting agendas tends to vary significantly from week to week, resulting in some meetings being lengthy and others fairly short. (NOTE: everything is relative - during the years 2015-2017 it was typical for meetings to last 5 or 6, sometimes up to 7 hours, but now a meeting that long is the exception not the rule, and it is not uncommon for a Council meeting that begins at 3:00 pm to be over by 5:30.)
- An advantage to the St. Albert Council governance model is that it allows Council to engage in confidential dialogue with the CAO more frequently (if needed) than is typically the case in other mid-sized cities where Council meets only twice per month.
- The current governance structure presents no obstacles to Council's active involvement in setting strategic direction and priorities.
- The current governance structure allows an effective process for Council to scrutinize, propose changes to, and ultimately approve the annual operating and capital budgets, as well as the multi-year financial plans.
- The way in which matters now typically come to the Council (or GPFC) table does not give individual Council Members much scope or opportunity to be champions for, or take ownership of, initiatives that Administration brings forward as recommendations. Councillors can of course speak in support of (or in opposition to) something that Administration recommends to them, but it is still Administration's proposal not Council's. Councillors do not really have a mechanism to present ideas originating from Administration and to be advocates for these ideas, in the same way or with the same impact as though the ideas came forward as recommendations from

standing committees of Council.

- When the “advocacy” for an idea or proposal is always or nearly always done by Administration, it becomes easy for Council to adopt the role of questioning and/or critiquing what Administration has proposed. Although this is an important function of Council, if Council thinks of it as their only or primary role then it can reinforce or feed into an adversarial culture rather than a spirit of collaboration and teamwork to achieve Council’s strategic goals for the community.
- Councillors do have the option under the Procedure Bylaw to introduce their own items by Motion, upon 21 days Notice (which can be waived if a majority of Council agrees to do so). This is an important governance tool that should be retained under any model, but (a) it is not designed to promote the concept of Council and Administration working as a team to address important issues in the community; and (b) it forces Administration to be reactive, not proactive, in providing background to a Councillor’s Motion.
- It is worth considering whether GPFC adds value to the governance process to justify retaining it as a separate committee. In practice GPFC tends to function in a way that is very similar to a “committee of the whole council” which the Procedure Bylaw provides for already. Committee of the Whole can be convened at any time during a Council meeting when Council feels that a period of more informal and non-adversarial discussion of an issue is warranted. It is also possible to establish a provisional schedule for monthly Committee of the Whole meetings, such that any meeting can be cancelled if there are no issues that month that Agenda Committee believes need to be discussed in Committee of the Whole.

### Citizens Committees

- There are currently 8 Council-appointed citizen committees created by bylaw that meet on a regular basis, and another that may soon be created (a Public Art Committee).
- The various bylaws establishing citizen committees are not consistent in describing mandates or establishing levels of admin support for these committees. As a result, it is not always clear to the public, and sometimes not even clear to committee members or Councillors exactly how citizen committees fit into the governance structure of the City or the value they add to it.
- Subcommittees are explicitly allowed in most citizen committee bylaws and would arguably be permissible in any case - but they are not often used. (Policing Committee is an exception to this - that Committee makes excellent use of the sub-committee concept to accomplish a great deal of useful work.)
- The connection between Council and its citizen committees at the level of Council meetings is not especially strong. Minutes of citizen committee meetings do not appear as information items on Council Agendas, and verbal reports from the Council representatives on the citizen committees sometimes focus more on the fact that the Councillor attended, rather than relaying very much of the substantive content of discussion at Committee or what the Committee voted on.

### Alternative Governance Structure - the Standing Committee Model

- An alternative to the status quo is to replace GPFC with two standing committees, each composed of three Councillors with the Mayor as an ex officio member of both.
- Some mid-sized Alberta Cities have more than two standing committees composed of only Council members, with a membership of three Council members on each standing committee being the norm. However, those municipalities also have more than seven Council members. It would be difficult for St. Albert's smaller number of Councillors to populate more than two standing committees, given the part-time nature of their Council service.
- The mandate or "jurisdiction" of the standing committees could be established in a number of different ways. Councillor Hansen's motion describes one way. It is also possible for Council to prescribe that each standing committee has governance oversight over a particular suite of City departments, and deals with recommendations arising from those departments. Another possibility is to align the mandates of the standing committees to correlate with specified elements of Council's current Strategic Plan.
- Each standing committee would make recommendations to Council on governance matters in their area of jurisdiction. Council could also choose to delegate to standing committees some or all the duties/powers that are assigned to Councils under the MGA or other statutes - excepting those powers that Council is forbidden to delegate under MGA section 203(2).
- Regular standing committee meetings would be held once per month and could be on separate days or on one day designated as "Committee day" Special meetings would be available for emergent issues, at the call of the Chair.
- Appointment of standing committees (and their Chairs) would either be done by Council or assigned by bylaw to the Mayor.
- Standing committee agendas would be set by the Chairs, in conjunction with the CAO or DCAO, ensuring that all matters on a committee Agenda are primarily of a governance nature. In the case of an item with aspects falling within the jurisdiction of both Committees, the two Chairs would work out which Committee deals with it.
- The frequency of regular Council meetings could be reduced to twice per month. To facilitate this, with minimal delay in moving matters through standing committees to Council, the committee Chairs could be empowered to approve the minutes of committee meetings.
- Timelines could be established to ensure that minutes of a committee meeting are prepared by Legislative Services and approved by the Chair within 48 hours after the meeting ends. This would allow the minutes (and any recommendations contained in them) to go the next following Council meeting, unless the committee specifies that a particular recommendation is to be debated at a later Council meeting.
- A recurring item on every standing committee agenda could be "referrals from Council" so a matter could also flow quickly from Council to a standing committee.

- The public could be encouraged to make presentations to standing committees, for example by having Monday committee meeting agendas made public by close of business the previous Tuesday, thereby giving the public three full extra weekdays (as compared to the Council Agenda/Meeting timeline) to examine committee meeting agendas and prepare to address the committee if they so desire.
- Holding standing committee meetings in the more informal DCB setting, and committee Chairs making a practice of using Committee of the Whole for public presentations, would further encourage the public to make their presentations to standing committees.
- Each Citizen Committee would be “assigned” to a standing committee. All Citizen Committee minutes would appear as information items on Agendas of their assigned standing committee, and if those minutes include recommendations for action by the City, then the standing committee Chair could ask the Citizen Committee Chair to appear for questions and discussion. The standing committee could then decide whether to take that recommendation to Council with their support, their opposition, or with revisions.
- Under the standing committee model it is likely that there would be stronger institutional ties between Council and its Citizen Committees, hence there would be less rationale for appointing a Councillor as a member of every Citizen Committee with the expectation that the Councillor is expected to attend all of the Committee’s meetings.
- Council could choose to streamline the Citizen Committee structure by re-casting some existing Citizen Committees as sub-committees reporting up to a Citizen Committee with a broader mandate. The minutes, recommendations and motions of any such sub-committee would still flow through a Citizen Committee to a standing committee, and thereby be available to all of Council.
- Perhaps the most significant “governance improvement” aspect of the standing committee model would be that when a decision item comes to Council with the recommendation of the standing committee, it would be the Chair or another member of the standing committee, NOT Administration, who introduces and explains the item and makes the case for the recommended action.
- Administration would be present at standing committee meetings under this model, to provide information or answer technical questions, but the key feature of this governance change is that Council members themselves (in their capacity as Committee Chairs or members) could take full ownership of the recommendations that go to Council as action items. This is logical, since the only things that should be on Council Agendas are governance matters within Council’s sphere of responsibility.
- One thing that is not recommended to change under a Standing Committee model, is the process that happens every fall leading to approval of annual budgets in December. This process has become more efficient year to year, to the point where it now generally meets the needs of Council, both for background information on budget items and for opportunity to debate and propose additions or deletions of budget items.
- Another thing that appears to be working well now, is the process by which Council establishes its strategic plan and reviews that plan on an annual basis. There is no reason why this successful

process should have to change under a standing committee governance model.

## **NEXT STEPS**

On October 21, 2019 Councillor Hansen's Motion is scheduled to be moved and debated. The Motion contemplates changes to Council's governance structure to take effect as of the Organizational Meeting on November 4, 2019. There are 23 different components to the Motion, and Council may choose to vote on some or all of them separately. Council may adopt all, some, or none of the changes set out in the Motion. If there are changes approved by Council arising from debate and voting on the Motion, Administration will prepare any necessary amendments to bylaws or policies, for the November 4, 2019 regular Council meeting so they can be in place for Committee appointments to be made at the Organizational Meeting that follows immediately after the regular Council meeting on November 4, 2019.

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