

# **City of Greater Sudbury**

## **A Governance Model**

- ▣ **Principles**
- ▣ **Processes**
- ▣ **Operational Guidelines**

**George B. Cuff & Associates Ltd.**

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**Management Consultants**

**Private and Confidential**

February 7<sup>th</sup>, 2002

**To:** Mayor Jim Gordon and Councillors

City of Greater Sudbury

**From:** George B. Cuff, CMC

As requested by Council during my earlier visit in November 2001, I am pleased to present a draft of the "Model of Governance" which I believe will meet the needs of the Council of the City of Greater Sudbury. This model attempts to address the concerns which Council voiced earlier relative to its distance from the decision-making process and the sense that it does not have a sufficiently significant nor ownership role in the governance processes to date.

If Council has any questions relative to the attached Report, please do not hesitate to contact me for clarification or interpretation. I look forward to the opportunity to present this report and to explain the method by which it should be implemented.

It is my recommendation that this Report be reviewed by Council and the administration with any requests for clarification brought up for discussion and clarification at the February 6-7<sup>th</sup> meetings. Hopefully, at that point, Council will be able to adopt the Report in principle and have the administration review it for implementation. Once the Report is adopted by Council, the new Model of Governance should be accorded a six month trial period after which time, it should be reviewed and amended as necessary.

Thank you for this opportunity to be of assistance.

Yours very truly,



George B. Cuff, CMC

President

## **PROPOSED GOVERNANCE MODEL**

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## **Executive Summary**

The following Report provides a recommended “model of governance” based on the feedback which we have received from members of Council and upon our understanding of what model would best fulfill the objectives of this Council. It is not patterned after any other model which we have previously recommended although it may well be similar to others across Canada. The key in our view is the answer to the question: what would work best for the citizens, the Council and the administration of Greater Sudbury?

The model is driven by principles, by Council's objectives and by criteria. These follow:

### **Principles**

- ❑ The democratic rights of citizens will be upheld in all Council decisions.
- ❑ The will of the majority, as understood by Council, will be reflected in all Council decisions.
- ❑ Council will always seek to conduct its affairs in a manner which is suitable to a publicly-elected body who act as stewards of the public interest.
- ❑ All Council decision-making, save and except that which is protected from public exposure by law, shall be conducted openly with the public's right to be present respected.
- ❑ Council members will respect the right of each other and members of the administration to have a difference of opinion on any or all issues and will not attack other Council members or members of the administration for holding and/or voicing a different opinion. All advice and information presented to Council by the administration will be treated with respect regardless of whether or not individual members of Council agrees with such advice and/or information.
- ❑ Council members will respect the power differential which exists between themselves and their administration and will refrain from public and/or personal criticism of individual members of the administration. Any concerns

by Council vis-à-vis the performance of the administration will be conveyed to the Chief Administrative Officer in an in camera meeting.

- ❑ Decisions made by Council at a duly constituted meeting will be deemed to be decisions of Council and will be subject to prompt implementation by the CAO.
- ❑ Members of Council will not use municipal property or information for personal gain.
- ❑ Decisions by Council will reflect a thorough decision-making process including Council committee review, CAO-approved staff reports, public board or committee input (if appropriate), public hearings (where required or appropriate) and will be consistent with Council values, mission, goals and objectives.
- ❑ Council will govern the organization through policies, bylaws and resolutions; the administration will manage and administer the decisions of Council and will ensure the effective utilization of the human, fiscal and physical resources.
- ❑ Council will respect the mandate of other governing or administrative organizations and will seek to work cooperatively with such organizations in the expenditure and use of public resources.
- ❑ Council will seek to ensure that there is an effective monitoring process in place, which ensures that its decisions are being implemented effectively and efficiently and in a timely manner.

## **Objectives**

- Act as the representatives of the citizens of Greater Sudbury
- Be their advocates on issues of concern
- Seek to understand the issues sufficiently so as to make informed decisions
- Involve the public in the decision-making process in a reasonable and responsible manner such that their voices are heard on matters of significance
- Perform our leadership functions effectively and on the basis of receiving and reviewing applicable information and advice
- Act as governors of the system and make policy-oriented decisions

- Be adequately involved in the decision-making process so as to influence policy decisions in forums of discussion.

## **Criteria for a Governance Design**

As a template for judging what follows, we offer a series of criteria for governance design. These are the building blocks or foundation upon which the Governance Model should be built.

- a) Responsiveness to public needs (public-focused)
- b) Responsiveness to political leadership (accountability)
- c) Transparency of decision-making (openness)
- d) Coordination of resources (collaboration)
- e) Openness to change (flexibility)
- f) Clarity of authority (mandate)
- g) Capacity to continue (sustainable)
- h) Simplicity of Design (the need for a clear decision-making framework)
- i) Currency of Information (the right to concurrent advice).

### **The model contains the following key and inter-related components:**

- Role statements for the Council, the Mayor and the Chief Administrative Officer
- A revised “Committee of the Whole” model which incorporates three distinct policy sub-committees
- Criteria for governance design
- The concept of the proposed Corporate Priorities Committee
- An Agenda and Priorities Committee and its terms of reference
- A Planning Committee and its proposed terms of reference
- A Decision-Making Model
- Principles of Operation for the Corporate Priorities Committee
- Terms of reference for the proposed Corporate Priorities Committee
- Terms of reference for the Policy Issues Sub-Committees

- Council procedural issues
- Role of the Senior Management Team
- Decision-Making Framework
- Council-CAO Covenant
- Council Code of Ethics

The foregoing components form the model which we are proposing. Taken together as an inter-related and inter-dependent fabric, they will establish Greater Sudbury as a Canadian leader of municipal governance and as a body which is serious about its desire to provide consistent and responsive leadership to its residents. While this new model will take some time to refine appropriately, we are am confident that it will meet the requirements of this Council and ensure that Council has the necessary tools to lead effectively.



## **1.0 A Governance Model-An Introduction**

The issue of which “Governance Model” to utilize is one which challenges every Council across Canada. The choices available are quite numerous and the history across Canada would indicate that a wide variety of models have been used, to both the benefit and, seemingly, the disadvantage of various Councils.

### **1.1 Factors Impacting the Style of Governance**

Some of the factors which appear to determine the “Governance Model” and, therefore, the governing style of a Council include:

- ❑ History (i.e. which model was in place when this Council assumed office)
- ❑ Degree of acceptance of that particular model over time
- ❑ Degree of turnover of members of Council in the most recent election
- ❑ Public comment on the perceived separation of Council from the public
- ❑ The public style of the Mayor (i.e. the chief elected official)
- ❑ The degree of comfort and confidence expressed between the Mayor and the Chief Administrative Officer
- ❑ The objectives of the current Council and whether these are best achieved using the present governance model or another model.

### **1.2 Impacts of the Governance Model**

The choice of model can have a definite if not profound impact on the style of governance of any Council and its administration. These impacts include:

- ❑ The degree of perceived ownership of corporate and Council decisions by the Council
- ❑ The sense of proximity to the public as perceived by the Council
- ❑ The sense of proximity to the public as perceived by the public
- ❑ The sense of proximity to the administrative organization as perceived by the Council

- The powers exerted by the Mayor's office
- The degree of guidance to the organization as exercised by Council
- The actual flow of decision-making across the organization.

## **2.0 Purposes of a Municipality**

The purposes of a municipality are spelled out in the Municipal Act as follows:

- (a) providing the services and other things that the municipality considers are necessary or desirable for the municipality;
- (b) managing and preserving the public assets of the municipality;
- (c) fostering the current and future economic, social and environmental well-being of the municipality; and
- (d) delivering and participating in provincial programs and initiatives.

These purposes provide the overall framework within which a Council is to function. At the same time, however, the Council of any community is going to ensure that the local considerations are built into the budget and operational framework. That is, it is the public's demands and expectations, as understood by a Council, which will be a strong determinant as to what services and programs are offered by any municipality.

## **3.0 The Authority and Powers of Council**

Our system of democracy, as applied locally, requires that the Council be charged with the leadership and policy governance of the community and the administrative organization charged with implementing Council decisions. That authority is granted in a legal sense through the legislation approved by the Province and as a result of the bylaws and policies established by Council pursuant to the provisions of the Municipal Act.

The public is asked to elect a Mayor and Councillors to provide leadership to civic responsibilities. The role of Councillors and the Mayor as public representatives is of

primary significance to individual citizens. Each wants to be able to hold “their” Mayor and/or Councillor to account for the decisions being made. Regardless of whatever other system is designed or whatever other powers are delegated to Council’s internal or external committees and boards, the public expects the Council, at the end of the day, to be accountable.

The Act requires that certain responsibilities remain in Council’s realm of authority. Based on the description of powers in your current legislation, these include:

- Bylaw approvals
- Approval of the annual capital and current budget
- The annual estimates
- The appointment of statutory officers and the Chief Administrative Officer.

#### **4.0 The Objectives of Council**

Based on discussions and meetings with members of Council of the City of Greater Sudbury, it is our understanding that the objectives of this Council are as follows:

- Act as the representatives of the citizens of Greater Sudbury
- Be their advocates on issues of concern
- Seek to understand the issues sufficiently so as to make informed decisions
- Involve the public in the decision-making process in a reasonable and responsible manner such that their voices are heard on matters of significance
- Perform their leadership functions effectively and on the basis of receiving and reviewing applicable information and advice
- Act as governors of the system and make policy-oriented decisions
- Be adequately involved in the decision-making process so as to influence policy decisions in forums of discussion.

It is the perception of this Council that the governance model, originally conceived by the Transition Board, did not allow Council to meet all of these objectives. It has been expressed by Council that they have felt distanced from the process and from the

public. Rather than continuing under a model, which apparently does not suit this Council, a somewhat different model is being proposed.

The proposed new model involves the adoption of the principles and criteria as outlined as well as other key elements which, taken together, will provide all members of Council with the assurance that they are suitably involved and that their voices are being heard and understood.

## **5.0 Role Statements**

### **5.1 The Key and Distinctive Roles of Council**

One of the keys to governing and managing a community effectively and efficiently lies in the extent to which the principal roles are clear and well-understood. It has been our experience that many of the problems experienced by municipalities stem from issues pertaining to a poor conception of the basic roles leading, in turn, to duplication, misunderstandings, resentment, and upward delegation. The key to an effective and well-run municipality is the ability of a Council and its administration to develop a tangible and strong understanding of the roles that each is to play and a respect for the efforts of each in performing these roles in ways which bring credit to the community.

There is no description of the role of Council in the current Act. The new Municipal Act (expected to be in force by January 1, 2003) provides the following statement as to the role of Council. These are outlined in Section 224 which follows:

224. It is the role of council,
- (a) to represent the public and to consider the well-being and interest of the municipality;
  - (b) to develop and evaluate the policies and programs of the municipality;
  - (c) to determine which services the municipality provides;
  - (d) to ensure that administrative practices and procedures are in place to implement the decisions of council;
  - (e) to maintain the financial integrity of the municipality; and

(f) to carry out the duties of council under this or any other Act.

### **5.1.1 Key Responsibilities**

In supplement to the foregoing and not intended in any way to detract from the foregoing but rather to complement the legislation and to indicate what we view from experience as the expected significant responsibilities and obligations:

- to work together as a body in order to provide leadership to the community and to the organization;
- to determine the wishes, priorities and requirements of the community's citizenry, and to represent these views to their colleagues on Council;
- to advise the public on how they might become involved in the political process; to ensure that there are avenues available for useful and timely input by the public;
- to pass bylaws providing for public safety and good government; to respond to public complaints in an appropriate manner; to encourage a "customer first" focus;
- to seek the advice of the chief administrative officer on all policy matters and other key issues;
- to advise Council and the CAO (and relevant departments) through work on the various committees, commissions and boards; to act as a liaison on behalf of Council to such groups and to represent the views of Council (when known) at such meetings;
- to facilitate and encourage the administration to deliver the best level of service possible within policy and budget constraints; to monitor performance through casual observation, attendance at meetings and community feedback;
- to review and approve the annual budget (estimate of expenditures & revenues) and ensure that the CAO and, through the CAO, the department heads appropriately monitor their spending accordingly; to receive any requests for significant budget amendments and review the legitimacy of such changes;
- to encourage innovation and reward excellence; to support the ongoing development of the administration on an ongoing basis where appropriate and as approved by budget;
- to research background information on Council issues; to be prepared for all meetings;
- to approve policies which provide effective direction to Council decision-making.

These duties are significant and central to the well-being of any elected Council. They are listed here as a complement to those specific duties indicated in various sections of the Act. If each Councillor approaches these duties with a desire to do the right thing in each instance, then the community will be well-served. The community can be assured that the "job" is being done as completely as is practical within the constraints of the time which each member is expected to devote to her/her Council duties.

Another way of describing the roles of Council is as follows:

**a) Leadership**

- ❖ Outline the future vision
- ❖ Set the priorities
- ❖ Uphold the laws governing the corporate and individual behaviour of Council members

Councils are elected to provide leadership to the business of governing and managing municipalities. While many of the day to day matters can be handled quickly and expeditiously by the Chief Administrative Officer and his/her administration, the decisions which they make need to be within the overall policies and direction established by the Council. These decisions by Council are at times very complex and difficult to render and, at times, very straightforward and simple. They require choices to be made on the basis of what is best for the residents of the community. Such choices need to reflect what Council sees as the future direction of the community and not simply "we've always done it that way". Such leadership requires a clear perception of priorities and a recognition that not all projects or initiatives are possible given the constraints of priorities, resources and time.

It is not intended by legislation nor by this document that Council members should forsake their individual viewpoints in order to be viewed as a "board of directors." Indeed, we would expect Councillors to, at times, disagree quite strongly on particular issues or policy changes. This independence of thought and speech should always prevail. Rather, we see the need for Councillors to be able to articulate their individual

views prior to a decision being made but, once made, to not undermine the democratic will of Council.

#### **b) Representational**

- ❖ Seek the input of the community on key issues
- ❖ Ensure that the vision is endorsed by the community
- ❖ Take issues forward on behalf of the community

A Council is expected to make most of its decisions in the course of any year based on what Council as a whole feels should be done. Based on the fact that Council represents the community, there is no reason to believe that the community, if armed with the same degree of inputs, would not come to the same conclusion. There are, from time to time, major issues which arise which have the potential to change the community in a tangible way. On such issues, which may only occur a few times in any given term of office, Council may feel inclined to go to the public with a specific request for feedback. At other times, generally once every 3-5 years, Council should seek the input of a cross-section of the public on what the key issues facing the community are and what priorities Council should be addressing.

#### **c) Conflict Resolution**

- ❖ Resolve differences on matters within the jurisdiction of the City

This is a challenging task. Several alternate views exist on most issues. At times, a few may sound quite acceptable. In difficult and perhaps urgent situations, the Council may struggle with determining which mix of views represents the best strategy. Thus, regardless of the fact that various options may appear to have at least some merit, it is the duty of Council to make its determination based on what it believes to be the best choice for its residents. Leadership is all about making difficult choices in often a stressful environment.

Governance also requires the resolution of conflict between various competing interests within the community. Part of the obligation placed upon Council is the expectation that it will strive to reconcile conflict. Many of the issues coming before Council require decisions

which may appear to favour one part of the community vis-a-vis that of another or which may not be initially viewed as understandable or supportable. The public expects Council to review the facts and resolve in favour of Council's understanding of what constitutes the majority in the community. At times, such decisions will elicit considerable criticism from vocal elements of the community.

Critical to difficult decisions being acceptable to the majority of the public is the process used to make such choices. If Council is successful in adopting a step-by-step process of decision-making, then its decisions will more often than not be in accordance with the wishes of the community. Inappropriate decisions often result from hasty actions or requests presented to Council at the last minute and without sufficient administrative analysis or recommendation as to the potential implications to the community as a whole.

#### **d) Policy Guidance**

- ❖ Establish the policies and bylaws necessary to put Council decisions into action and to guide the activities and actions of staff
- ❖ Ensure that present policies reflect the current Council's views
- ❖ Provide for those policies which are required by legislation

Policies are the lifeblood of any organization. It is the task of Council to make the policy decisions which it believes reflects the will of the public and which are in the best long term interests of its residents. While Council rightfully expects to receive input and advice from its senior staff and others, there are many issues wherein Council alone must decide. Given that most issues include at least one or more policy options, it is the responsibility of Council to determine the most suitable course of direction (i.e. the best policy) to follow. This authority rightfully belongs to Council.

The administration, on the other hand, has the dual role of advising Council as to its policy options and the one most preferred by staff - and then carry out the approved decisions of Council.



The role of the politician is that of policy-making. The role of staff is that of administration (the carrying out of Council-approved policies). Individual members of Council do not have the authority to make decisions binding the full Council nor do they have the power to direct the staff. It should be agreed by Council that any specific or formal direction to staff will be as stated in Council resolutions.

Council needs to develop useful mechanisms that provide it the assurance that the staff are carrying out its directives. The development of policy statements supplemented by administrative procedures encourages the separation of responsibility between the Council and its hired staff. Without an appropriate system of policy development, the distinction between the Council, its committees, and staff will remain largely unclear.

**A lack of policy development encourages Council involvement in administrative matters to an unwarranted and unhealthy degree.** Council members may inject themselves into staff decisions of a minor nature. Staff may likewise err by drawing in members of Council into minor, day-to-day issues, thereby escaping any personal onus for tough decisions. Elected officials are there to set policy direction and to provide advice and input - not to be drawn deeply into the mandate and work of appointed officials. While there is an ongoing need for the Council to be aware if all policies are being properly interpreted and discharged, individual members of the Council should leave as much of the administrative procedures as politically possible to the staff.

#### **e) Determining Service Delivery**

- ❖ Decide which services will be offered
- ❖ Determine the level of services
- ❖ Determine how these services will be delivered
- ❖ Ensure that those issues which are delegated by law or policy to the CAO are, in fact, delegated

While certain obligations to provide services (e.g. potable water, sewage disposal, etc.) are requirements of the legislation, many other service areas are determined by Council

or simply inherited from previous Councils (or, in this instance, may have been imposed by the Transition Board). It is up to each Council to review what services are being provided, assess those which are truly “core services” and decide which other services will be offered by this Council.

Council, through its planning and budgeting processes, is also charged with the responsibility of determining the appropriate level of municipal services required and deemed to be affordable by its residents. That is, each service may be offered at a range of levels, all of which have a price tag and alternatives. The level of service obviously impacts both cost and resident satisfaction and both need to be assessed.

Services which cannot be funded strictly by a user pay concept or in combination with a Provincial or Federal grant program, must be funded through local taxation. It is the Council who, acting upon the insights of its residents and with the advice of its administration, determines what level of taxation is acceptable on a local basis.

Given increasing concern across Canada regarding the extent of government involvement on all levels, Council will have to be very cautious in expanding services and therefore costs by utilizing full time resources. Where appropriate, other alternatives should be explored and possibly utilized.

**f) Monitoring Results**

- ❖ Assess the annual results of the activities and projects undertaken by the municipality
- ❖ Review these against the objectives set at the outset of the year
- ❖ Ensure that the decisions of Council are properly discharged

One of the advantages in establishing a Business Plan is the essential element of such a plan which details the results to be achieved. Where possible, these should be as specific and as measurable as possible.

Council should make it clear to its CAO that a part of their expectation of that position is the requirement to annually assess the results being achieved by the administration and the City's external agents in making a difference to the services of the residents. The CAO needs to ensure that he/she has developed techniques to assure Council that its decisions are in fact being discharged within the intent of Council resolutions and plans. This may be in the form of annual reports, project updates, budget variance reviews, auditor reports, independent reviews, performance appraisals and so on.

**g) Fiduciary Leadership**

- ❖ Ensure that an appropriate and comprehensive budget process has been established
- ❖ Set the budget and mill rate; communicate this to the public; involve them in the process to the extent practical and reasonable
- ❖ Monitor results and budget performance on a regular, monthly basis
- ❖ Ensure that the external auditor has access to all necessary financial information
- ❖ Review year-end results in relation to expected deliverables
- ❖ Meet with the external auditor to review his/her comments on fiscal performance and the appropriateness of internal controls.

This is one of the most significant aspects of a Council's responsibilities and yet one which seems to be accorded the least degree of attention in many municipalities. This may well be because of the lack of familiarity of many members of Council in terms of matters financial or it may be due to the notion that the auditor will ensure that the wishes of Council are being followed and if not, that the failures will be brought to the attention of Council. Regardless of the reason, every Council, including the one in Greater Sudbury, needs to take a keen interest in meeting its fiscal requirements and needs in such a way that it is consistent with the goals and objectives established earlier by Council. Further, Council needs to be aware of what techniques the administration uses to keep themselves up-to-date and Council informed.

Quite simply, there must be an adequate focus on the use of resources by the City and a reasonable degree of reporting back to the public on what is being done and how well.

### **5.1.2 All Members Equal**

Regardless of personal views relative to effectiveness, the public believes that it elects “their” Council members as being co-equal to all other members on a Council. The notion of one Councillor being in a superior or more favoured position than another is not a creation of the public nor is this notion discussed at election time (i.e. “elect me and I will have more power on Council than the others”). Now, it is true that the Mayor, as chief executive officer, has somewhat more powers as granted formally by the Act and informally by other means, as we describe herein. That is distinct from the rest of Council and needs to be discussed separately. The remainder of Council, however, is to be viewed as a body where each brings separate gifts to the table but where each are a necessary complement of the whole.

We have previously described the roles of the Council and indicate that these supplement our understanding of those detailed as requirements of the Act. What is apparent in our review of the functioning of Councils across Canada is that the effectiveness of a Council is often a reflection of the willingness of each member to participate as an equal representative of the public interest. That is, there must be a willingness by each member to view themselves and each of their colleagues as the elected voice and conscience of the public. The election process determined who the public views as best representing their opinions on how matters should be handled.

This is not to infer that all decisions of a Council would be equally supported by a similar percentage of voters but rather, as a general rule, that the public has confidence that their elected Councillors collectively will exercise their responsibilities in favour of the electorate as a whole. This requires a recognition by each Councillor that the views of each are worthy of a good hearing. It requires patience and respect as evidenced by how the reasons of each other are debated and subsequently decided.

Every Council could function at a higher level if it fully understood the dynamics of differing interests and strengths. Each member has something to contribute. Each represents a slice of the community. The input of each will be needed in all matters of significance which come before Council for resolution. Why? Because in granting a

hearing for the ideas of each, Councillors are according respect to that portion of the public whose views may be appropriately articulated by this or that member of Council.

Where members of Council might be perceived as having more influence than others or who begin to take on additional perceived powers lies in two main areas:

- their ability to articulate a position or to convince others that a particular course of action is supportable
- their appointment to various committees and boards (special purpose bodies) or to internal committees of Council which have some degree of impact on the agenda of Council as a whole.

The former “power” is a reflection of personal leadership attributes and not of the position per se while the latter is a “deemed” degree of influence because of the degree of publicity accorded to one board or committee over another.

### **5.1.3 The Levers of Power of Council**

One of the principal distinctions of a Council as opposed to the administration is Council’s mandate to establish the policies of the organization. If Council is to lead effectively, it must be capable of understanding and distinguishing the levers of power as compared to ways of staying busy. The key levers of power are as follows:

- **Legislative Authority:**
  - the powers to govern and make decisions which are granted to the Council by the legislation
- **Representation of the Public:**
  - The authority to make decisions on behalf of others as granted to the Council by virtue of an election
- **The Business Plan:**
  - The planning document which outlines the vision, mission, goals, objectives and priorities of the Council

□ **The Budget:**

- The funding and allocation document which translates the Business Plan principles and priorities into the expenditures and revenues of the Council on specific programs and objects

□ **Power to Approve Bylaws:**

- The authority granted by legislation to the Council to create bylaws which force compliance by the public (or by that portion of the public so affected) as to a particular initiative requiring legal enforcement

□ **Power to Establish Governance Policies:**

- The authority granted to the Council to approve those policies which set out how this Council will conduct its affairs and thus those policies which are to steer administrative action

□ **Authority over the Chief Administrative Officer:**

- The control which Council as a whole has over the entire organization due to its authority to appoint and remove the senior administrative official at its will, subject to the provisions in the Act and the appointing bylaw.

If these “levers” were appropriately understood, a Council would recognize that not much of any consequence happens without it being legitimized by the Council. Unfortunately, too often a Council is mesmerized by the activity of their administration and fails to see that such activity could not exist without the legitimacy provided by the umbrella of Council. Thus, an effective Council seeks to understand how it can employ these levers to ensure that the will of the public is fully represented in any subsequent activity or priority.

#### **5.1.4 Criteria for Successful Leadership**

Whether or not a Council is perceived by the community as providing effective leadership is a composite judgment which is seemingly based on several inter-related factors. These include the following:

- strong decisive leadership by Council on difficult issues
- a willingness to abide by decisions even when there is considerable opposition
- Council meetings which are noted for their attention to process and decorum and which result in sound decisions

- obvious respect between Council and its administration
- a sense of clear Council direction which is accepted by the majority of Council
- sound policies and appropriate, responsive procedures; an unwillingness to be whipped around by momentary whims
- a Mayor who understands the role and who is held in respect by the rest of Council
- a high degree of trust and respect in the relationship between Council and its Chief Administrative Officer
- a reasonable, thorough yet prompt decision-making process
- a clearly defined business planning and budget process which includes some opportunity for planned public input
- a corporate sense to issues including an understanding of their implications and priority.

Thus, we believe that the Municipal Act empowers the Council to lead - to take charge. Council can only do this if it clearly recognizes the issues; understands its own sense of what is best for the community; seeks public input on the key issues; and is prepared to stand firm on what it believes to be the right course.

## **5.2) The Key and Distinctive Roles of the Mayor**

The existing Municipal Act, Section 70, outlines the duties of the Mayor as head of council as follows:

It is the duty of the head of council,

- a) to be vigilant and active in causing the laws for the government of the municipality to be duly executed and obeyed;
- b) to oversee the conduct of all subordinate officers in the government of it, and, as far as practicable, cause all negligence, carelessness and violation of duty to be prosecuted and punished; and
- c) to communicate to the council from time to time such information and recommend to it such measures as may tend to the improvement of the

finances, health, security, cleanliness, comfort and ornament of the municipality.

The new Ontario Municipal Act (expected to be in force on January 1, 2003) spells out, in general terms, the roles of the chief elected official. These are as outlined in Section 225 which follows:

225. It is the role of the head of Council,
- (a) to act as chief executive officer of the municipality;
  - (b) to preside over council meetings;
  - (c) to provide leadership to the council;
  - (d) to represent the municipality at official functions; and
  - (e) to carry out the duties of the head of council under this or any other Act.

What follows is a general description of the duties of a Mayor and not a description of how these duties are or are not being performed in Sudbury. While we describe the roles of a Chief Elected Official in somewhat different terms than the legislation, we believe that our description covers both the legislated roles as well as commonly accepted practice. These roles can be categorized into the following four key groupings:

### **5.2.1 Leadership Functions**

- Chair of Regular Meetings of Council; Consensus-Seeker on Behalf of all Members
- Key Spokesperson to the residents of the City and to the Administration
- Recommend the Establishment of Council Committees and Appointment of Members to Both Internal and External Boards and Committees
- Make Recommendations re: Peace, Order, Good Government

### **5.2.2 Communication Functions**

- Brief Council Members on all Meetings and Correspondence
- Liaison with the Chief Administrative Officer



- Liaison with the Public
- Key Linkage and Spokesperson to Other Levels of Government
- Communicates the Decisions of Council to the Outside World; Expresses the “Will Of Council”

### **5.2.3 Monitoring Functions**

- Act as Council’s Eyes and Ears in Maintaining an Overseeing Role with regard to the Conduct of Municipal Officers
- Recommend the Suspension of a Municipal Officer or Employee (If Necessary)
- Ensure that the Law Is Carried Out

### **5.2.4 Representational Functions**

- Acts In An “Ex Officio” Capacity to Boards and Committees (if so appointed)
- Performs a Ceremonial Role on Special Occasions
- Main Spokesperson to Other Levels of Government

Another way of describing this role of CEO includes:

#### **(a) Leadership Functions**

This role is perhaps that which is seen the most frequently by the public and by Council alike. The Mayor is expected to chair each meeting of Council and ensure that the business of Council is handled expeditiously and effectively. This requires the Mayor to be aware of meeting protocol, the concerns of his/her Council members, the personalities of Councillors, and the issues to be determined at that meeting. He/she needs to be comfortable with power and with dispensing authority with clarity and equality.

The Mayor needs to be well-briefed by the CAO with regard to each and every agenda issue. The Mayor should understand the basics of the issue; what is expected by the

administration; the advantages of the proposed course of action; those who are most likely to be impacted; and what sort of public participation and/ or reaction will be expected.

The Mayor does not have sole responsibility for guiding and directing the agenda of the Council. This is normally expected to be a collaborative effort which should involve the Mayor (or his/her designate) as well as the CAO (or his/her designate) and the Clerk who has a statutory obligation to fulfill relative to the agenda of Council. The Mayor, however, should certainly be advised and briefed by the CAO as to the nature of the items on the agenda.

With regard to the appointment of Council members to boards and committees, it is normally deemed to be a prerogative of the Mayor to recommend the appointment of Council members on an annual basis. This prerogative needs to be limited by two caveats. First, the Mayor should consult with all members of Council prior to any recommended appointments being placed before the full Council. Secondly, Council as a whole should approve these appointments by a majority vote. This can be perceived as a fairly significant issue and sometimes an emotionally charged issue given the desire by Council members to serve on particular boards and organizations with which they have personally some degree of affinity. It is our opinion, on the other hand, that all members of Council should be considered to be generalists on all issues and thus should be eligible for appointment to all boards and committees. In this regard, we believe it is wise for the Mayor and Council members to reconsider this list of appointments each year and ensure that some degree of regular rotation occurs during the course of a Council term.

As a leader, the Mayor is expected to be capable of "rallying the troops" around a particular issue(s) or a particular course of direction. The direction, however, must be that established by the full Council rather than the Mayor individually. Thus, in some instances, the Mayor may be obliged to pull the full Council together towards a particular direction which he/she may not have supported at the outset. This obviously requires someone with the ability to lead based on decisions established by consensus rather someone who can only lead if the consensus reflects his/her own opinion. While

this is a difficult matter, the Mayor is nonetheless one individual who must be able to draw disparate views together and enable a consensus to be reached.

Likely one of the most difficult tasks of any Mayor is the expectation that he/she will be able to find the common ground between Councillors amidst the sea of diverse opinion. This task is daunting at times due to the disparate positions which may be vigorously held by other members of his/her Council. As the leader of Council, the Mayor is, however, expected to draw the views of his/her colleagues together and to point out a reasonable compromise if one exists. The Mayor needs to retain his/her impartiality on the issues until the issue has been presented to Council and until it is appropriate for the Mayor to voice his/her personal views on the issue. While the Mayor is not expected to compromise his/her principles, most issues have within them the potential for agreement providing that people are prepared to see each other's point of view. The difficulty, of course, is convincing everyone that some degree of compromise is needed to reach a reasonable solution.

The vast majority of the power of the Mayor's office is more implied than it is stated. The office of the Mayor carries with it considerable perceived clout in the community given the status and respect which most people accord to that office. While it may not have much additional formal power than that of any other member of Council, the Mayor is expected to be the leader of the community and to be capable of taking charge of the issues. The Mayor also has an implied obligation to convey the will of Council to the public, whether or not the Mayor has actually supported the decision of Council. The public needs to know what the Council has decided on a particular issue and this is a role which the Mayor is ideally suited to play.

## **b) Communication Functions**

One of the keys to effective leadership as a Mayor is his/her ability to ensure that the Council as a whole is well-briefed at all times with regard to the information which the Mayor becomes party to as a result of information coming to the attention of the office of Mayor. Council members generally understand that the Mayor may often become aware

of issues before the rest of Council as a result of his/her role as leader of the Council. While this affords the Mayor with advance notice of such issues or even potential new projects, the Mayor has an obligation to immediately inform his/her colleagues on Council and the CAO as to the nature of her discussions. Indeed, it is preferable that the Mayor strive to have either the CAO or the Deputy Mayor present in such discussions. It is not wise for the Mayor to ever withhold such information if the Mayor expects the Council to want to work together under his/her leadership. Thus, the Mayor and the CAO will need to establish a mechanism that ensures that all members of Council are equally and concurrently advised of the issues as they develop.

In part due to his/her position as leader of Council and in part due to the more frequent presence, the Mayor is expected to be Council's main spokesman to the administration. This role is particularly important as a means of ensuring that the views of Council as a whole are understood at the senior levels. The Mayor needs to be able to advise the CAO and senior staff as to his/her Council's anticipated view of a matter or to clarify a policy position or explain a particular grievance as expressed by Council.

The Mayor needs to be careful, however, that his/her actions do not lead the rest of the organization to conclude that he/she is the administrator. The Mayor, like all members of Council, needs to defer to the CAO on staff issues or run the risk of severely damaging and undermining that office. This is one of the reasons why the Mayor needs to be careful in how accessible he/she is to other members of staff other than the CAO, unless such meetings are held with the agreement of the CAO or at least his/her advance knowledge.

### **c) Monitoring Functions**

The Mayor has an implied obligation to monitor the delivery of local government services. This does not mean that a member of Council, including the Mayor, is to directly supervise the work of the administration but, rather, to maintain an awareness of what services, programs and policies are being implemented and to continually assess whether or not these appear to be meeting community needs and standards. This can be achieved through simply being aware of what is going on in the City and bringing any

issue which needs attention to the notice of the CAO. If the matter is within existing policy, the CAO will endeavor to act upon the Mayor's suggestion while if the matter is deemed by the CAO to be beyond the present Council policies, then he/she is required to bring such a matter back to the whole Council at a duly called meeting for Council's resolution.

As a part of the monitoring function of the Mayor (and also of the Council), it is possible that a member of Council may believe that a member of staff has acted inappropriately. This should not result in that Council member publicly criticizing the staff member but, rather, in bringing such a matter to the attention of the CAO to use his/her authority to act as he/she deems appropriate, given his/her assessment of the situation.

Regardless of the rationale for such criticism, there should never be any direct public criticism of the administration by any member of Council. The Mayor should immediately rule such comments out of order and remind Councillors of their commitment to this protocol. The appropriate place for negative comments vis-à-vis administrative performance, however, is in an in camera meeting between the Council and the CAO.

#### **d) Representational Functions**

The Mayor, by virtue of his/her office, may be appointed to various boards and committees. These bodies are often appointed by Council and may consist, at least in part, of public citizens who are asked to advise the municipality on one or more key functions (e.g. planning, recreation, tourism). The presence of the Mayor is often sought when a group wants to:

- ensure ongoing support by Council
- increase the likelihood of Council being informed as to the issues
- obtain an insight at least into how Council may react to a particular recommendation.

It needs to be made clear, however, that the Mayor's role is to reflect the views of Council (as they exist in terms of policy, resolutions, bylaws and informal debates/discussions) to the external agency. As well, the role of the Mayor as a liaison (similar to that of any

member of Council) rather than that of advocate must be made apparent to any and all advisory agencies (special purpose bodies).

Every Mayor across Canada is expected, from time to time, to perform certain ceremonial duties. These can range from the annual parade to greeting the Premier on a speaking tour. Unless the Mayor is otherwise committed, he/she is expected to be present and carry the civic colours. This tends to build a real sense of community pride and accomplishment and thus the importance of this role should not be diminished. While these events are important, not all need to be attended to by the Mayor. Depending upon availability, size of the event and other demands of the Mayor's office, the Mayor may want to delegate such an appearance to the Deputy Mayor or to another member of Council. This delegation to individual Councillors needs to be regularly rotated to avoid any appearance of favouritism

As the official representative of the community, the Mayor will more frequently be in a position of being the host of visiting groups and delegations. This will require the Mayor to have some latitude in that any expenses incurred by the Mayor in hosting such organizations, delegations or individuals should be a legitimate charge to the City. An appropriate record-keeping process, as recommended by the external auditor, should be determined.

The Mayor is also expected to be the key representative of Council in meetings with other municipalities (unless delegated to another member of Council) and the Provincial and Federal governments. Any liaison on a political level should normally be conducted through the Mayor's office. When another level of government is pondering new legislation or a new regional or local project, they expect to receive the opinion of Council when dealing with the office of the Mayor. While that role may be delegated on occasion to another member of Council, or a committee, it should, as a matter of protocol, be voiced and/or coordinated through the office of the Mayor.

While we recognize the additional powers and prestige of the office of the Mayor, these powers are only effective when supported by the rest of Council. This serves as a useful check upon the authority of not only the Mayor but also Council as a whole. There

needs to be a genuine recognition of the value of working together and finding consensus on the issues. This will require respect for the right of each other to hold views which may be at variance with others on Council.

This respect should be conveyed not only at the Council table but publicly as well. That is, the public and staff of the City should not hear a Councillor or the Mayor publicly deride one of their colleagues regardless of the circumstance. That would be unprofessional and not serve any constructive purpose.

Based on our reviews of other municipalities, we recognize that the Mayor, as chief executive officer of the corporation, can have a significant impact on how both Council and management are perceived by the public. The Mayor has considerable power, albeit largely informal, and can exercise his/her influence over the conduct of the business of the municipality. This does not ignore the fact that the Mayor has only one vote on all matters and is, in many respects, co-equal with his/her colleagues on Council. Rather, it reflects the fact that the public and media often tend to pay more attention to the Mayor than to others on Council. The Mayor must therefore be very prudent in his/her use of this power and should exercise it for the good of the community as a whole.

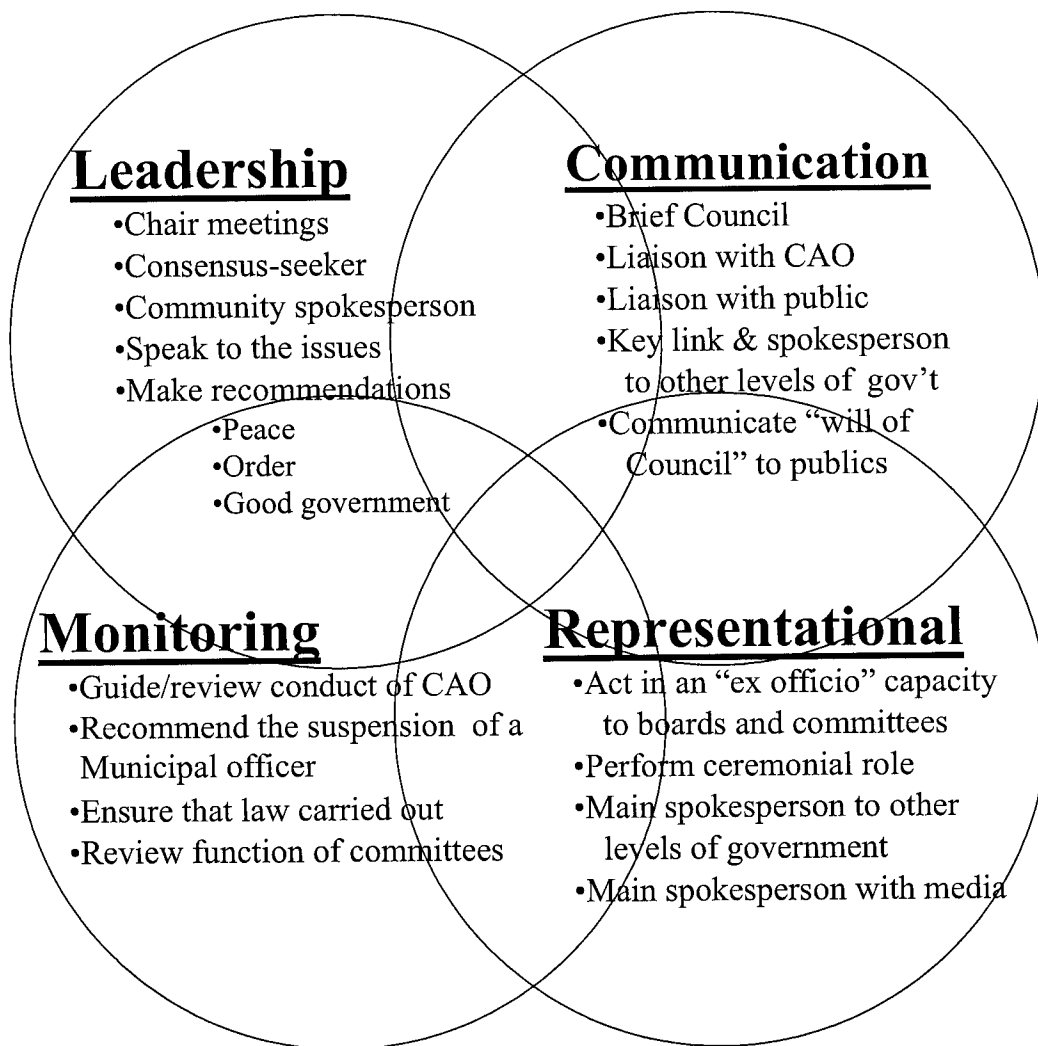
The image of the Mayor as an effective leader is highly dependent on the willingness of the rest of Council to follow the lead of the Mayor and to work together. This does not dispute the right of individual Council members to have independent views on all topics. Rather, this observation reflects the need of Council to receive leadership from the chair and to respect the right of the Mayor to provide such leadership as best as he/she is able to do so.

In recognizing that the Mayor is expected to be the political not the administrative leader, the legislation provides Council with the authority to delegate the day-to-day "administration" of the organization to the office of the Chief Administrative Officer. This is based on two premises:

- a) The Council is to hire a qualified administrator (Chief Administrative Officer) who is capable of **managing** the corporation and community within Council's guidelines and policies; and
- b) The Mayor is elected as a political leader and as a representative of the people. He/she is not expected to have any training as a municipal administrator. On the other hand, the Mayor needs to be able to understand community issues and concerns and to be able to **lead** the Council toward a successful resolution of the key issues.

There is no question but that the manner and style in which the Mayor's responsibilities are discharged will be largely dependent upon the individual nature of the incumbent. Some incumbents may be experienced in local government as a Councillor and thus may feel "at home" with the daily operation of the municipality. Others may be more familiar with a governance role and more certain about delegating administrative responsibilities to the CAO. Each Mayor will approach the job somewhat differently in terms of their style of leadership, although there are certain common expectations and duties. Central to the role, however, is the need to recognize its political base and the fact that there is no expectation for the Mayor to be involved in a day to day manner in the work of the staff.





### **5.3 The Key and Distinctive Roles of the Chief Administrative Officer and Administration**

What follows is a general description of the duties of a Chief Administrative Officer and not a description of how these duties are or are not being performed in Sudbury. While we describe the roles of a Chief Administrative Officer in somewhat different terms than the legislation, we believe that our description covers both the legislated roles as well as commonly accepted practice.

We view the Chief Administrative Officer's position in the organization as second only to that of the Mayor and Councillors in terms of potential impact on how things get done. The Chief Administrative Officer represents Council's main link with the rest of the organization and is expected to act as the channel through which the administration reports to Council and through which the Council deals with the rest of the administration. The role is also central to Council in that the Chief Administrative Officer is expected to be the principal policy advisor to Council and thus the source of considerable wisdom and experience based on an extensive background in local government.

In order for this relationship of policy advisor to policy maker to work effectively, there must be a high level of trust between the two. Where that ebbs or fails, the expected relationship shifts and Council begins to exercise authority in both arenas. Council no longer turns to the Chief Administrative Officer as its first source of advice but, rather, looks either to other department heads or internally to other members of Council. Further, decisions, which would, as a matter of course, be made by the Chief Administrative Officer or other senior employees begin to flow upward to Council who begins to become involved in a level of decision-making normally the purview of the administration.

If this is functioning as intended, the administration is at liberty to research issues; delve into the options; assess and weigh those of most merit; and recommend to the policy body (i.e. the Council) the option which appears to have the greatest merit.

### **5.3.1 Need for Mutual Confidence**

We have studied this relationship in over 200 municipalities across Canada. It is apparent to us that there must be mutual confidence between the Council and the Chief Administrative Officer or this system simply does not work very well. This confidence is based on a clear understanding of roles; a desire by both parties to not interfere unduly in the role of the other; and a belief that the Chief Administrative Officer can competently fulfill all of the key aspects of the position.

Council needs to know that the individual holding the position of Chief Administrative Officer is fair-minded; astute; of strong character; able to resist the temptation to stray over the blurred line separating policy and administration; capable of retaining confidences; willing to be a strong leader for the staff; able to work in a team environment; and of high moral standards. Political leaders of today also expect the Chief Administrative Officer to be proactive with regard to new initiatives or policies which will place the municipality at the forefront of public sector bodies. As well, Councils want their chief administrative officer to be able to function effectively as the chief policy advisor.

This relationship needs to be built on a base of mutual respect and trust or it will not survive for long. Council needs to know that the Chief Administrative Officer is working for it and that the Chief Administrative Officer will always strive to provide Council with clear options, full information and sound advice. The Chief Administrative Officer, in turn, needs to recognize Council's support for his/her intentions and actions.

A municipal system can survive many problems and inconsistencies such as inadequate planning; too few (or too many) staff; limited policy development; interference from Council in administrative responsibilities; etc. Such considerations are a part of the environment which municipal organizations face on a regular basis. Based on our experience, however, the municipal system virtually ceases to function as intended where the relationship between Council and its chief appointed officer is not reflective of trust and confidence. As the policy-making body, Council has to feel confident in the advice it receives prior to making decisions. It also has to be assured that these decisions are being carried out promptly and responsively. Further, Council needs to be assured that the public is being well-treated by an administration who adheres to policies and who tries to reflect the attitude of its Council towards the public.

This does not suggest that interruptions cannot occur in this relationship. Like all relationships, there will always be a degree of ebb and flow, of ups and downs, of approved resolutions and disappointments over advice not well-received. No Chief Administrative Officer receives "carte blanche" approval from his/her Council to take independent action on all issues.

### **5.3.2 Results of an Effective Council-CAO System**

An effective Council-Manager system could be said to exist when the following results are in evidence:

- Clear and forthright policy advice to Council to aid in its decision-making; well-researched opinions on the key issues and apolitical advice on how such issues should be handled;
- a sound team concept amongst all members of staff; coordination of all staff so that the needs of the community supersede all other considerations;
- discipline throughout the organization; acceptable behaviour within the Council's approved rules; enforcement of policies as authorized by the Chief Administrative Officer's bylaw or by Council policies;
- effective use of staff resources; the avoidance of any unnecessary duplication; combining job duties as necessary;
- strong fiscal management systems; a solid grasp of the City's finances; ongoing advice to both Council and to the department heads; assistance to the other senior staff so as to improve their financial management skills;
- positive administrative leadership and the ability to instill a good work ethic in all staff; a sense of "mentoring" of solid management skills;
- new techniques and ideas; the encouragement to come forward with better ways of doing the work which needs to be done;
- positive human resource management systems; well-trained and motivated staff; appropriate personnel policies; a balanced, comprehensive compensation policy;
- enhanced employee morale through a better sense of purpose and vision;
- a more interdependent system with teamwork evident between departments; and
- a strong mandate for Council which concentrates on the need to set political direction; and the expectation that staff will be properly guided in carrying out the will of Council.

While these expectations are considerable, they are nonetheless realistic. The Chief Administrative Officer is a key element in the system of local government given his/her impact on Council's decision-making and his/her impact on senior management and staff performance and perceived sense of integration. The ability of the Chief Administrative Officer to produce these results is impacted by his/her training, education, personal style, relationship to Council and staff and his/her commitment to the task. Thus, it is essential that the Chief Administrative Officer provide professional, thoughtful and, in many ways, proactive managerial leadership on a day-to-day basis.

### **5.3.3 Authority of the Chief Administrative Officer**

The current Municipal Act, Section 72, provides an outline of the duties of the CAO. The Act states

The council may by by-law appoint a chief administrative officer, who,

- a) shall have such general control and management of the administration of the government and affairs of the municipal corporation and perform such duties as the council by by-law prescribes; and
- b) shall be responsible for the efficient administration of all of its departments to the extent that he or she is given authority over them by by-law.

The new Ontario Municipal Act (expected to be in force by January 1, 2003) outlines the role of the chief administrative officer in Section 220 as follows:

A municipality may appoint a chief administrative officer who shall be responsible for,

- (a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- (b) performing such duties as are assigned by the municipality.

These roles are further supplemented by the appointment bylaw (TB 43) and by contract. The bylaw provides the CAO with a number of specific authorities as a supplement to the general wording of the Act. These include, and we paraphrase:

- act as the senior official; provide leadership to staff
- head of the administrative and operational aspects
- responsible for the proper administration of the affairs of the City, including organizational restructuring, in accordance with bylaws adopted by the City
- providing effective advice and support to the Mayor and Council in developing and implementing policies, plans and programs of Council
- manage the human, fiscal and physical resources of the City
- appoint, promote, demote, suspend and dismiss all employees except the first level of senior management and statutory officials
- recommend to Council the appointment and dismissal of first level senior management and statutory officials
- supervise the preparation of the City's budgets
- attend or be represented at all meetings of Council and committees of Council
- carry out such additional duties and exercise such additional responsibilities as the Council may, from time to time, prescribe.

#### **5.3.4 The Chief Administrative Officer--Administration Relationship**

The Chief Administrative Officer (CAO) has a major role in acting as the senior bureaucrat in the system and thus as the potential mentor of his/her colleagues and other supervisors in the organization. While it may not always be apparent, the rest of the organization receives their "message" as to appropriate style of management and decision-making from the CAO. Thus, the CAO who is prepared to take some calculated risks in order to move the organization ahead will influence others to adopt a similar attitude and style. The CAO who is personable and outgoing will end up attracting others of a similar attitude. Conversely, the CAO who is reticent and adverse to risk-taking will engender the same or similar attitudes and style amongst his/her colleagues and subordinates.

The CAO is expected to act as the 'front man' for his/her department heads before Council in terms of report presentation and policy advice. Thus, regardless of the matter under review by Council, the Chief Administrative Officer should have been sufficiently briefed so as to put his/her name on the report going to Council and be able to initiate the discussion of the matter. Once the issue is introduced to Council, the CAO should then feel free to refer the rest of the presentation over to the department head in question to provide the details needed to achieve a level of understanding by all members of Council. This process is not recommended as a means of exercising control over all and sundry. It is, however, essential that the accountability for such matters be clearly resident with the individual charged with overall responsibility for such matters (i.e. the Chief Administrative Officer). This whole system is based on a clear distinction of authority.

As CAO, one of the principal functions is to provide both a directing and coordinating role vis-a-vis other staff. The CAO is to be responsible for the functions and activities carried out by subordinate staff with particular emphasis on the department heads. While it is apparent that the CAO will need to know something about each of their areas of responsibility, it is equally evident that the CAO will need to rely upon the expertise and academic training possessed by each of these individuals. It is certain that any CAO will have some understanding about all key functions with an in-depth knowledge about those disciplines with which he/she has had hands on experience. Being the CAO does not require one to be the expert. That is what the CAO hires. However, the Chief Administrative Officer must be able to develop a broad understanding of the language of his/her department heads so as to be able to converse on an intelligent basis.

It is also up to the CAO to draw out of the senior staff the best that they are capable of producing in terms of policy advice to be presented to Council and their ability to coordinate and direct their own staff. This necessitates a close working relationship and the ability to perceive individual strengths and needs. It also requires a spirit of empowerment whereby the Chief Administrative Officer is able to assure his/her team that he/she is confident in their individual and collective abilities to represent themselves with confidence knowing that the CAO will back-stop their efforts.

The Chief Administrative Officer must be attuned to the individual needs of staff and develop a relationship with each accordingly. This presumes that the CAO will work with the staff rather than letting them work in isolation. The CAO needs to be aware of their strengths and shortcomings and be able to support and work with each as the need indicates. There is a delicate balance to achieve here. The Chief Administrative Officer will want to be able to delegate responsibility and authority at a sufficiently high level so as to encourage senior level decision-making. At the same time, the Chief Administrative Officer needs to monitor the decision-making abilities of each department head and provide prompt feedback as appropriate.

### **5.3.5 CAO Relationship to the Public**

The CAO will also have some degree of profile with the public due to the importance of this role and the visibility attached to it. In fact, it will likely be the CAO who will reflect to the public the image of an administration which is eager to be of service (or not). Because so much of what a municipality is mandated to do is expected to be public in nature, the actions and decisions of a Council and its CAO will be open to the scrutiny and feedback of its public.

Given that the purpose of municipal government is to provide those local services which individuals cannot reasonably provide for themselves, and given that there is a direct correlation between the degree and amount of service and its cost, the fact that there is an ongoing dialogue between the City Council, the CAO and the administration and its public is not only anticipated but desirable. It is our view that the public wants its civic services and decision-makers to be visible and accessible.

### **5.3.6 Relationship Between the Mayor and Chief Administrative Officer**

The ongoing relationship between the Mayor as chief executive officer and the Chief Administrative Officer as chief administrative officer is also one of the keys to a sound system. An effective Council and administration will only occur if both are able to see the other as members of the same team. Similar to a sports team, there are the



inevitable role distinctions which is both healthy and natural in order for all players on the team to perform distinct yet complementary roles.

The Mayor symbolizes Council authority and legislative leadership. As a result, he/she is expected to communicate Council's perception of the political issues confronting them. The Mayor is in an ideal position to advise and counsel the Chief Administrative Officer with regard to the direction which he/she feels is appropriate for Council as a whole to take.

A Mayor needs to be attuned to the will of his/her Council and to their concerns. This requires that the Mayor be able to separate out the minority views from what he/she perceives as those shared by a majority of Council unless, of course, there is an advantage of ensuring that the CAO be aware of what may only be in the minds of the few. The Mayor's relationship with the Chief Administrative Officer should be such that he/she is able to pass along any concerns which the Mayor hears being expressed by his/her colleagues on Council vis-a-vis the performance of the CAO as well as any concerns with regard to individual departments and personnel. In this respect, the Mayor's role is preventative in nature in that frank discussions about perceived problems may result in their early resolution.

The Mayor is often able to act as an important conduit between the Councillors and their CAO. This results from the Mayor's close liaison to Council and thus an appreciation of what each member is likely expecting vis-à-vis this issue or that. At the same time, both the Mayor and CAO need to request feedback on policy issues from all members of Council on an ongoing basis. The physical presence by the Mayor in the same office building as the Chief Administrative Officer is thus somewhat of a two-edged sword: on the one hand, the Mayor should be able to convey views and impressions to the CAO which are designed to enable the latter to improve his/her awareness of the issues and, on the other hand, a potential problem if the rest of Council does not feel that it also has a direct relationship to the CAO who is to serve Council as a whole.

### **5.3.7 Relationship To All Councillors**

It is well to remember that the administration is to report through the Chief Administrative Officer to the Council as a whole. Thus, any performance review of the CAO, which should occur at least annually, should reflect the input of all members of Council and not just a few. Further, the CAO has to be the servant of Council which requires the CAO to be guided by what Council as a whole believes to be the best decision and not what a few outspoken Councillors believe.

Thus, in spite of the CAO's personal relationship to the Mayor or to this or that Councillor, the Act requires the CAO to be directed by the resolutions of the Council. Essentially, every other "directive" should be taken "under advisement"! That is, the fact that one Councillor requests a certain action does not mean that the administration should respond as requested. Where the Chief Administrative Officer has any uncertainty as to whether the request reflects present Council policy, it should be referred to a regular meeting of Council (or committee of Council).

If the Chief Administrative Officer is to be accountable to Council as a whole, then certain basic rules of governance need to be established. Among these should be a statement of protocol vis-a-vis members of Council contacting staff for information. Where the Councillor is contacted by the public on a particular matter which simply requires clarification of an existing policy, the Councillor should refer the matter to either the CAO or the department head in question for a response. The department head or CAO should be able to determine the degree of urgency of the request. The information should then be provided to the Councillor, or at his (or her) request, directly to the ratepayer.

Where the request will result in a change of policy, or the development of a report, or a lengthy investigation, or a change in work orders, then the request should be channeled to the Chief Administrative Officer for response. If it is the opinion of the Chief Administrative Officer that the request will result in a change in priorities, the Council should be apprised of the request before any action takes place.

### 5.3.8 Reporting Protocol

Any staff report intended for Council should be directed by the author to the appropriate department head and, once approved, to the Chief Administrative Officer. It is critical to the perception of Council and the administrative system as a whole that the reports from the administration be 'signed off' by the CAO. It is through that office that all members of staff should report. If reports are authored by someone other than the CAO, then that name(s) should also be shown on the "request for decision" covering page together with the name and signature of the appropriate department head.

It is ultimately the Chief Administrative Officer's responsibility to check each report being forwarded to Council in light of the following:

- does this issue need to be decided by Council?
- Is this issue of considerable political interest?
- has the appropriate format been followed?
- is the information complete?
- is it well-written?
- do I agree with the recommendation(s); if yes, have I signed it off; if not, have I attached my own report?

In the final analysis, it is the responsibility of the CAO to ensure that any reports which are to be presented to Council meet his/her standards of quality and completeness. This does not necessitate that the CAO defer or dismiss reports which he/she may not fundamentally agree with but, rather, that the CAO ensure that his/her own opinion, if contrary to that of the writer, is presented to Council as the covering document. In some instances, the CAO might wish to request Council to defer or delay a decision until the management has had further opportunity to study the issue(s).

## 6.0 The Governing Principles

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The following principles are recommended as the base upon which to build a new model of governance. While these principles may be viewed as obvious or very broad, **they are essential** if Council is to have a solid foundation upon which to judge this model and any further steps in its implementation and eventual revision. These principles follow:

- ❑ The democratic rights of citizens will be upheld in all Council decisions.
- ❑ The will of the majority, as understood by Council, will be reflected in all Council decisions.
- ❑ Council will always seek to conduct its affairs in a manner which is suitable to a publicly-elected body who act as stewards of the public interest.
- ❑ All Council decision-making, save and except that which is protected from public exposure by law, shall be conducted openly with the public's right to be present respected.
- ❑ Council members will respect the right of each other and members of the administration to have a difference of opinion on any or all issues and will not attack other Council members or members of the administration for holding and/or voicing a different opinion. All advice and information presented to Council by the administration will be treated with respect regardless of whether or not individual members of Council agrees with such advice and/or information.
- ❑ Council members will respect the power differential which exists between themselves and their administration and will refrain from public and/or personal criticism of individual members of the administration. Any concerns by Council vis-à-vis the performance of the administration will be conveyed to the Chief Administrative Officer in an in camera meeting.
- ❑ Decisions made by Council at a duly constituted meeting will be deemed to be decisions of Council and will be subject to prompt implementation by the CAO.
- ❑ Members of Council will not use municipal property or information for personal gain.

- ❑ Decisions by Council will reflect a thorough decision-making process including CAO-approved staff reports, public board or committee input (if appropriate), public hearings (where required or appropriate) and will be consistent with Council values, mission, goals and objectives.
- ❑ Council will govern the organization through policies, bylaws and resolutions; the administration will manage and administer the decisions of Council and will ensure the effective utilization of the human, fiscal and physical resources.
- ❑ Council will respect the mandate of other governing or administrative organizations and will seek to work cooperatively with such organizations in the expenditure and use of public resources.
- ❑ Council will publicly support and respect the role and integrity of its administration.
- ❑ Council will seek to ensure that there is an effective monitoring process in place, which ensures that its decisions are being implemented effectively and efficiently and in a timely manner.

## **7.0 Criteria for a Governance Design**

As a template for judging what follows, we offer a series of criteria for governance design. These are the building blocks or foundation upon which the Governance Model should be built.

### **a) Responsiveness to public needs (public-focused)**

The Corporation of the City of Greater Sudbury exists to provide public-focused services to its customers, the citizens and businesses of Greater Sudbury. This requires an organization which is open to, and responsive to, public input. That input, while largely focused at the political level, must also be reflected in how the employees of the corporation respond to demands and new priorities.

### **b) Responsiveness to political leadership (accountability)**

This criteria points to one of the key underpinnings of local government. The organization's corporate structure and personnel must be responsive to the guidance and leadership of the City as provided by the elected Council. It must not

only be responsive to the direction provided by bylaws, resolutions and policies, but also the corporation must have built into it clear levels of accountability. The will of Council should be understood as pre-eminent in what decisions are being made, what services are being delivered, how they are being delivered, and how the delivery of services and the expenditure of public funds is being reported and assessed.

Regardless of the delegation of considerable administrative powers to the CAO and his/her staff, the public clearly expects the elected Council to be accountable. This requires that the Council is well-informed, engaged in driving the policy priorities and committed to steering the organization. Within the policy and strategic framework established by Council, the administration is charged with making a multitude of decisions which constitute the rowing of the organization. Thus, Council and the citizenry must be cognizant of who is responsible for administrative action and who, at the end of the day, is accountable for the results.

#### **c) Transparency of decision-making (openness)**

Public business should be done publicly. This criteria refers to the fact that local governments are expected to function in a far more open environment than either their provincial or federal counterparts. Thus, while some of what a Council does must by necessity be treated in very strict confidence (largely via in camera sessions), there are very few issues which should not be the subject of public debate. The citizens need to become aware of how the system works and how it can be accessed. While they are aware that some issues will be confidential, the citizens of Sudbury will likely expect those to be significant and defensible.

#### **d) Coordination of resources (collaboration)**

The City of Greater Sudbury runs a multitude of businesses. These range from fire services to bylaw enforcement, from providing day care services to granting building permits. There are, however, numerous areas of overlap and thus the potential for duplication. As well, many of these services are interdependent – that is, they affect and even rely upon the actions of other staff in other departments. The work of senior management is clearly one of focusing these resources and services in such a way as to minimize the potential for duplication and/or poor communication.

These resources are expensive and valuable and need to be treated in a collaborative manner. Whatever the governance model employed by Council, it must act as an integrator of resources and not one which contributes to silo management. Functions should be balanced where possible in terms of their people, potential impact, degree of complexity and perceived value to the City.

**e) Openness to change (flexibility)**

Organizations are dynamic entities. They are not static systems but rather are as open to change forces as individuals are. Such changes can occur in legislation, the environment, economic factors, demographics, etc. The organization which was birthed as a result of Provincial direction, must be open to ongoing change and be capable of quick and accurate response. Flexibility is a by-word for the organizational culture of today and presumably into the future.

**f) Clarity of authority**

Accountability requires specificity of authority to take action. In order to preserve the respective responsibilities of both Council and the administration, the Governance Model will need to set out the expectations and areas of authority for each party. It must be clear to each part of the organization what duties they are charged with and what level of authority each holds. This clarification is particularly needed and useful in such aspects as:

- Power to hire/fire
- Authority to expend funds
- Authority to guide and direct staff
- Power to advise a political or public body.

**g) Capacity to continue (sustainable)**

We noted earlier that organizations change (or should change) in response to both external and internal factors. The City of Greater Sudbury has recently undergone massive change in its evolution into a coordinated body of communities. Part of the Council's mandate is to seek to ensure that the City functions effectively and in such a manner that it is sustainable within its available resources.

#### **h) Simplicity of Design (the need for a clear decision-making framework)**

The business of a municipality of the size of the City of Greater Sudbury is very complex. The City is involved in a plethora of services and functions which are determined in part by legislation and in part by local preference. The Governance Model should not, in any way, add to the complexity of the business but, rather, enable good decisions to be made in a straight-forward manner. Thus, anyone viewing or participating in the conduct of the City's business should understand that there is a logical manner by which decisions are made and the work discharged.

#### **i) Currency of Information (the right to concurrent advice)**

This is a difficult yet important issue to address. Any system of governance needs to recognize the importance of ensuring access to all policy-related information and subsequent decisions by those who are charged with the responsibility of making policy decisions. This single consideration augers against any system wherein only certain members have access to the key pieces of information. Thus, whether a standing committee system or a committee of the whole system is adopted, it must enable all members of Council to actively and equally share information on a concurrent basis.

### **8.0 The Options**

There are very few options which would enable Council to meet the foregoing criteria and principles and still function effectively and get the business done. It must be remembered that the key evaluation will be dependent on the following question: did our Model of Governance enable Council to ensure that the business of the City was conducted in a fair, responsible and effective manner? Further, did the Model ensure that Council acted as the policy and political leaders?

Now, it is clear that various models can essentially be used to achieve the same ends. The real question lies more in determining which model will work best and be most conducive to ongoing quality government.



The two extremes in civic governance are essentially: a considerable number of standing committees with narrow mandates or a committee of the whole with a very abbreviated mandate. In the former instance, Councillors are appointed to a plethora of standing committees and act in an oversight role to various civic functions. Thus, one committee may be devoted to parks while another oversees recreation with still others devoted to community facilities, tourism, planning, economic development, fire services, policing, social services, housing and so on. These committees tend to be so focused on a narrow range of functions that within the first few meetings, the focus by the weight of necessity has shifted from policy issues to day-to-day management.

The second extreme, and similar to that as currently practiced in the City of Greater Sudbury, is that of a single standing committee, referred to as a “committee of the whole” which has a narrow range of issues which must be referred to it by virtue of its terms of reference (e.g. planning, budget). Thus, this single committee may be limited to reviewing planning matters (which by legislative necessity, must be reviewed by a committee of Council), and budget issues which take pre-eminence during one season of the year. The vast bulk of the City’s business, however, flows through unimpeded to Council at its regular meetings or are handled by the administration who understand that they have the authority to do so by virtue of the legislation, the CAO’s bylaw and its delegated powers. While this model is viewed by some as particularly efficient, it tends to result in a much larger obstacle—the members of Council note that they are essentially left out of the decision-making loop and may thus be viewed, internally at least, as largely redundant. This is, or could be, a sorry commentary on a group of dedicated Councillors who were elected “to add value”.

It is our view that something in between the two extremes is where this Council wants to land. If we are correct in that opinion, then we believe that the innovative yet Council-driven model which we are proposing will go a long ways towards ensuring that Council as a whole is fully engaged in the significant matters and is able to lead.

## **9.0 The Proposed Model**

### **9.1 Corporate Priorities Committee of Council (CPC)**

Our proposed model of Council's legislative involvement limits Council standing committees to three – the proposed Corporate Priorities Committee of Council (acting as a Committee of the Whole); the proposed Agendas and Priorities Committee whose role will be limited to that of advising Council as to which items are to be considered at the next Corporate Priorities Committee; and the revised Planning Committee of Council. All members of Council are the invited participants of the Corporate Priorities Committee with the CAO (and, at his request, members of the management team) acting in an advisory capacity. The purpose of the Corporate Priorities Committee is to enable members of Council to discuss agenda issues with the administration in a non-confrontational environment prior to their presentation for action on a Council meeting agenda.

Committee of the whole meetings will generally have both a public and private component. Issues in the latter category would largely be restricted to those pertaining to legal matters, confidential City land purchases and sales and personnel issues.

It is our view that there would be some advantage in having someone other than the Mayor chair this Committee. Rotating the chair's role among all members of Council (on say a 3 month basis) would enable each to:

- ❑ understand the leadership requirements of the chair position;
- ❑ enable the Mayor to consider issues from a somewhat less restrictive role than that of chair; and
- ❑ provide opportunities for each member of Council over the course of a term of office to act as chair and thus see things from that perspective.

### **9.2 Agendas and Priorities Committee**

The mandate of the Agendas and Priorities Committee is:

- to ensure that the business of Council is being dealt with fairly and expeditiously

- to review potential agenda items and ensure that these are appropriate for inclusion on a Council and/or Corporate Priorities Committee agenda
- to advise Council as to why any particular matter should not be brought forward for Council review at the present time.

The Agendas and Priorities Committee should consist of three members: the Mayor (or the Deputy Mayor if so designated by the Mayor); the CAO (or designate); and the Clerk (or designate). Any other staff deemed necessary by the CAO will attend this meeting at the request of the CAO. This committee would meet at least 3-4 days prior to a CPC meeting and review the agenda items as put forward by either the Senior Management Team or by members of Council or by the Office of the Clerk. This committee will operate by consensus, and will only vote if a deadlock occurs.

Agenda items should include:

- ❑ those submitted by the administration (and which require Council's policy review and approval)
- ❑ those which Council members agree by a resolution of Council to place on this agenda for review
- ❑ those issues which an individual Council member might submit which the Committee believes warrants a report by the administration (and thus which the Committee places before Council in the form of a "notice of motion")
- ❑ those which external boards/agencies believe require the guidance of Council before they can take a particular course of action.

The A & P Committee is not intended to act as a censor for agenda items. Rather, it is to serve as a sounding board for both Council and the senior administration to ensure that issues are dealt with effectively and in the proper course of time. The Committee is charged with ensuring that the time a Council spends considering Council's business is used wisely and that business is conducted as openly as possible so as to be transparent before the public. The Committee will ensure that the focus of Council is placed on "higher order" issues which potentially can impact current Council direction and policy. These "higher order" issues, for the most part, will likely be i.e. those of

considerable significance rather than the mundane (e.g. the impact of new resource development on the community vs. awarding a tender of \$2500). The latter should be able to be dealt with by the CAO within policy or the CAO bylaw.

The A & P Committee will not have authority to defer any proposed agenda matter for longer than one regularly scheduled meeting without the prior consent of Council (by resolution). The office of the Clerk will be responsible for establishing a mechanism for tracking these issues and for advising the Council as to their eventual disposition.

### **9.3 Planning Committee**

This committee of Council will consist of five members as appointed by Council upon the recommendation of the Mayor. The Committee will hear those matters referred to the Committee by Council or by the administration or via referral from the Agendas and Priorities Committee of Council. The Planning Committee will:

- deal with matters as required under the Planning Act
- hear delegations as requested or required under the terms of the Planning Act
- make decisions or refer matters for decision (with the recommendation of the Planning Committee).

### **9.4 Decision-Making Model (Steps)**

The revised model of governance being proposed suggests certain changes to current decision-making processes and steps. Our model envisages the following:

**Step One** An issue comes to the attention of a member of the administration via the public or through internal sources; it is referred to the appropriate department head.

**Step Two** If appropriate, the department head ensures that the issue is researched and a request for decision drafted; if it is a policy issue, an appropriately-worded policy will accompany the staff report.

- Step Three** The department head vettes the report; requests changes if necessary; signs it off when department head is satisfied as to completeness, accuracy and quality.
- Step Four** The department head refers the issue to the CAO if item is beyond the scope of authority of the department head (otherwise it may be sent forward to the CAO as information only).
- Step Five** The CAO reviews the report and determines whether to place it on the Senior Management Team regular meeting agenda. The Senior Management Team reviews report(s) and makes suggestions for sake of clarity, etc. The report may be withdrawn by a department head for a period not to exceed two weeks. Regardless of the reservations of the other members of the SMT, the department head may ask that the report be submitted by the CAO "as is". If acceptable to the CAO, the report is signed off by the CAO; if not acceptable to the CAO, he may wish to attach a covering memo to the departmental report.
- Step Six** The CAO may then forward any reports to the Agendas and Priorities Committee for consideration for placement on the next available CPC agenda. If the issue is that of an emergency nature and sufficiently significant in the mind of the CAO to necessitate the earliest possible consideration by Council, then the CAO may submit such an item directly to Council for its consideration but must in every instance notify Council of the report routing and provide all of Council with a copy.
- Step Seven** Once the report/item is reviewed and forwarded for the consideration of the Corporate Priorities Committee by the A & P Committee, the CAO (or Clerk) then forwards the report or item to the CPC.
- Step Eight** The Corporate Priorities Committee or one of its sub-committees, reviews the report; may refer back to CAO for more information; may decide or

may refer on to a regular meeting of Council (particularly where it is a policy-oriented issue).

**Step Nine** If the matter is within policy and thus the Corporate Priorities Committee decides, then the CAO implements decision; if CPC refers to Council, then item placed on Council agenda for debate and decision.

**Step Ten** Administration implements decision; if a policy is approved or amended as a result, then new policy (or revision) is circulated to all holders of the City-authorized policy manual.

#### **9.5 Principles of Operation for the Corporate Priorities Committee**

1. That with the exception of any emergency issues brought to the attention of Council by the CAO, new policy issues will be considered by the Corporate Priorities Committee prior to consideration by Council.
2. That any member of Council may request a matter to be discussed at a Corporate Priorities Committee meeting and that such a matter will be voted on by the Committee as to whether or not the item will be added. If the vote is in the affirmative, then the item may be added to the agenda of the next scheduled meeting of the A & P Committee.
3. That the Corporate Priorities Committee meeting will be advisory in nature (unless otherwise designated by Council) with recommendations forwarded to Council.
4. That the CAO has the liberty to re-draft items submitted by the administration for Council approval based on the feedback received at a Corporate Priorities Committee meeting.
5. That the public has the right to attend any portion of the Corporate Priorities Committee meeting with the exception of any portion wherein the Corporate Priorities Committee decides on a majority vote to go in camera. The public portion of meetings will be held on a regular basis beginning no earlier than 5:00 p.m.
6. That the agenda items be circulated to all members of Council as per the terms of the Procedure Bylaw.

- 7 That the CPC meet no less than once every 2 weeks except during the July, August and December when the CPC may stand adjourned except to meet at the call of the Mayor.
- 8 That the Council (after seeking a recommendation from the Mayor) will choose who will chair this committee and may rotate the chair once every 12-24 months. The Council shall designate which member of Council will serve as Acting Chair in the event that the Chair is absent.
- 9 Special purpose bodies and/or Council-appointed task forces and public advisory committees will report direct to the Corporate Priorities Committee who may, in turn, refer their report or request to the CAO for comment prior to dealing with their report and or minutes.
- 10 Requests by delegations will be reviewed by the A & P Committee, who will determine whether or not the delegation should be heard by a Sub-Committee of the CPC or by Council at its next regularly scheduled meeting. All delegations must comply with the provisions of the Procedure Bylaw with regard to providing briefing materials to Council in advance of any meeting with Council (or one of its Committees).

The foregoing rules of procedure will also apply to any sub-committees of the CPC.

#### **9.6 Terms of Reference for the Corporate Priorities Committee**

The following are proposed as the appropriate terms of reference for the CPC. **The Corporate Priorities Committee** may:

- Hear from delegations and/or refer these on to Council
- Review matters forwarded to it by the CAO or by Council via the A & P Committee
- Consider matters placed on the agenda by other members of Council (as determined by a resolution of Council) or by consideration of the A & P Committee and refer such issues to the CAO for a report
- Approve matters which it considers are within current policy; and
- Refer any matter on to a regular meeting of Council which is not the subject of current policy (including new statements of policy)
- Review reports or minutes from external boards and committees so that there is some degree of consistency as to how each is treated by the Council

- Meet publicly at a time conducive to most members of the public (likely after 5 p.m.); meet on the alternate weeks to that of regular Council meetings
- May determine to meet in-camera on a vote of the committee at the conclusion of a meeting; in-camera matters are limited as per the legislation
- Meet principally as a forum for discussion rather than as a decision-making arena; enables all of Council to review and discuss key issues without the requirement to decide
- May refer an item to the CAO for more information or clarification but must move the issue forward to Council for its consideration and decision upon receipt of the clarifying information (in other words, the referral process if used is intended to be brief yet thorough)

The principal advisor to the Corporate Priorities Committee is the CAO. Whether or not other management (or other staff) is in attendance is the prerogative of the CAO. The CAO will also designate the appropriate staff to act as advisors to any sub-committees of the CPC.

The recommended decision-making process and model, once complete, should be circulated to all full-time employees with sufficient description (in the vernacular) so as to make the process user friendly. The public should also be advised as to the new model once accepted by the Council.

Final reports or recommended actions should be placed on the agenda of the regular Council meeting and be subject to the discussion and debate of the Council at that time. We view the regular Council meeting as the principal decision-making forum of any municipality. This is where the major issues of the day need to be aired, debated and decided. As a result, the regular meetings of Council are recognized as the forum for decision-making.

### **9.7 Policy Issue Sub-Committees**

Based on our understanding of the concerns which Council has expressed to date regarding the Governance Model, and our view as to how the foregoing principles might



be applied to a new model, we have chosen to recommend a hybrid model which will enable Council members to realize their objectives without undermining the need to achieve a healthy degree of distinction between members of Council and the administration.

Rather than the traditional approach to standing committees, we are recommending a series of “policy issues sub-committees” under the umbrella of the Corporate Priorities Committee (Committee of the Whole). Thus, all members of Council would be considered de facto to be members of each policy issue committee and thus eligible to vote at each sub-committee. These policy issues sub-committees should **normally** meet as a part of the CPC agenda, albeit listed separately on the agenda and preferably with a specified chair appointed by Council for each distinct sub-committee. These policy issues committees are intended to provide both the Council and its administration, as well as the public, the opportunity to consider potential policy impacts of proposed recommendations and decisions. These “committees” would need, by their very design, to be dynamic in nature and open to continual renewal and change.

Enlarging the mandate of the present Committee of the Whole would ensure that the positive aspects of this current model would be retained while enhancing it with a broader and more inclusive range of issues of interest to all members of Council. Thus, the Councillors as a body would be cognizant of the key issues under review by the administration insofar as they lead to the need for policy guidance from the Council. The actual day-to-day administrative aspects of the work of the City will continue to be discharged by the administration, under the leadership of the Chief Administrative Officer. The advantage would be an increased degree of Council involvement in the more significant issues as they percolate forward to Council.

Thus, the policy issues sub-committees of the Committee of the Whole would:

- Provide policy advice to Council on matters within the jurisdiction of the sub-committee
- Provide policy feedback on administrative recommendations at a pre-Council stage so that such input can be considered by the administration prior to

submitting their final proposals for the consideration of Council at the actual Council meeting or if the report before the sub-committee is essentially endorsed as is by the sub-committee, then such a report may be forwarded directly to the next regular meeting of Council

- Enable Councillors to focus on a range of policy issues which are central to the business of Council thereby becoming more familiar with those issues and their history
- Provide for a degree of coordination of policy issues at a committee stage to ensure increased corporate integration
- Increase the exposure of Councillors to the members of the senior administration.

We believe that the principal role of such “policy issues sub-committees” should be to provide policy advice both to Council and administration (as approved by Council). Such sub-committees should focus more on what policy advice is to go forward to Council and less on what we would call “administrivia”. The more that any department (or committee) delegates upward in terms of administrative responsibility, the greater the likelihood of reduced management accountability.

#### **9.7.1 Policy Issues Sub-Committee on Community Viability**

This Policy Advisory Committee will be responsible for providing advice on:

- Safety Issues Raised by the Public
- Fire Services & Policies
- Ambulance Services & Policies
- A Policy and Plan for Handling Emergencies
- Transportation Planning
- Economic Development
- Housing Policy
- Infrastructure
- Any other related issue referred to this committee by the Council.

### **9.7.2 Policy Issues Sub-Committee on Public & Intergovernmental Relations**

This Policy Advisory Committee will be responsible for providing advice on:

- Public Participation in Policy Issues
- Relationships with other Northern Communities
- Relations with the Provincial Government and Its Agencies
- Community Group Liaison with Council
- Community and Leisure Services and Policies
- Public Health & Social Services and Policies
- Any other related issue referred to this committee by the Council.

### **9.7.3 Policy Issues Sub-Committee on Financial and Program Accountability**

This Policy Advisory Committee will be responsible for providing advice on:

- Business Planning
- Budget Development
- Internal and External Audit Responsibilities
- Economic Efficiencies
- Human Resources Issues
- Any other related issue referred to this committee by Council.

### **9.8 Appointment of the Chair**

Council will appoint the Chair and Vice-Chair from amongst the members Council for each Policy Issues Sub-Committee. The Mayor will recommend these appointments which will be considered by Council before a decision is rendered.

### **9.9 Tenure of a Policy Issues Sub-Committee**

The Chair and Vice-Chair of the Policy Sub-Committees will be appointed on an annual basis, being subject to appointment and/or re-appointment at each annual organizational meeting of Council. The rest of Council will constitute the sub-committee.

### **9.10 Duties of the Chair of a Policy Issues Sub-Committee**

The chair of such a committee will:

- ❑ Chair that portion of the Committee of the Whole agenda which pertains to the terms of reference of this Policy Issues Sub-Committee
- ❑ Liaise with the CAO (or his designate) with regard to issues to be placed on the Policy Issues Sub-Committee agenda
- ❑ Report to Council at its next regular meeting on the minutes and decisions of the Policy Issues Sub-Committee insofar as they affect all of Council or require a decision from the Council.

The Vice-Chair will act in the absence of the Chair.

### **9.11 Authority of a Chair of a Policy Issues Sub-Committee**

Council will appoint the Chair and Vice-Chair from amongst the members Council for each Policy Issues Sub-Committee. The Mayor will recommend these appointments which will be considered by Council before a decision is rendered. The Chair of a Policy Issues Sub-Committee should be appointed to a one-year term with the potential of being re-appointed by Council at the annual organizational meeting to a further one-year term. At the conclusion of two years (at maximum), the Mayor will recommend the rotation of the appointments such that another member of Council will serve as chair. This may or may not be the incumbent Vice-Chair. Any such recommendations from the Mayor will be subject to the ratification or amendment of Council.

The agenda of the sub-committee is that which has been established by referral from the A & P Committee. If, in the opinion of the CAO, there is greater urgency to the issue, the CAO may place such an item before Council for their review and/or decision. This should be done in consultation, obviously, with the applicable chairperson.

### **9.12 Quorum**

A quorum for a meeting of the CPC and/or any meeting of its sub-committees shall be a quorum of Council as stated in the Procedure Bylaw.

## **10.0 Meetings of Council**

The meetings of Council are critical to the decision-making process as it is at these meetings that final decisions are rendered. As a result, careful thought should be given to their planning, intent, procedures and follow-up action.

Meetings of Council are intended to not only enable Council to "get its business done" but also to provide the public with an opportunity to view the process and participate where desired or possible. Regardless of the activities and actions leading up to regular meetings, the gathering together of Council members to debate the merit of issues and then to decide their resolution is essential to local government. That is, it is the formal meetings of a Council which should be the main focal point of a Council's operations and public presence.

### **10.1 Procedural Issues**

It is our view that the following processes should be reviewed and incorporated as necessary into the City's Procedure Bylaw:

- regular meetings of Council held twice monthly, with the Corporate Priorities Committee meeting on alternate weeks
- any in camera meetings of Council (as advised by the CAO, the Clerk or by the Council's solicitor) to be held either immediately prior to or immediately after any Council or CPC meeting
- the staff at all meetings of Council will be as determined by the CAO in response to what he believes will be needed to respond to any inquiries of Council; the Clerk will determine which staff from the office of the Clerk will also attend
- the time commitments of delegations will be accommodated to the extent possible (i.e. the times will not be so rigid as to exclude any potential delegation)
- no decision will be made by Council to a request by a delegation at the time the delegation is heard for the first time unless the delegation has provided a dossier in the Council agenda package on the issue as per the requirements of the Procedure Bylaw

- any correspondence addressed to the Mayor or Members of Council will be circulated to all members of Council either at the time of the next available meeting of Council or by e-mail or fax as soon as the correspondence is received, unless the correspondence is addressed "private and/or confidential" to the Mayor or to a specific member of Council
- any business item received by City Hall which requires a response by the Council (i.e. is beyond current policy) will be presented to the A & P Committee at the earliest possible opportunity by the Clerk provided that such an item is accompanied by a "request for decision" signed off by the CAO
- where the CAO is concerned with a possible time lag in dealing with such items due to other report priorities, the CAO will submit a list of such requests to the A & P Committee for comment and priority setting if necessary
- all correspondence directed to the City or one of its officers will be responded to within a maximum of 10 days regardless of whether or not the administration have the answer to the issue; if necessary, the response will be that the City needs more time to formulate a proper answer to the inquiry and an approximate time that such an answer will be forthcoming
- Councillors may refer items for the agenda to the A & P Committee by motion at any meeting of Council; such a matter must also be matter referred to the CAO for a proper review and report (which will then be referred to the A & P Committee)
- The actual assembling of the agenda will be directed by the CAO to the office of the Clerk with the input of the department heads; the CAO and the Mayor will schedule regular briefing sessions as to the agenda issues prior to any meeting of the A & P committee if so requested by the Mayor
- It is the responsibility of the CAO to ensure that all administrative reports being presented to Council are reviewed and signed off by the CAO with the notation "I recommend"

In the final analysis, it is the responsibility of the CAO to ensure that any reports from the administration presented to Council meet his standards of quality and completeness. This does not necessitate that the CAO defer or dismiss any reports

which he may not fundamentally agree with but, rather, that he ensure that her own opinion, if contrary to that of the writer, is presented to Council as the covering document. In some instances, the CAO might wish to request Council to defer or delay a decision until the management has had further opportunity to study the issue(s).

## **11.0 Role of the Senior Management Team**

This new Model or system of Governance will have an impact on the administration as well. There will be considerably more emphasis placed on the role of senior management in determining the matters of importance which should be placed before Council for guidance. Lead by the CAO, the administration will need to meet regularly as a senior management team and vet issues which are being considered for placement on an agenda of a policy issues sub-committee. Such issues should fall into the following categories:

- ❑ Proposed new policies
- ❑ Revisions to existing policies
- ❑ Matters evolving which are of deemed significance to Council
- ❑ Referred matters from Council
- ❑ Status variance reports to the budget
- ❑ Monthly and quarterly financial statements/updates
- ❑ Independent reports from the external auditor
- ❑ Capital projects status reports
- ❑ Statutory referrals

The CAO, with the assistance of the Senior Management Team, will be responsible for reviewing these matters before placing them on a draft agenda for review by the Council's Agendas and Priorities Committee (see above). In order to ensure that the system works as intended, the presence of an effective Senior Management Team (SMT) is essential. The SMT would be expected to provide advice to the CAO on key aspects of the organization but particularly on issues which cross departmental lines. The SMT would be a central player in the decision-making process by assisting the CAO in vetting key reports to Council and ensuring that these reports cover all aspects

of the issue under review. The team would also be instrumental in ensuring that only Council level issues go forward with more of the routine issues being referred back to departments for decisions at that level. Thus, the number and type of items on Council agendas would be focused on policy matters or essential items (i.e. those which require Council decision).

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## 12.0 Decision-making Framework

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### Council

- Review of reports and recommendations from the CPC and CAO
- Hearing of delegations
- Discussion of policies
- Approval of motions, resolutions, bylaws, policies
- Final authority within legal limitations.

### Corporate Priorities Committee

- Review and acceptance of reports from the Policy Issue Sub-Committees
- Review of proposed new policies
- Discussion of status updates on requests by Councillors for information
- Power to make recommendations.

### Policy Issue Sub- Committee

- Review of administrative proposals on key issues
- Review of proposed new policies
- Power to advise the CPC.



Task Forces and Public Advisory Committees
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- Review of issues referred within the terms of reference
- Research on such issues
- Power to advise the CPC and/or Council.

CAO
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- Preparation of advice to Council
- Review of senior staff reports
- Decision-making powers as defined by bylaw.

Senior Management Team
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- Discussion of background reports, Council requests, etc.
- Review of departmental matters
- Signing off of departmental reports
- Advice to the CAO

### **13.0 The Council/CAO Covenant**

Obviously one of the keys to an effective organization is clarity and trust in the relationship between the Council and its CAO. One of the ways by which we believe it might be made appropriately clear is through establishing a Council-CAO covenant which commits both parties to seeking clarity in the relationship and to seriously undertaking to conduct their respective roles appropriately.

This covenant should be accepted or endorsed “in principle” by Council and be seen as an appendix to the CAO bylaw and/or contract.

WE, AS MEMBERS OF COUNCIL, WILL:

- carry out our responsibilities as set out in the applicable legislation to the best of our abilities
- make decisions which we believe to be in the best interests of our citizens
- review the background information and advice made available to us by the administration prior to rendering a decision
- seek further input when we are unsure of the issues or uncertain as to the preferred course of action
- refer any complaints, either written or verbal, about the decisions of Council or the actions of administration, to the CAO for review, comment and follow-up (as appropriate)
- refrain from making any commitments on behalf of Council to individual citizens or groups other than to take the request up with the Council or CAO and to respond appropriately
- seek to participate actively in the decision-making process
- ensure that the CAO and any employees of the Corporation are accorded respect in any personal and public comments; refrain from any public or private criticism of our administration wherein individual employees are identified
- act as good stewards of the City and as public servants of our citizens through ethical conduct

- provide effective leadership through guiding the corporation and the municipality through annual or longer term goals and priorities, through the budget approval process and by agreeing to reasonable policies which reflect, in our view, the best interests of a majority of our citizens
- ensure that we formally evaluate the performance of the CAO annually and involve the CAO in this process so as to ensure a full understanding of the Council's assessment.

**Signatures:**

**Mayor**

\_\_\_\_\_

\_\_\_\_\_

**Councillor**

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**Councillor**

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**Councillor**

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**Councillor**

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I, THE CAO WILL:

- adhere to all provisions of the Municipal Act and any other applicable legislation
- conduct myself as your chief policy advisor in an honest and ethical manner
- ensure that the Mayor and Councillors are accorded respect in all of my personal and public comments
- provide advice (on all issues) which is professionally sound, ethical, legal and in accordance to the policies and objectives of Council
- guide the actions of the administration so that they are in accordance with the policies and objectives of Council
- act only on the will of Council as a whole as established by the resolutions, policies and bylaws of Council
- forward any complaints or concerns of Council to the appropriate department and individual so that a reply will be provided in a reasonable time
- ensure that Council is made aware of the full picture with regard to each issue at least to the extent that the administration is aware of such information and ensure that Council has access to the reasonable decision options as well as my recommendation as your CAO
- seek to ensure that Council is aware of any key issues as they arise
- maintain a current understanding of the applicable legislation as well as relevant programs, policies and initiatives of the Provincial and Federal governments
- listen carefully to the concerns of Council vis-a-vis my performance and seek to improve any deficiencies on an ongoing basis
- ensure that all major issues are tracked in sufficient detail so as to advise Council of any progress, anticipated problems or decision points.

Signature:

CAO \_\_\_\_\_

## 14.0 Public Involvement

There are various means by which Council can encourage and facilitate the involvement of the public. While attendance at regular meetings of Council has never been a great source of constructive public involvement (simply due to the more adversarial environment), there are other potential mechanisms.

Council has the authority to determine its own mechanisms of public participation. We view the establishment of Council-community task forces as one mechanism for addressing key community issues which are of a significant or ongoing concern.

We believe that public input could also be sought through a number of forums including, but not limited to, the following:

- special meetings of Council dedicated to hearing from the public on key, topical issues
- public advisory committees established to deal with matters of ongoing importance to the community (e.g. leisure services, public safety, economic development, etc)
- Mayor's roundtables
- public hearings
- community forums
- Councillor newsletters
- briefings to Council by non-profit organizations such as community leagues and neighborhood groups
- briefings by other special interest associations
- briefings to Council by business-related organizations (e.g. Chamber of Commerce)
- newspaper columns
- community strategic planning sessions.

## **14.1 Task Forces**

We encourage Council to consider establishing task forces for any future “single issue” problems which Council believes warrants the input of the public. Such task forces should be:

- Governed by written terms of reference prior to Council approval of the task force
- Be limited to between 5-7 members of the public only
- Composed of a cross-section of those involved with the issue (or as a broader cross-section of the community)
- Advisory to the Corporate Priorities Committee of Council
- Established only by Council
- Include a “sunset clause” in their terms of reference indicating the date by which their report is due and the date by which the task force will cease to exist.

## **14.2 Special Purpose Bodies**

Another mechanism which has a bearing on Council's Governance Model are special purpose bodies (SPBs). Council will be asked to endorse the value of various external bodies by placing a representative from Council on such bodies. Where this happens, Council should be guided by certain principles:

### **14.2.1 Principles**

#### **Principle #1 NEED**

The need for such an agency has been clearly established at the outset.

#### **Principle #2 ANNUAL REVIEW**

A process of ongoing review requires Council to review on an at least an annual basis the mandate and ongoing need of the agency to see if it is still relevant and has not been replaced by some other mechanism.

#### **Principle #3 TERMS OF REFERENCE**

The terms of reference are written in advance of any Council appointment to the agency.

**Principle #4 ROLE OF COUNCILLORS**

The role of the Council appointee is made abundantly clear (i.e. a liaison not an advocate).

**Principle #5 ROTATION OF MEMBERS**

The Council appointment is rotated as per Procedure Bylaw.

**Principle #6 ADVISORY POWERS**

The agency is to be an advisory body unless given more powers by legislation.

**Principle #7 REPORTING MECHANISM**

The reporting mechanism is clear i.e. a report from the chair to the CPC (with a subsequent referral to the appropriate sub-committee)

**Principle #8 DESIGNATED TO THE COMMITTEE of the WHOLE**

Each such agency is to be designated to the CPC so as to ensure a prior administrative and committee review prior to any such matter being considered by Council.

**Principle #9 RELATIONSHIP TO STAFF**

The relationship of any civic staff to the agency is made clear at the outset e.g. advisory only, unless some commitment by Council has been made to designate civic staff as recording secretaries, etc.

**Principle #10 CLARITY OF ROLES**

No member of Council is appointed to a body wherein a civic staff member is a voting member.

## **15.0 City Wards**

The City of Greater Sudbury was divided into wards by the City of Greater Sudbury Act, 1999, as recommended by the Special Advisor to the Province and as subsequently supported by the recommendation of the former Transition Board. This decision was taken as a means of ensuring that all residents had access to a representative of Council in addition to the Mayor. Given that the new City of Greater Sudbury is an amalgamation of seven former communities and the regional government, there was a wide diversity of perceived access to “my” Councillor. It was the judgment of the Province and supported by the then Transition Board that dividing the new City into six

wards with two members of Council being elected from each ward was a suitable mechanism for ensuring a reasonable degree of access to an elected representative of City Hall.

We note that there has been a variety of views expressed on how well this new arrangement has worked. Some have expressed the opinion that it is still too soon to make a solid judgment on the matter. Others have commented that the driving distances were an extra burden which made it difficult to do the job properly and within a reasonable time period. The current budget for travel costs was viewed as being far too low.

The view was expressed, albeit not endorsed, that having the wards split in two (i.e. thus ending up with 12 wards) or simply adding on say 6 more Councillors would aid in reducing the workload on individuals Councillors and in making the system more accessible by the public. This, others felt, would simply add an additional burden of governance on to the taxpayers. The present ward boundaries were also assessed by some as artificial with some areas of their ward completely unrelated to others.

Some have felt that having two members of Council looking after the same area has resulted in an overlap of attendance at meetings or in one Councillor being more available to attend events than his/her counterpart. While this may happen infrequently, it does bring into question the scheduling of time for Councillors and whether or not that could be handled differently.

It is our view that this matter should be referred within 60 days to a "select committee of Greater Sudbury citizens" appointed by Council on the recommendation of the Mayor, and consisting of a cross-section of the community, with the office of the Clerk appointed to act in an advisory capacity. The committee should be given the mandate to review this matter over a 3 month timeframe and report to Council that:

- a) the 6 wards should remain, with or without any minor adjustments; or
- b) the City should be re-distributed into a 12 ward system; or



- c) the public should be consulted by way of at least one public meeting (and any other requirements of the Municipal Act) sufficiently prior to the next municipal election (2003) so as to permit this matter to be placed before the electorate for their decision at the time of that election.

## **16.0 Full-time vs. Part-time Councillors**

The Special Advisor to the Province as well as the former Transition Board also reported on this matter. It was their opinion that the Mayor's position was sufficiently demanding and time intensive as to require the full-time attention of the occupant of that office. Similarly, the view of the Special Advisor and the Transition Board was that the office of Councillor could be handled satisfactorily on a part-time basis. This would allow for those people interested in serving their community in an elected office to continue with potentially other full-time employment.

This is not to say that the role was not recognized as quite demanding because obviously such a role can expand quite readily to fit whatever time an incumbent Councillor has available. The Special Advisor and the Board felt, however, that it should not be limited to only those who did not have another career and who could devote their full attention to this role. As well, the honorarium (\$25,000) attached to the role of Councillor was significantly less than that of Mayor (\$85,000), as is the case in most other Canadian municipalities.

The position of Councillor is both important as well as exhausting if treated seriously by the office holder. If a person is not careful, it can cause other priorities of life to be re-arranged which may then detract from the individual's family, friends and career. It requires vigilance as well as personal organization and an ability to say "no". Because of its importance to the quality of life of the citizens of the City, it should never be minimized in terms of its perceived importance. The compensation provided to Councillors (and we would make the same comment with respect to the position of Mayor) is less than would be paid in the marketplace for work of a similar magnitude.

This is due to the notion that civic duty should always carry with it some degree of “volunteerism”.

While we are empathetic to the concerns voiced by some members of Council, and while we recognize the tremendous demands being placed on the time and energies of the City of Greater Sudbury Councillors, we do not see any compelling reason to recommend a change to the present arrangements.

### **Impact on the City’s Procedure Bylaw**

Bylaw 2001-3 of the City of Greater Sudbury (as amended) established the rules of procedure in terms of how this Council will function. As such, it is a very important document and one which will be impacted by Council’s adoption of any of the recommendations contained herein. This bylaw includes reference to several issues such as the committee of the whole which may need to be reviewed by the Clerk in response to any changes by Council to how it changes the present governance model.

## **APPENDICES**

### **City of Greater Sudbury**

#### **MISSION STATEMENT**

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We provide excellent access to quality municipal services and leadership in the social, environmental and economic development of the City of Greater Sudbury.

#### **OUR VISION**

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The City of Greater Sudbury is a growing, world-class community bringing talent, technology and a great northern lifestyle together.

We will embrace the digital revolution as a competitive location for businesses in the Information and Communications Technology sector and build on our position as a leading centre for mining technology and expertise to become one of the smartest and greenest communities in the world.

Our success in creating jobs and fostering business development will expand the City's tax base, helping generate the revenues needed to modernize, maintain and expand our infrastructure and foster human development. Our young people will be able to pursue rewarding careers here in Greater Sudbury. We will see a dramatic improvement in the socio-economic status of our citizens, especially the reduction of poverty. This will brighten the future for our children. This new prosperity will also expand the opportunities available to small and medium-sized businesses, helping revitalize our city core.

Residents will have access to quality health care in our community, including a full complement of medical professionals appropriately trained in the North, and we will excel in providing a safe, caring and stimulating environment for citizens of all ages.

People from across North America and around the world will consider Greater Sudbury to be a highly desirable place to live, work, study and play because of our attractive northern lifestyle, vibrant economy, educational opportunities and excellent quality of life.

## **OUR GOALS & OBJECTIVES**

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Our goals are

- to foster economic development and job creation and embrace the digital revolution,
- to promote the well-being of our citizens in a healthy, safe and stimulating community,
- to protect and improve the environment and ecological health of the community,
- to develop a viable strategy to increase investment in infrastructure,
- to secure new sources of revenue through innovative strategies and partnerships, and
- to present Greater Sudbury to the world as a dynamic and vibrant community.

## **OUR VALUES AND PRINCIPLES**

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### **Values**

In fulfilling our roles we commit ourselves to:

- providing high quality service with a citizen focus,
- managing the resources in our trust efficiently, responsibly and effectively,
- encouraging innovation and accepting risks,
- maintaining honest and open communication,
- creating a climate of trust and a collegial working environment,
- acting today in the interests of tomorrow.

## **OUR PRIORITIES**

Focussing on the Information and Communication Technology Sector, growing the telecommunications industry, capitalizing on broadband technology, and fostering the

development of dot-com and software companies in partnership with the provincial and federal governments as well as the private sector. This will help the community create employment for youth, develop and diversify the economy, and broaden the tax base, thereby generating new revenues for infrastructure improvements and social development.

Ensuring our Citizens Have Access to Health Services in the Community, starting by pursuing the establishment of the Northern Ontario Rural Medical School.

Meeting our Infrastructure Needs for Today and Tomorrow through long-term financial planning and partnerships for the completion of priority projects, such as road construction initiatives.

Adopting and implementing the Principles of the Healthy Community Movement by working with the community to develop and support healthy public policy, sustainable environment initiatives and social well-being, putting children first. This will support our economic development efforts by keeping and attracting people who want to live in a community with a variety of quality lifestyle amenities and one which offers a supportive environment for people to make healthy lifestyle choices.

[Repealed by By-law 2001-47A - 23 January, 2001]

[Enacted by By-law 2001-63 - 13 March 2001]

# **City of Greater Sudbury**

## **Code of Ethics**

**and**

## **Conduct**

## **A Proposed Code of Ethics and Conduct for the Members of Council**

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### **PREAMBLE: The purpose of the Code of Ethics and Conduct is as follows:**

1. To provide guidance to Council so as to ensure that each are accorded reasonable and fair treatment.
2. To assist Council members in avoiding problems relating to role problems.
3. To preserve the integrity of the Council and administration
4. To protect the individual rights of Council as normal citizens.

#### **Primary Focus**

Council members recognize that its allegiance and loyalties are to the community as a whole and not to any individual(s) or group(s).

#### **Relationships to Council Members and/or Administration**

Each member shall ensure that their behaviour prior to, during, or following a meeting or public hearing, towards other Council members, members of the administration, and representatives of the public at all times:

- (a) is courteous, professional, fair and unbiased;
- (b) contributes to the preservation of orderly decorum in a hearing;
- (c) avoids sarcasm, derogatory comments, or questions or comments designed to embarrass; and
- (d) is respectful of the rulings of the Council as a whole.

\*These guidelines are additional to any requirements at law and do not excuse any member from complying with any common law or statute law.

## **Fair Treatment**

Each member has a responsibility to ensure that all persons are:

- (a) treated fairly regardless of race, gender, religion, age, disability or occupation;
- (b) dealt with in good faith;
- (c) dealt with without bias and in an even-handed temper; and
- (d) given an adequate opportunity to state their case.

As chairman of Council and other meetings of Council, the Mayor (or whomever is filling the role of chair of that meeting) will not tolerate:

- ❖ discourtesy by one party to another;
- ❖ rudeness to members of staff or the public; and/or
- ❖ disruptive behavior.

## **Council Plans & Priorities**

Council will be asked to approve a "corporate business plan" on an annual basis. This plan will set the stage for the general guidance of corporate actions. The corporate business plan will set forth the priorities as determined by Council as a whole and as advised by the administration (through the CAO).

The CAO will be charged with establishing the "administrative action plan" which will guide the staff's day-to-day objectives and priorities.

The CAO will be responsible for accomplishing the "corporate business plan" in its approved or amended form. The CAO will be given sole authority over the "administrative action plan" providing it is in keeping with the context and spirit of Council's "corporate business plan".



### **Authority and Powers**

Both Council and its administration will respect the need for clear roles and powers. This aspect will be reviewed regularly to ensure that all parties are clear in this regard.

Each member of Council will respect the legislation which accords to Council the authority to make policy decisions which guide the actions of the CAO (and administration). As well, the Council will respect that authority which has been granted to the CAO by legislation and/or bylaw and/or policy.

Council members will refrain from attempting to direct the actions or unduly or inappropriately influence individual members of staff. The authority to direct the administration has been delegated to the CAO.

### **Requests for Information**

Council members will direct their requests for information or action to the office of the CAO or to the appropriate department head. If the matter is subject to a current Council policy, the administration will respond as quickly as possible in filling the request.

If the request is not covered by a current policy, it will be forwarded to the CAO who will place the matter before the Council to receive its direction.

### **Policy Leadership**

Council and administration will recognize and support the value of clear and consistent policies which convey the values and beliefs of Council as to what constitutes a reasonable and fair "policy". The administration, under the guidance of the Chief Administrative Officer, will draft policy statements for the approval of Council. Approved policies of Council will be implemented as expeditiously as possible and circulated throughout the organization.

### **Conflict of Interest**

Neither Council members nor members of the administration will act in such a way as to constitute a conflict of interest. All residents will be treated equally. No special favour will be granted unless it is approved by a legal resolution of the Council. Decisions on matters of pecuniary interest (either direct or indirect) which impact family members in a way not consistent with the population as a whole will be deferred pending the advice of the municipality's solicitor.

In this, as in all matters, the legislation will prevail.

### **Council Spokesperson**

The official decisions of Council will be conveyed to the public and all others by way of Council resolutions, bylaws and policies. These decisions will be conveyed by the Mayor (or as delegated to another member of Council, the CAO or other senior municipal official) to the media and to the public.

Any other comments on Council positions by any other member of Council, which are not consistent with the official position of Council, should be prefaced as personal opinion only.

### **Public Statements**

A Council member is not restricted in any public statement they choose to make, but as a member of Council they are expected to:

- (a) support the role of the Council and the performance of duties of its administration;
- (b) support the current policies of Council; and
- (c) support the decisions of the Council.

Any statement made by a member of Council, which is contrary to the policies and decisions of Council, should be prefaced as personal opinion only.

Any requests by the media to members of the administration for comment or information on matters pertaining to a matter within the jurisdiction of the Council and not yet subject to an approved policy should be immediately referred to the CAO or the appropriate department head (unless otherwise delegated).

### **Acceptance of Gifts**

A member of Council is expected to avoid any actual or reasonable apprehension of bias in the acceptance of gifts and shall;

- (a) accept only those token gifts of protocol or social obligation that occur in normal business relationships, and
- (b) not accept a fee, gift or other benefit that is connected directly or indirectly with the performance of the duties of her/her office.

All gifts which exceed an individual value of \$100 shall be reported as early as possible to the CAO.

### **Bribery**

A member is to be alert to any attempt of bribery and shall:

- (a) reject bribery in any form, and
- (b) report any attempt or perceived attempt to bribe to the Mayor and CAO.

### **Family Bias**

Each member of Council and the administration is expected to avoid any actual or reasonable apprehension of bias in dealings with relatives (defined as immediate family) and shall not attempt to influence or persuade the administration to favour any family member in any dealing with the municipality e.g. employment, tenders, contracts, etc.

### **Confidentiality**

Each member of Council and administration shall retain in confidence any matters presented to the Council or a committee in confidence and/or dealt with during an in camera meeting of Council or a committee.

### **Adherence to Code, Act and Procedures**

Each member of Council shall:

- (a) adhere to all aspects of this code of ethics;
- (b) adhere to the requirements of the Municipal Act;
- (c) adhere to the requirements of Council policies and procedures.

## **Models of Governance**

(Excerpted from a prior report of George B. Cuff & Associates Ltd.)

### **a) Council-City Chief Administrative Officer**

#### **a.1 Characteristics**

- City Chief Administrative Officer model borrowed from the United States; originated in Virginia in 1908; also used in Europe
- Underlying philosophy is that Council sets policy and a professional administrator manages (or carries out) those policies
- A key theme is the separation of Council's policy-making role from the Chief Administrative Officer's administering functions
- Council members, individually and collectively, are expected to deal through the Chief Administrative Officer as their primary contact with the administration particularly on major policy-related issues

The Chief Administrative Officer is expected to:

- Provide recommendations to Council on all of its business issues
- Ensure that the reports of department heads are of a high quality (ie. complete, fair, well-crafted)
- Recommend the budget and service levels
- Implement the approved budget
- Hire/fire all staff (a feature of the U.S. model more so than the Canadian model)
- Coordinate the work of all departments (and related agencies)
- Provide performance feedback to all department heads.

"The council-manager plan in Canada, unlike its United States counterpart, does not attempt to achieve a complete and formal break between policy and administration. The earlier stated theory of the plan requires that the council limits its administrative

activities to dealings through the city Chief Administrative Officer; but in Canadian cities it will be found that the council frequently has a direct relationship with at least its principal department heads as well as with the Chief Administrative Officer. This is, however, usually accomplished by the attendance of the department heads at meetings of a limited number of standing committees of council when matters affecting their particular areas of jurisdiction are under review.”

Politics and Government in Urban Canada: Lionel D. Feldman (ed.), Toronto  
Methuen, 1972

“Considered to be chief among the advantages of this model of decision making is the degree of coordination (especially of outputs) afforded by there being just one person at the head of administration....all lines of communication involving council and the city bureaucrats are supposed to flow through the office of the city Chief Administrative Officer....most Canadian cities that have a city Chief Administrative Officer have some communication between departments and committees of council, so there is not a complete reliance on just one channel. Another advantage of this model is that it can diminish the administrative burden on Councillors. By being released from responsibility for day-to-day administration, Councillors can concentrate on broader issues of policy and in particular on contact with individuals and organized interests that are not formal parts of the decision-making structure.”

Urban Canada: Its Government and Politics: Donald J. Higgins, Toronto,  
Macmillan 1977

### **a.2 Advantages**

The principal advantages of this model are generally found to be:

- The vesting of administrative leadership in one individual who is held accountable for discharging the associated responsibilities (as outlined in the Act or by bylaw)

- The separation of Council from detailed involvement in administrative matters (in which they may have little expertise or training)
- Closer contact between Council and department heads and thus permits a better grasp of the whole organization by Council
- “Politics” are left largely in the hands of the politicians; Council's stature is enhanced
- A City Chief Administrative Officer system is more responsive and open to the Council than other models
- The sense that Council is free to focus on the key policy issues rather than being lost in the interesting yet perhaps mundane aspects of City administration
- The fact that a Chief Administrative Officer is not subject to recall every three years and thus should be able to take a longer range view of the issues
- The streamlined, efficient character of the system (i.e. there is no other buffer or blockage between Council and the departments).

### **a.3 Disadvantages**

The principal disadvantages of the Council-City Chief Administrative Officer model are generally thought to be:

- The vesting of considerable responsibility (and therefore power) in one individual whose authority might be seen to exceed that of Council
- The potential of one person to act as the gatekeeper of all information flow to Council, thereby limiting Council's access to more than one source of information
- The complexity of the system makes it difficult to expect one person to have a sufficiently broad and in-depth knowledge of so many subjects
- The academic training of the individual may bias that individual in terms of other disciplines

- Much of the success of the organization is in effect reliant on having chosen the right person
- Policy recommendations flowing to Council may lack political input (particularly if there are no standing committees).

**b) Council - Chief Administrative Officer (CAO)**

**b.1 Characteristics**

- Evolved from the Council-manager model
- Council assigns specific duties to the CAO
- The CAO may not be given the power to hire or fire the senior level staff (department heads) or any staff who report directly to the Council (e.g. in some instances, the City Clerk or Auditor or Solicitor)
- Powers of Council may not be as centralized in one individual as in the case of a Chief Administrative Officer system
- Council sets policy and the CAO administers the policies
- Council members encouraged to steer all administrative matters through the CAO
- The CAO has largely the same expected roles as a City Chief Administrative Officer i.e.
  - Provide recommendations to Council on all of its business issues
  - Ensure that the reports of department heads are of a high quality
  - Recommend the budget and service levels
  - Implement the approved budget
  - Hire/fire all staff below the level of department head; recommend the hiring and firing of department heads
  - Coordinate the work of all departments (and related agencies)
  - Provide performance feedback to all department heads.

The advantages and disadvantages of this model are principally the same as that listed for the Council-Manager model. In many instances in Canada, the two models and



terms are used interchangeably. The relevant provincial legislation sets out the limits on the authority of the Chief Administrative Officer or CAO to hire or fire subordinate employees or this matter is dealt with by bylaw or contract. More and more cities are relying on a contractual arrangement which spells out the duties and limits of power with clarity along with the usual provisions relating to term, termination, reviews, etc.

## **c) Council – Board of Commissioners**

### **c.1 Characteristics**

- Administrative powers and duties are not centred on one person alone but on a board of generally three or four commissioners
- The Mayor is often designated as a member of the Board but in an ex-officio capacity
- The Mayor is expected to bring a political perspective to the problems/issues being considered
- Council formulates policy with the appointed administrators (commissioners) expected to carry it out
- The chief commissioner generally directs several departments as well as coordinating the work of the other commissioners so as to reduce any duplication of workload or danger of working at cross-purposes
- The Mayor may or may not be expected to chair the Board; generally the chief commissioner does so
- The commissioners, while responsible to Council, generally report through a standing committee system and liaise quite closely with the chairperson of the committee(s) most closely aligned to the commissioner's departmental responsibilities
- Much of the business of a Council is placed on the agenda by the Commission Board.

“The distinguishing feature of the city commissioner is that both elected representatives and appointed officials serve as commissioners and jointly function as the administrative

arm of council. The mayor is always ex-officio a commissioner, whether he acts as such or not, and it is my interpretation that he legally enjoys all the powers and responsibilities delegated to the commissioners by city bylaw. The one or more appointed officials are usually chosen for their professional abilities in specialized fields, such as finance or engineering. While a wide range of responsibility may be delegated to the commissioners, in all instances they are required to carry out the directions of council, to report to the council from time to time on their activities, and to obtain approval for the annual budget and major expenditures.

The apparent advantages of the system are that the mayor as the elected official head of council is fully informed on all administrative matters, has the benefit of direct access to professional advice and, as a result, is in an excellent position to guide the council in the formulation of policy.

The fundamental defect of the system which in my opinion outweighs the advantages is that the mayor, by virtue of her office and the prestige of her position, would inevitably be regarded as the chief commissioner, in fact if not in name, and hence would be expected to act in the dual capacity of chief administrator and chief legislator.

While many may argue that the council-manager plan reduces democratic control to a minimum and presumably this same argument could be leveled at the council-city commissioner plan – I feel an excellent case can be put forward to prove that in the final analysis this is not so. Surely no one will disagree that the growing technical complexities of local needs makes it virtually impossible for the layman in the person of the elected representative to be intimately concerned with the day-to-day operating details of the average civic department. A clearer concept of the two interdependent functions of policy making and administration overcomes this difficulty and as a consequence has much in its favour.”

Politics and Government of Urban Canada; Lionel D. Feldman (ed.)

## **c.2 Advantages**

The principal advantages of a Board of Commissioners model are as follows:

- Council can devote itself to its policy-making and public liaison functions
- Council is afforded access to a team of experienced professional administrators each of whom has a good knowledge of their subordinate departments
- The Board acts as a buffer between the political machinations of the Council and the “purely” administrative functions of the department heads
- The Board has ready access to the political acumen of the Mayor on any policy issue and can be made aware of potential political questions or concerns before they arise at the standing committee or Council level
- The Board can act to pull together the administrative resources between commissioners so as to ensure a full integration of all administrative input
- The Board can serve as a forum for debate over policy recommendations to be placed before Council thus ensuring that the best policy options are outlined for Council consideration.

## **c.3 Disadvantages**

The principal disadvantages of a Council-Commission Board model are viewed as follows:

- Administrative authority and power are not concentrated in one individual and thus accountability may be found wanting
- The Board structure places department heads one step further away from the decision-making centre (i.e. Council); the advice of department heads may be screened sufficiently at the Board level so as to shield Council from this input (or, at least, unfettered input)
- A Board can act quite successfully to keep certain issues from going before Council

- Depending on personalities, the Board may not work together in a collegial style thereby reducing its value in coordinating issues
- The Board (of three or four commissioners and their immediate staff) can be an expensive layer of bureaucracy whose value may not be deemed essential to good government
- Issues can be screened from the public who may never fully understand what the Board does or even who it is
- Lines of communication may become overly complex
- The Board's recommendations or decisions may be weighted by political considerations due to the presence of the Mayor
- The presence of the Mayor on the Board may not be all that helpful particularly if the Mayor does not represent the majority view of Council.

**d) Council-Executive Committee**

**d.1 Characteristics**

- Generally found in only the larger cities
- Used to sustain larger Councils while promoting legislative efficiency
- Closest to a cabinet style of governance; considered to be the most powerful committee
- Comprised of the Mayor and a portion of the Council, generally less than a quorum
- Generally consists of the Mayor, Deputy Mayor and chairpersons of standing committees – but may also have a rotating membership of all Council members or a membership of those chosen by Council
- The Committee may be delegated the authority to:
  - Review and recommend the budget to Council for its consideration and adoption
  - Enter into contracts on matters approved by the budget
  - Execute agreements
  - Call for tenders

- Approve for appointment or dismissal or recommend the appointment or dismissal of commissioners or department heads
- Review and recommend policy issues to the Council for its consideration and adoption
- Perform other duties as assigned to it by the Council
- Liaise with, guide or direct the chief administrative officer (CAO, Chief Administrative Officer or commission board)
- Approve changes to the structure of the organization as a whole or to individual departments
- Enter into collective bargaining agreements with city employees
- Often given the responsibilities associated with a “board of control” (an Ontario and now largely extinct structure) (the board of control members were directly elected to that body)

#### **d.2 Advantages**

Principal advantages of this Council-Executive Committee model are as follows:

- Increases accountability for decision-making
- Focuses the key decision-making processes at the political level and provides a mechanism to initiate and encourage the adoption of policies
- Ensures the Mayor of some support for his/her initiatives (depending on whether or not the Committee is comprised of her/his nominees and whether or not the Mayor has any power to revoke their appointment)
- Tends to take on some of the responsibilities and powers normally ascribed to a standing committee system and may provide a clearer focus to these areas
- Increases the likelihood that the policy positions articulated by the Mayor during an election campaign will gain the support of Council.

#### **d.3 Disadvantages**

The principal disadvantages of the Council-Executive Committee model are as follows:

- The increase in power of members on the Executive Committee creates a sense of two classes of Councillors (those in the loop – and those not)
- The Councillors not on the Executive Committee may feel marginalized to the point of disrupting the Executive Committee initiatives
- The ultimate roles and powers of Council may be viewed as diminished due to certain of its powers having been delegated to the Executive Committee
- The reporting relationships of senior management may be diffused and possibly confused (i.e. Does senior management report to Council, the Executive Committee, a standing committee, etc).
- Decisions may be made by Executive Committee and be publicly known before the rest of Council is advised
- Information to all of Council may be filtered by the Executive Committee and thus the rest of Council may not be given access to sufficient information so as to have a full understanding.

**e) Council–Standing Committee and/or Committee Of The Whole – CAO**

**e.1 Characteristics**

- A limited number of standing policy committees (3-4) are created by Council as permitted by the governing statute
- Each policy committee is governed by a terms of reference which outlines their spheres of responsibility
- While the CAO reports directly to the Council as a whole, considerable liaison and guidance is provided by the Mayor
- The CAO designates which senior staff are to advise which standing committees
- Agenda materials for standing committees are circulated through the CAO's office prior to their consideration by the relevant standing committee or by the committee of the whole

- Committee of the Whole may be used exclusively of the standing committees (wherein all key policy matters flow through the committee of the whole) or in conjunction with standing committees (wherein the broader cross-functional issues such as budget development, personnel and legal issues are deferred to the committee of the whole)
- Administrative reports and policy issues are expected to be heard first by a standing committee (or committee of the whole) prior to Council's consideration
- The IMCA "Form of Government – 1986" survey noted that 92.9% of cities over 500,000 use a standing committee system (87% over 250,000 pop)
- Enables some Council members to specialize in the policy areas related to their areas of specialty
- Lack specific legislative powers and rely on the body (ie. Council) that grants power to the committees
- More and more communities now making more use of task forces and ad hoc committees, particularly to address short term issues.

## **e.2 Advantages**

The principal advantages of the Council-Standing Committee and/or Committee of the Whole – CAO model are as follows:

- Administrative authority is vested in one individual who is held accountable for discharging Council policies and resolutions
- Separation of Council from detailed involvement in administrative matters while affording Council the opportunity to review the key issues facing departments as well as the City as a whole
- Provides for a streamlined administrative system while ensuring adequate political involvement through the committee system
- Politics are left largely in the hands of politicians; Council's stature is enhanced

- All members of Council are equally involved in committee activity and all are concurrently involved as to the issues
- Key cross-departmental issues can be handled by a Committee of the Whole with all members having equal access to confidential issues.

### **e.3 Disadvantages**

The principal disadvantages of the Council-Standing Committee and/or Committee of the Whole – CAO model are as follows:

- Vests considerable authority in one individual who may be seen to exceed the power of Council
- Potentially one person can still act as the gatekeeper of all information flowing to Council, thereby limiting Council's access to more than one source of information
- Considerable difficulty in orchestrating any political agenda due to the need to always find a majority of votes at the Council table
- Reduced control by the political body of the CAO and administration due to the lack of focused power at the political level
- Mayor unable to reflect any more status on his/her issues than others due to few levers of power attributed to that office
- Potentially diffuses the reporting relationships and responsibilities of the CAO and department heads
- Individual committees may control key aspects of Council's "agenda" and may limit the flow of information to others or Council.

### **Standing Committees**

The number of standing committees also varies by community and often by Council term. Thus a City may have few committees (2-3) or many (5-8) again depending on how they view their role and importance in the decision-making process. The **advantages of few standing committees** are:



- Less likelihood of Council members becoming directly involved in the management of civic departments
- Greater possibility that committees will focus on broader policy issues
- Improved opportunities for corporate integration of issues
- Fewer meetings to attend leaving Councillors more time to spend dealing with constituent issues.

**The stated advantages of more standing committees are:**

- Improved awareness by Councillors as to the full range of issues
- Increased time available to explore issues in depth
- Increased opportunity to review departmental staff in action as they present reports
- More opportunities for Councillors to act as chair of committees – thus greater sense of involvement in Council's work.

**Committee of the Whole**

This model of Council's legislative involvement limits Council standing committees to one – a committee of the whole. All members of Council are the invited participants with the CAO (or management team) acting in an advisory capacity. Someone other than the Mayor generally chairs this decision-making step (or process).

Agenda items are largely those submitted by the administration and which require Council's policy review and approval. Based on the breadth of the organization, these issues will likely be "higher order" issues as time would not permit a review of lesser matters. Council members and external boards/agencies may also have items placed on the agenda by the concurrence of Council or through a screening process by an "agenda committee" (e.g. Mayor, CAO, Clerk, Deputy Mayor).

Committee of the whole meetings generally have both a public and private component. Issues in the latter category would largely be restricted to those pertaining to legal matters, confidential City land purchases and sales and personnel issues. In most

jurisdictions, these are the only matters deemed by legislation to warrant a Council withholding them from public view.

**The advantages of a committee of the whole model are as follows:**

- Council's focus is geared toward policy issues
- The administrative analysis and advice can readily be orchestrated through the CAO's (manager or commission board) office
- All of Council can participate in the policy debates
- All of Council is concurrently informed and involved; no one member or group of members has more access to power or information than another
- Allows policy issues to be surfaced at this step and thus provides for a time of reflection prior to formal consideration at Council.

**The perceived disadvantages of such a model are:**

- These meetings tend to be a dress rehearsal for Council meetings so that the importance of a Council meeting is diminished; committee of the whole decisions are simply ratified and /or re-discussed
- The focus is necessarily on the important and broad issues thereby deterring Councillors from becoming aware of or involved in lesser issues
- The agenda may be so controlled by administration that the definition of "important" vs. "lesser" is largely made by the CAO; the fear is that certain items key to a Council may be buried by administration and never reach the Council
- The opportunities to view the performance of department heads are few and far between; succession planning is thereby inhibited; the more obvious temporary or permanent replacements for the CAO may remain largely anonymous
- The opportunities for public involvement in close proximity to a policy-setting forum are limited.

## **Other Governance/Administrative Models**

The foregoing is certainly not intended as a complete listing of available governance and administrative models. It is, however, a list of those most common to the Canadian landscape. What occurs, of course, is the choice which each community makes within the constraints of their legal parameters (as set by a local charter or provincial legislation). Such choices are, generally speaking, a variation of the foregoing.

Thus, one City may delegate additional powers to the Mayor or Executive Committee; others rely more on task forces and external advisory bodies than they do on the standing committees of Council. Some use more of a “portfolio” approach wherein certain Councillors are assigned as the chair of a particular function which parallels a City department (eg. Parks and Recreation). In such an instance, any matter going before Council that pertains to that portfolio will be considered first by the Councillor assigned and then will be recommended forward by him/her. Such a system inevitably confuses policy and administrative roles to the point that the Councillor de facto becomes the “super department head.”

## **Appendix – Issues Management**

# Issues Management

