City of Guelph

Corporate Review

Final Report: Volume One

"The Governance Context"

George B. Cuff & Associates Ltd.

Management Consultants

November 2004

November 17th 2004

Mayor Kate Quarrie and Councillors
City of Guelph
City Hall, 59 Carden Street
Guelph, Ontario
N1H 3A1

Dear Mayor Quarrie and Councillors:

Re: Corporate Review: Report on Governance

We are pleased to enclose Volume One of our Final Report of the Corporate Review of the City of Guelph. Our Corporate Review has been focused on the terms of reference as approved by Council, and responds to the issues raised during our discussions and interviews with members of Council, the administration and the public.

We have chosen to deal with the issue of Council governance in this first report given the fact that the ability of Council to govern is central to any progress that the City will be able to achieve on other fronts. As well, we have provided some background information that we believe will also assist in setting the stage for improvements in the organization, and how the linkages between the administrative and governance components are expected to function.

Volume Two "The Administrative Context" provides a high level overview of the organization in terms of the administrative structure and key managerial practices as they impact the overall decision-making processes. As a caveat of note, the reader needs to be aware of the fact that this Report is guided by the City's terms of reference which did not include the notion of a comprehensive, in-depth organizational review but rather an examination of the governance-administrative interface, the senior levels of the organization structure and the impact of both on the decision-making practices of Council.

We appreciate this opportunity to be of assistance in conducting this significant consulting assignment for the City of Guelph. There is no question that the City faces a number of challenges in building a stronger sense of direction and the mechanisms to move the City

forward. However, we are also confident that the combined efforts of members of Council and the City's administration will result in the type of organization capable of providing first-rate service to the citizens in a positive, constructive environment.

We look forward to presenting our Report to Council, the administration and the public.

Thank you for your cooperation.

Yours truly,

George B. Cuff, CMC
President

c.c.   Arliss Liggett, Partner
       Doug Plamping, Senior Associate
       Alan Wells, Associate
       Rod Hollick, Associate

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EXECUTIVE SUMMARY

Our key findings follow:

❑ Guelph's City Council has struggled over the past months since the November 2003 election in terms of adjusting to the election of new leadership. With five new members being elected, including a new Mayor who did not have the prior exposure to elected office, it was inevitable that there would have to be a period of adjustment both for members of Council as well as for the administration. For a number of reasons, members of Council appeared to determine rather early on that the new mix of experiences and personalities was going to face major hurdles in accommodating the choices of the public. Rather than striving to find the middle ground, the emphasis appears to have been placed on maximizing the differences and negating any effort in closing the gap.

❑ While the administration did prepare for an orientation process for the new Council, the impact of the major change in Council make-up appears to have been over-looked. The immediate challenge was to examine ways of moulding a Council team and provide advice on how the importance of a common approach to governance. The attendance at the orientation sessions for Council members consisted largely of new members with much of the focus placed on an administrative overview of departments and their proposed expansion plans. While there were a number of mitigating circumstances in terms of Council's immediate attention being placed on some of the key issues facing the City, the fact that the early approach to orientation was not placed on the importance of understanding governance has contributed, in our view, to a number of the problems being experienced today. (We understand that the City had planned to bring in an external facilitator to review roles of Council but that this session was postponed by Council due to what it saw as more pressing matters).

❑ The absence of respect between members of Council has greatly inhibited the ability of this Council to perform in an effective manner. Respect for each other needs to be

based in some degree at least on the very fact that the public of Guelph made their selections as to those they felt could best govern the City. It was up to Council as a whole to make the new combination of backgrounds, personalities and perceptions of the issues effective as a governing body. Unfortunately, the focus of Council has been allowed to shift to what divides rather than finding common ground. This has resulted in demeaning remarks being exchanged; positions being determined before the Council meeting begins; name-calling after Council meetings; and an insufficient collective and personal effort to support the Mayor as the City's new and duly elected civic leader.

❑ The Mayor also needs to recognize her responsibility in shaping the new Council into a body of leaders capable of exercising the mandate provided through the election process. While new to the task, the Mayor is accountable for any action or inaction that may have exacerbated the tensions between members or between individual Councillors and her. While it is not always easy to rise above the fray, the Mayor needs to be able to do that and show respect for all members equally. This has been a challenge based in part on the perceived lack of support by certain members and the inexperience of the Mayor. It is encouraging that the Mayor is trying to make the necessary adjustments, learn from her mistakes and re-build at least a measure of respect amongst all members of Council. While every Mayor will sense that certain of her colleagues are more supportive of her leadership than others, the role of chief elected official requires as broad a base of support amongst all members of Council as possible if the Mayor is to be able to move the City's agenda forward.

❑ The lack of trust between some members of Council and its administration is evident through the personal attacks, innuendo and a focus on the administrative details involved in certain proposals to Council. The role of the CAO in speaking to administrative reports, the absence of protocol with regard to who is to who Council is to address as to their inquiries, and the presence of too many administrative staff at Council meetings, encourages some of the dysfunctional behaviour observed at Council meetings.

❑ One of the City Administrator's (referred to herein as the chief administrative officer)(CAO) principal responsibilities is that of key policy advisor to Council. This, we believe, appears to be routinely overlooked by both Council and members of the

administration. Many of the reports to Council do not bear the name of the City Administrator or his signature. Often such reports are directed to Council by other levels of the organization and, while they are routed through the office of the CAO, there is no evidence that the CAO has approved them for acceptance by Council. Further, the City does not follow any commonly accepted protocol with regard to adhering to the notion of the City Administrator being Council's chief advisor and thus questions of the administration routinely bypass the City Administrator.

❑ The lack of rapport between the political and administrative levels of the City results in such reports being routinely scrutinized to see what other information may have been left out by the senior management. This lack of trust has a negative bearing on much of what the City does as well reduces the degree of support that the rest of the administration has for its senior management.

❑ The governance model presently used by the City is a part of the reason why Council has not had the impact that it likely desires. The model relies largely on the standing committee system followed by regular meetings of Council. While members of Council generally enjoy their role as standing committee members, we do not feel that the time spent on such committees represents the "added value" that a focused approach to broad policy issues would bring. At minimum, the focus of such committees needs to shift to a higher plane although we believe that a committee of the whole approach supplemented with short-term public "policy advisory committees" would be preferable.

❑ The fact that the current City Administrator has retired provides Council with an opportunity to build a new Council-CAO relationship. This opportunity needs to be approached with caution so that the City does not end up with a safe choice but one who may not be able to rally support from within, build a strong base of support with all members of Council and forge a new direction built on common commitments, trust and high personal integrity. These are some of the planks of an effective base of relationships between members of Council and its chief administrative officer.

❑ As we conclude our work for the City, we note that there have been recent steps taken by Council and senior management to work towards the framework of a new Strategic Plan that would bear the imprint of this Council as well as the public. This is a very positive step in the history of this Council. While this process should have been

embarked upon much earlier, Council needs to be commended for taking steps to correct the imbalance created through not identifying earlier its vision, values, goals and priorities. Again, such a process will be invaluable. We are hopeful that this initiative, together with the opportunity Council has in selecting a new Chief Administrative Officer will prove to be two key building blocks in its development of a more cohesive Council.

SECTION ONE: Introduction to the Review

1.1   A Corporate Review

We realize that this Corporate Review has had a beginning that was fraught with tension and questioning by at least some members of Council, the public and the administration. Hopefully, we have been able to provide evidence of our objectivity and professionalism that we hold dear.

A Corporate Review is generally undertaken in order to provide those who govern and administer the corporation an independent perspective. Such a Review should therefore be thorough and balanced, reflecting attention to the terms of reference and to other related matters encountered during the course of the review. The quality of the Review will be dependent upon the willingness of those being interviewed to share insights and information, as well as on the capability of the consultant to understand the organization and its practices, and to outline those changes which would strengthen its ability to perform.

Why has this independent Review been undertaken? While we were not privy to Council's discussions and debate before our Review commenced, we understand that the election of the current and most recent Councils, with a significant change in its membership, signalled a desire by the public to see improvements made in terms of how the municipality delivered services to its residents. As well, and according to a majority of Council members, there is a keen desire to provide a fresh and new perspective to the City while assessing the strengths and liabilities of the current model of local government.

Any Review of this magnitude is certain to cause at least some degree of angst throughout the organization. This, it would appear to us, has been the case here in Guelph. We have

seldom, if ever, encountered more suspicion and questioning as to motives and timing than that which we have run into in this instance. As a result, we have had considerable difficulty in contacting the Mayor's office due to the possibility that others on Council might construe any such contact as an attempt to unduly influence this Report. While this concern regarding the perceptions of others may have restricted the Mayor's degree of contact with us, it has certainly not aided our ability to deal with even logistical matters.

And yet, this has been a very rewarding study given the number of unsolicited pieces of information that we have received as time has proceeded and the degree of openness and transparency became apparent in many of our contacts.

A Corporate Review represents an opportunity for the organization to pause and take stock of current processes and the sense of direction. Due to the ongoing nature of municipal government business, undertaking this type of Review can be quite difficult for the organization and will be impacted by the fact that we are really only able to see how the organization conducts its business at a particular point in time (i.e. during the period covered by our Review). However, we are also able to ask questions about how the City normally conducts its business and to research examples from history relative to any continuing practices that may be germane to our terms of reference. We note that the City has had numerous studies of departments, for example, and there may be some question as to how this Report impacts those. We have purposely not focused on the other independent departmental studies, as our mandate was to look at the City as a whole. We would expect that some of the good work in those other reports would be useful as key principles and practices. However, Council is mandated with the task of governing the City as a whole and thus it is important that our Review look at how the administrative organization lines up to meet the City's requirements from a more global perspective.

We also note that this Corporate Review is not intended to reflect upon the intentions and abilities of past Council leadership in Guelph. It is our belief that each Council does what it can to represent the perceived interests of citizens and to deliver services and programs in a manner intended to meet the needs and aspirations of the majority of residents (as Council understands those to be).

We are mindful that a Corporate Review such as this is designed to focus on areas needing improvement. A natural result of this is that such a Review may paint a picture that all is

not working as it should. While we make no apology for our directness and tone, we do recognize that the City of Guelph has many positive attributes; that good work is being done by many people, many of whom are working diligently on the front line of service provision to the public with little or no recognition; and that many of the City's accomplishments represent a positive collective effort by past and current Councils and their administrations.

Our Corporate Review is, however, designed to satisfy the terms of reference and represents our best effort in providing a clear picture of what is, or apparently is, happening today. We have been thorough in our approach and professional in assessing the information we were provided, both in the form of documents and information from the City administration and Council members and in terms of the feedback we received to our questions of the public, Council members and the administration.

1.2   Terms of Reference

As stated in our proposal, the overall purpose of the Corporate Review was " To undertake a Corporate Review of the governance and operations of the City of Guelph such that the City is provided with pragmatic recommendations which are aimed at strengthening the governance processes and controls of Council and ensuring that the administrative structure and decision-making processes are sound and in keeping with the direction of Council. In the final analysis, the aim should be to bring about those changes deemed necessary such that the citizens can be confident that their City is being governed and managed in an effective, efficient and responsive manner.

TERMS OF REFERENCE

1.   Council Governance

    a. To review the governance processes of Council to ensure that Council is perceived as the appropriate authority relative to the key policies and decisions of the City.

    b. To ensure that Council has confidence in the advice which it receives from its administration in terms of the key aspects of timeliness and independence.

c. To review whether or not Council is being provided with relevant information by its administration such that all decisions are being made with the best available information in the hands of the Council.

d. To assess the steps in the decision-making processes of Council and determine whether or not these are satisfactory to sound decisions being made.

e. To assess whether or not the decisions of Council are being discharged in an appropriate and timely fashion.

2. Council Priority-Setting

a. To review how Council is involved in the Business Plan process in terms of establishing Council goals and priorities.

b. To assess whether or not this Council is sufficiently involved in setting the direction of this community.

3. Council-Chief Administrative Officer Relationship

a. To evaluate the current working relationship between this Council and its CAO relative to the respect and trust that must characterize this important relationship.

b. To review and provide commentary on the management style of the CAO relative to the impact of the CAO on building a strong, cohesive and capable administrative team capable of achieving the priorities of this Council.

c. To assess how the CAO briefs Council and whether or not such briefings are thorough, unbiased and reflective of high standards of professionalism.

d. To assess the current mechanisms used by Council in assessing the performance of the CAO and whether or not these are appropriate to this essential task.

4. Organization Structure

a. To review and identify whether the organization structure (to the third level of the administrative organization i.e. the CAO, department heads and direct reports) as it is presently constituted "fits" the governance and administrative needs of this City.

b. To determine whether or not the structure is of an appropriate breadth given the nature of the City's businesses and numbers of functions and manpower.

    c. To review and identify recommendations for change that would improve the organization structure.

5.   **Decision-Making Processes**

    a. To review the present legislative and administrative decision-making processes are sufficient to ensure confidence in the quality of decisions by Council.

1.3   *Process*

Our Corporate Review incorporated the following steps as we attempted to gain a comprehensive overview of how the City is being governed and administered. During the course of our work, we:

❑ Submitted the proposal on June 10th 2004 in response to a member of Council

❑ Council awarded the contract for the proposed Corporate Review at a public Council meeting held July 12th 2004

❑ Consultant advised on July 13th; an initial date for meeting with Council was set as August 5th; consultant advised that interview process would begin on August 5th and continue until August 13th with two consultants beginning this interview process (the follow-up visit was set for August 23-25th)

❑ Established the key linkages within the organization in terms of who we were to coordinate our work through and who was to be contacted in the event of any logistical issues

❑ Principal consultant met with Council on August 5th and responded to questions regarding the process; consultant asked to provide recommendation regarding public process for the August 9th Council meeting

❑ Consultant met with the "senior management team" on morning of August 6th to provide a briefing on the process and respond to questions

❑ Identified our work-plan and the documents that we perceived would be of interest to us in this review

❑ Established an interview schedule for our Associates with the assistance of the Clerk's Department (Information Services)

❑ Conducted an extensive round of interviews with all members of Council who agreed to be a part of this process

❑ Conducted interviews with the CAO and senior staff including all those reporting directly to the CAO, their direct reports

❑ Reviewed the documentation provided to us by the administration and by members of Council

❑ Attended meetings of Council and the standing committees and reviewed prior meetings of Council by access to meeting videos

❑ Conducted follow-up interviews with all members of the senior staff

❑ Responded to correspondence received from members of Council and the administration as well as from the public

❑ Received requests from members of Council to interview those people deemed to be either key to how the City functions or involved in one or more agencies and boards with direct linkage to the Council and/or administration

❑ Interviewed 40 plus members of the public during an intensive round of interviews; held at one of the City-run recreation centres

❑ Telephoned others who were not able to be in attendance at the interview process

❑ Reviewed some of the demographic and financial indicators

❑ Prepared a Draft Report on the Governance Context and on the Administrative Context.

SECTION TWO: The Core Elements of Governance

One of the central components of our Corporate Review is the viability of the current governance system. Many of the concerns raised during the course of our review were focused on this central aspect of an effective local government system. It is evident to us that the system as it is used today has contributed to the problems being encountered and thus it is our view that the future success of Guelph's system will be based on whether or not members of Council are prepared to adopt a new approach to governance in order to move past some of the problems and issues that appear to negatively impact it today.

2.1   Governance Defined

In our opinion the definition of the word "Governance" within a local government context refers to:

> *The process of exercising corporate leadership by the policy-making authority (i.e. the Council) on behalf of the public to the organization as a whole in terms of its purpose, control and future and overseeing the organization to ensure that its mandate is achieved.*

This definition begins by describing 'governance' as a process. That is, it requires ongoing attention and is not a one-time project wherein a manual of written policies is adopted. Rather, this process presumes that governance matters will regularly surface and that the governing body is the only one to set the governance direction.

The definition also speaks of 'leadership'. While this word has many connotations, it generally denotes direction and authority. That is, someone must have the assigned authority to set forth where it is that the organization is going and how it will proceed. Further, the definition speaks of 'policy-making' that establishes the accepted norms of the organization, that is, what the leaders will do in a particular set of circumstances.

Finally, there is the matter of monitoring the organization's sustainability. The governing body must understand both how to monitor and what to monitor. This is a critical aspect of

governance but one often overlooked until problems arise. Too often, the terms "monitoring" and "oversight" are interpreted by elected officials as permission to delve into the minutiae of the administration. This is inappropriate as it blurs the lines of distinction between the two arms of the organization.

One of the key principles of governance is that of evaluation and the responsibility of the governing body (i.e. Council) to evaluate the Chief Administrative Officer. Such a duty needs to be planned and pursued on an annual basis so as to ensure that both the governing body and its chief operating officer are aware of the concerns of each other and the importance of dealing with those concerns on a proactive basis.

There is also a need for the Council to engage in a process of self-examination. Such a process of self-examination should address the basic elements of Council's own role and annual objectives and could be an effective means of serving as Council's report card to the public and a mechanism to seek public feedback.

2.2   A Matrix of Governance Concepts

Governance, at least in the local government context, refers to a wide matrix of concepts that address such related matters as:

- Council's Leadership Requirements

- Council's Strategic Plan (or Priorities)

- Clarity of the Key Roles

    o Mayor

    o Councillors

    o Chief Administrative Officer

- Relationships based on Respect and Acceptance

- Decision-Making Structure and Processes

- Confidence in the Administrative Resources

- Access to Administrative and Expert Reports and Resources

- Use of Council and Committee Meetings

- Public Involvement

2.2.1   Council's Leadership Requirements

Every municipal Council in Canada is expected to provide leadership to the affairs of the community. It has an obligation through legislation to make a number of the key decisions and to provide oversight to the implementation of Council policies by the administration.

How a Council discharges its responsibilities is directly impacted by its model of governance. That is, the way decisions are made and how they are communicated is a reflection of the process utilized by Council in making those decisions.

A Council is mandated to determine the City's position on such matters as:

➢ direction of growth

➢ citizen at large contribution to the costs of new development

➢ level of City expenditures and resulting tax burden

➢ types of services to be provided and whether or not they are provided by the public or private sector

It is incumbent on a Council to assess whether or not the current policies and bylaws of the City are appropriate or if they ought to be changed. If the citizens of the community indicate the need for a change in policies through the degree of change in the make-up of Council members, then such a review ought to follow quickly on the heels of an election. If the prior Council took the City in significantly different directions and there was a sense that those directions were not well supported by the community as a whole, then the Council needs to ensure that such decisions are reviewed and, if deemed to be significant, altered or rescinded, depending upon their perceived significance and the downside to making retroactive change. Such changes, if they are to occur and if there is any question as to public support, need to be properly advertised and current public opinion explored.

Council leadership is expressed through policy development, with that policy being activated by a qualified, sensitive and effective administration. While it is Council's role to resolve conflict in the community and to foster a vision of its preferred future, it is the administration that must translate policy into effective action. Effective implementation of policy will occur with a well-developed body of procedure that guides the staff in the delivery of municipal services. The CAO and the management team are responsible for the

development and the monitoring of the efficacy of such procedures. If policies are outdated, too few or too cumbersome, the system will fail.

Leadership is all about setting a clear course; involving others in the process; communicating the expected results; monitoring what happens; and providing feedback.

2.2.2   Council's Strategic Plan and Priorities

Every new Council represents at least some degree of change. Every election reflects a certain degree of new direction or issues that are specific to that period of time.

It is not sufficient for a new Council to come into office and presume that changes will be made simply because new people have been elected. Rather, the onus is on the Council, in concert with its administration, to take the time to reflect on what key messages were heard during the election and what changes they therefore believe need to be made.

This requires at least some time for reflection (once the heat of the election has subsided) and a thorough discussion involving all members of Council (or as many will attend the session as requested).

If such an exercise is to bear any fruit, then Council must be in charge of orchestrating it through agreeing to the process of selecting an external facilitator. The objective of Council's involvement in a strategic planning process should be to ascertain as comprehensively and accurately as possible, Council's view of the City's future direction based on what it heard during the election process and any other inputs available to Council in terms of public views. Council should be expected to articulate:

> ➢ A Statement of Council's Vision for the Future

> ➢ The Values upon which Council will Function

> ➢ Any Needed Protocols

> ➢ Goals in Relation to Key City Functions and Initiatives

> ➢ Priorities for the Current Year (e.g. 2004-05)

There is no question that, in the absence of specific Council direction on such matters, that the City will continue to function. How it functions is a reflection on the City's administration who are committed to professional service regardless of whether or not the Council has identified its agenda. The major flaw with a Council not identifying its proposed new

direction lies in the requirement for staff to continue operating as though the previous Council was still in office. This does not serve the residents very well particularly if they have requested change.

This and every Council needs to take the time to reflect on its own corporate agenda rather than attempting to change the City by voting against resolutions. New ideas should be placed before Council in a constructive manner and decisions made.

2.2.3   Clarity of Key Roles

One of the most frequent causes of problems in many municipalities is the misunderstanding of roles vis-à-vis Council and its administration. Regardless of the degree of clarity given to this issue by the legislation or by the available literature, there are still role issues that evolve which complicate the lives of both parties.

Such clarity issues do not only arise from a new Council or new members of Council. They can also stem from an administration that has many longstanding members who begin to believe that their preferences are what count, and that only they understand what is in the best interests of the residents. When that occurs, the respect for democracy subsides and role confusion is paramount.

There is an obligation on the administration to take whatever steps it feels are prudent to ensure that the incoming Council is made aware of the expectations of their roles and that any areas of potential misunderstanding based on past experience are discussed.

It should never be expected that a Council would immediately understand the roles to which its members have been elected. Even for those who have served on other public or private sector boards before, the roles of members of Council are distinctly different. A new Mayor will need advice and assistance for likely the first year at least in terms of the expectations of that office. Simply the requirement of chairing meetings is one that can and does challenge even the most experienced person. (Chairing meetings where the agenda might appear to be keeping the Mayor off-balance poses even greater challenges).

We would expect to find:

> ➤ A written role statement for the Mayor as a distinct position on Council which underscores her relationship to Council as a whole, any legislated and functional roles and her relationship to the CAO

> ➤ A written role statement of Council as a whole

> ➤ A written role statement for individual Councillors which details their ward as well as community responsibilities

> ➤ A written role statement for the role of the Chief Administrative Officer and the legislated authority under which this position is to function.

2.2.4   Relationships based on Respect

It is not essential that members of Council always agree on the issues or even on what the key issues are. Rather, it is important that due consideration and respect is shown to each member of Council and those members of the administration present at Council and committee meetings.

Respect for each other is a reflection of the maturity of those elected to office. Unfortunately, and all too often, members of Council feel they are entitled to respond to the comments or questioning of another by responding in an ignorant or grossly unfair manner based not upon a difference of opinion on the matter under discussion but, rather, upon the fundamental disagreement with the person and their view of the world. While such childish behaviour is music to the ears of the media, it reflects poorly upon those supposedly being served.

Whether or not developing a series of protocols that Council members are asked to agree to would be of immediate or lasting benefit in an environment that has been poisoned by ill will is a question. Nevertheless, we view such protocols as important insofar as they focus Council's (and the public's) attention on how members ought to treat one another and the administration.

This issue of respect also impacts the administration. An election does not necessarily result in the administration's favourite Councillors being elected or re-elected. In fact those who have been viewed as most supportive to the causes and favoured projects of the administration may be soundly defeated in an election, and sometimes for that very reason.

Members of a public administration are expected to be apolitical, that is, functioning independently of the "politics" of who holds public office. They are expected to show great respect for those the public chooses as its representatives regardless of whether or not they are supportive of the directions of the prior Council and regardless of their perceived intellectual capacity as compared to those who were not elected. Elections are not won and lost based on perceived intelligence or whether or not the member was effective as a debater (both of which are useful obviously). The outcome has more to do with the public's perception of who has or will reflect my concerns on Council and whose campaign messages resonate with the public's opinions on matters that impact future security of the community and financial impact on the resident (and business).

Any new Council should be able to expect the full and unequivocal support of its administration from the outset. The time to regroup following an election needs to be completed by the time coffee has been finished the morning after. A mature body of senior administrators will be meeting the day after an election to discuss what the changes mean and how best to ensure a professional response.

2.2.5   Decision-Making Resources and Structure

A Council is primarily involved in decision-making. Its public role is viewed largely as citizens gathered in a decision forum (the Council Chambers) making decisions on behalf of the rest of the citizenry on issues both significant and mundane. The success or failure of such a body is often judged at election time not on the goodwill of the individual at various public events nor in the timeliness of responses to phone calls and e-mails but, rather, in their contribution to decisions that are often very visible to the electorate, particularly if the decisions are on "hot" topics or are relevant to a large segment of the population (e.g. the budget).

Whether or not a Council is judged as successful in making key decisions often is as much a matter of the process undertaken as it is in the final decision itself. We believe that each City should have a "Request for Decision" model of administrative recommendations so as to ensure that their model provides a comprehensive yet succinct review of the issue to be decided and its merits/impacts. Thus, each Council needs to ensure that:

➢ It receives a full briefing by its administration on the issue

➢ The briefing contains options which may be more or less palatable to the Council as a way of resolving the problem

➢ The needs and aspirations of the public are made known to the Council to the extent that is possible

➢ There is time set aside by Council to think through the issues and their ramifications without the pressure of making a decision at the same time

➢ The decision-making process is transparent to the public

➢ The decision-making process actually concludes at the Council table rather than before the meeting begins

➢ Respect is paid to everyone who has a point of view to express on the issues, providing that there are protocols established that ensure that this process is not abused

➢ Competing views of the world are tolerated and even viewed as refreshing and a sign of the diversity of backgrounds brought to the resolution of most issues

➢ The public is provided with access to Council's decision-making process at the appropriate time and on issues of some significance.

2.2.6   Access to Administrative and Other Expert Resources

An effective Council requires adequate access to the best information and expertise that its administration (and other experts as required) can bring to the table. This is not an optional consideration of the Council but, rather, is core to shedding light on the implications of tough issues and the strengths and weaknesses of various arguments. Rather than attempting to convince the Council that there is only one reasonable way of approaching an issue, the responsibility of the administration (as represented by the Chief Administrative Officer) is to ensure that Council has the best of their advice and others on the key issue to be resolved. Such a range of significant options and policy consequences needs to be supplemented in every instance by the recommendation of the CAO, which reflects his/her

best judgment on the issues at hand and how he/she sees the City's interests being well served.

A Council needs to respect the principle that a "one employee" organization is essential to accountability. Protocols need to be established that require members of Council to limit their policy questions and discussions to the CAO and through him, to the senior management. A Council should not feel the need to approach other staff further down the structure in order to get access to what they perceive as the gospel. On the other hand, questions to senior staff by members of Council should be responded to by circulating such information and responses to all members of Council concurrently. This is based on the principle that Council is a corporate body and that information that is deemed to be useful to one should be shared with all.

There should never be any question by Council that:

a) The Council is being manipulated into a box by a CAO who has his/her own agenda and who is determined that the Council is steered in that direction

b) Information is being withheld by those who know that such information if, it was made available to Council, might bring the recommendation of the CAO and administration into question

c) The administration has already made commitments beyond the scope of their authority and thus the Council is simply being asked to "baptize" the decisions already cast

d) Individuals or groups of people on Council have been selectively briefed by the administration such that they are aware of the breadth of issues and options, but that a similar briefing has not been made available to other members of Council deemed less likely to support the position of the administration.

A Council also needs to have access to independent expertise from time to time. Built into the annual calendar of a Council should be a briefing by the auditors. Such a briefing should be limited to members of Council (subject to legal interpretation as to whether or not the Clerk needs to be present). The Council needs to be able, independent of the influence of the senior administration on a contracted auditor, to ask the questions: "Are we being well-served in terms of our financial controls?"; "Is the municipality in any sense at risk due to any decisions being made by our senior management, with or without Council's

consent?"; "Has our administration responded adequately and to your satisfaction relative to previous audit reports and management letters?"

As necessary, a Council may also decide to bring in other expertise to advise it on matters relative to areas of potential conflict of interest as well as an independent review of its decision-making processes and structure.

The point of the matter is not to encourage a Council to be paranoid about what the administration may be attempting to do without regard for Council approval but to enable the Council to provide the residents with complete assurance that it is acting on the best of information and that the decisions that are being made, do indeed have Council's sanction.

2.2.7   Confidence in Administrative Resources

The success of any local government system depends in large measure upon the confidence that a Council has in its administration. Given that much of what a Council hears is either directly from its administration or has been relayed to Council with administrative commentary, it is essential that there is a high degree of trust between both parties. Without such trust, the following tends to occur:

➢ Council members look independently for outside sources of information

➢ Pointed questions are asked at Council meetings, for which the Councillor believes he/she already knows the answer or which could have as readily been asked of the CAO or department head prior to the meeting, beyond the glare of the media cameras and lights

➢ Council members regularly and studiously avoid the CAO and department heads in order to go direct to sources further down the structure so as to gain access to the real story

➢ Reports from the senior staff are thoroughly reviewed to see where their advice has been slightly adjusted so as to lead Council in a particular direction

➢ Senior staff court members of Council for support for their advice before the rest of Council has either had access to it or in confidence, such that other members of Council are unaware of the information being exchanged and support curried

This Council needs to believe that the advice that it receives from its CAO is fair, reasonable, comprehensive and unvarnished. While Council may adamantly disagree with the advice being presented, there should be little argument as to its professional and independent nature. A Council must have faith in its CAO to the extent that Council can readily accept the information as true and complete and that any disagreements amongst members of the senior administration have been captured in the report with the CAO responsible for providing his/her final judgment on the matter. Whatever process the CAO uses to establish this independent review is often not the issue for members of Council as much as the balanced nature of the advice itself.

Council also needs to have confidence that its decisions are going to be carried out by the administration the day after the Council meeting. Thus, regardless of the advice of the CAO and administration being deemed acceptable or not, the decision of Council is that which defines the resulting action.

2.2.8   Use of Council and Committee Meetings

The decisions of a Council are to be resolved at meetings of Council. Such meetings according to the Municipal Act, are to be properly advertised and are to follow the procedures established by Council in its Procedural Bylaw. Council meetings generally reflect the final stage in a Council review of a matter. Generally, a municipality will establish a series of decision-making processes that enable the members of Council to fully grasp the issues under review, their policy and budget consequences and their potential impact on the public. The Council meeting is simply the forum for where the decision is finally considered and either approved or denied (or, from time to time, referred back to the administration for additional research on some outstanding question(s).

In many municipalities though not all, the best opportunity for debate and discussion occurs at the committee level. Council members are appointed to serve on various committees that are assigned a particular mandate that Council feels will best enable it to receive the additional judgment and thoughtful consideration of its members. Committees often represent the best and the worst of local government decision processes. That is, depending upon the Council's understanding of the mandate of a committee, its members may feel that they have power over all members of Council and that whatever they

determine will unlikely be open to challenge from other members of Council. A comfortable quid pro quo develops such that the members of one committee are deferred to on matters within their mandate in exchange for the same respect from members of other committees. This is not what is intended by the legislation nor is it in the best interests of the citizens. Rather, the intent of the committee should be to ensure that the governance concerns of the Council have been identified and considered such that the committee's report to Council can identify those and become a part of what all members of Council consider before endorsing the report. Otherwise, its members may not deal with the business of Council as a whole, but, rather, by a small segment of Council members who may find themselves lead to certain conclusions by either the staff who are attached to serve the committee or by the public who attend such meetings.

Effective committee meetings reflect:

> ➢ An openness to debate and to other points of view

> ➢ A respect for those presenting reports, whether they be members of the administration or members of the public

> ➢ Administrative reports that have been considered by the office of the CAO prior to being circulated to members of the committee for discussion so that the administrative recommendations are subject to a high level scrutiny and quality control

> ➢ Adherence to the procedural bylaw and etiquette (for Council committees) that ensures that the meetings are conducted in a manner that is sensitive to the opinions of others and away from any personal attacks or demeaning commentary

> ➢ A relaxed approach to the rules of discussion in committee so the members are free to discuss policy options, seek the opinion of others without declaring a political position, and think through what others are saying while resisting the urge to jump into the fray as though the matter was being discussed for the last time.

Effective Council meetings reflect:

> ➢ Adherence to the procedural bylaw and agreed upon rules of engagement

> ➢ Decorum in voicing matters of dispute

> ➢ Respect for the right of others to disagree

- ➢ Respect for the Chair

- ➢ Important matters dealt with early on

- ➢ Public input respected and focused

- ➢ Council questions to and through the CAO

- ➢ Administrative comments through the CAO

- ➢ Less grandstanding and more substantive discussions

- ➢ A willingness to refer when it is apparent that there are more questions than answers

- ➢ A reluctance to refer when the primary aim is to avoid making a decision.

2.2.9   Public Involvement

Many Councils across Canada voice concerns about the lack of public participation in the local government process. They view the public as either apathetic or unaware. Very few people attend Council meetings and critical public issues seldom garner any significant comment. The Councils feel somewhat isolated and wonder what has to be done to bring about any real evidence of public involvement and concern.

This has not been the lot of the Council in Guelph. Here, members of the public are very engaged and are not timid about expressing their views. Council galleries are regularly full or at least reflect considerable numbers of those who have taken the time to convey to Council their interest in the democratic process. Public meetings are generally well attended; major issues result in significant numbers of attendees at public hearings; briefs are prepared and presented; and so on.

An effective and balanced approach to public participation would reflect:

- ➢ Agenda materials made available at the door of the Council Chambers and/or on the internet a day or so in advance of any Council or committee meeting

- ➢ Open committee meetings that enable the public to make representation on matters on the agenda

- ➢ Council protocols that advise the public how their input will be received; how long they have to speak on any given item; whether or not their input can be received both at the committee level as well as at Council meetings

➢ Respect for those attending meetings and attentiveness to their presentations

➢ Response by the Mayor as Council meeting chair as to when the public might expect Council to formally debate the issue of concern (and for which they have made representation)

➢ Involvement in committees, boards, commissions and task forces established to garner public response and input to matters of ongoing concern; public comments by the Mayor and Councillors expressing appreciation for their input

SECTION THREE: Council Purposes and Roles

This firm in other reports of a similar nature has used some of the following materials authored by our firm and/or its principal. We have adjusted this information and commentary based on the situation in Guelph and as a base for some of our later observations, findings and conclusions.

While not specified in the Act, it is apparent that there are certain principles and practices that enable a Council to function more effectively. These are not cast in stone but, nevertheless, are useful as touchstones upon which to evaluate the operation and progress of the Council.

3.1   Purposes of a Municipality

Section 2 of the Municipal Act states that "Municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this Act and many other Acts for purposes which include,

(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.

The Act presumes that each Council will strive to ensure that it acts in such a manner so as to achieve these purposes in their communities. This necessitates in our view that Council and its administration develop awareness and a commitment to certain basic roles and underlying principles.

3.1.1   To Provide Good Government

Providing "good" government is not a simple task. It presumes, firstly, that the citizens have a clear picture of the type of issues that a Council is likely to face, and therefore an understanding as to the character and backgrounds that would likely be most effective in dealing with such challenges. Further, it presumes that the way by which the personalities elected will mix could be anticipated and thus the appropriate balance would be sought. While these may be what government purists would see as the ideal, it would seldom if ever come to pass. There are a number of obvious barriers in the way, including:

➢ the inadequacies of communicating to the population as a whole the range of issues that a Council will encounter in any term of office

➢ the impact of key issues and the pressures to make clearheaded decisions on a multitude of issues

➢ the fact that the City is comprised of wards and thus the inability of anyone to influence more than the election of three members of Council, namely, the Mayor and two ward Councillors.

The authors of legislation would have understood these challenges and recognized that any Council would face such barriers. There is, however, the underlying presumption that men and women of goodwill will purposely set about to act in a manner that would seek the best for their citizens, based on what each individually and collectively saw as the appropriate course of action. This requires, in our view, an appreciation for the sincerity and commitment of each other to serve in an honest fashion whatever the "best interests" of the public are felt to be. Further, it presumes that each member of Council will pay heed to their colleagues and sift through the arguments to see the basis upon which the position is being put forward.

3.1.2   To Provide Services or Facilities

Much of what any Council does is legislated by the Province. According to provincial legislation in Ontario, the Council may, or is required to:

- ➢ provide the public with access to safe water

- ➢ establish regulations governing use of private property

- ➢ provide access to a public sewage utility

- ➢ regulate certain highways and road allowances

- ➢ keep highways and bridges in a good state of repair

- ➢ cause decayed trees to be removed if they are perceived to constitute a danger

- ➢ establish a passenger transportation system

- ➢ regulate waste and other public utilities

- ➢ provide for culture, parks, recreation and heritage services and regulate same

- ➢ regulate fences and signs

- ➢ regulate animal control

- ➢ fund economic and community development activities

- ➢ fund municipal capital facilities

- ➢ regulate smoking in public and workplaces

- ➢ establish a communications system for emergency response purposes

- ➢ regulate public nuisances

- ➢ regulate businesses and group homes

- ➢ establish procedures governing council and committee meetings

- ➢ pay salaries to staff and provide pensions and other benefits

- ➢ and so on.

The range of both permitted and required duties of a Council is significant. There is little that happens In any community that is not impacted by the powers of a Council. Such powers obviously need to be exercised judiciously and with due care such that the rights of both the perceived majority and minority are respected.

3.1.3 To Develop and Maintain Safe and Viable Communities

One of the responsibilities of most concern to the public of any community is their perceived safety from dangers in their homes, on other private properties and on public properties and transportation routes. Citizens want to be assured that their Council is doing everything possible, within the reasonable constraints of funding and manpower to ensure that they can conduct their lives in a safe and peaceful manner.

This requires every community, regardless of what level of government has jurisdiction, to pay attention to such aspects as:

➢ emergency planning in the event of a disaster

➢ evacuation procedures in the event of a disaster

➢ fire prevention and suppression

➢ police protection from assaults against persons and properties, break ins, reckless behaviour on the streets and highways, and so on

➢ ambulance service to hospital facilities.

3.2 Significant Roles in a Municipality

Council is expected to play very significant roles in the City including:

➢ representation of the public interest

➢ advocacy of individual concerns

➢ decision-making with the best interests of the City in mind

➢ conflict resolution

➢ participation in policies and programs

➢ monitoring of administrative practices

➢ oversight to the City's financial integrity.

The Municipal Act, 2001 came into force on January 1, 2003 and is the first comprehensive updating of the most fundamental piece of provincial legislation (as it relates to municipal governance) in more than a century and a half. The roots of the former Municipal Act, R.S.O. 1990, c. M.45 could be found in the Baldwin Act of 1849. The Municipal Act, 2001

is and will likely remain the fundamental statute outlining the scope and authority of municipal power in Ontario.

It is underscored by case law that dates back nearly 100 years that has held that a municipality can only exercise powers expressly conferred by provincial statute or necessarily implied from those statutes, or is essential to their municipal purposes. The passage of time has resulted in judgments that indicate a greater willingness to adopt a broader and, perhaps more flexible interpretation of Dillon's Rule, but not to the extent that it should be forgotten.

Part VI of the Municipal Act, 2001 – Practices and Procedures -- begins with the legislated outline of the framework for Municipal Organization and Administration. Section 224 outlines the duties of Councillors as follows:

"224. Role of Council – It is the role of council,

(a) to represent the public and to consider the well-being and interests 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 and any other Act.

3.2.1   The Community as a Whole

Section 224 a) of the Act states that "It is the role of council…to represent the public and to consider the well-being and interests of the municipality…" Together with section 2, these sections provide direct guidance that a Council is to be concerned with the well-being of the City as a whole. They point out that a Council has an obligation to consider issues from a "community as a whole" point of view. That is, the members of Council should be prepared to give equal weight to opinions and input gathered from all quarters (or ward divisions) of the municipality and not over-emphasize those from a particular vested interest or from a specific area of the City.

One of the key tenets of local government is the fact that power is vested in the Council as a whole as opposed to its individual members. Thus, no one member of Council has any legislated authority to commit Council to any particular action. Power is wielded by Council who meet as a group to discuss the issues placed on the agendas, which are subsequently adopted by Council as a whole for its consideration.

This clause in the Act suggests that the Council will:

➢ make decisions for the City as a whole and not with regard to a "ward" benefit

➢ reflect public opinion (as it may be known or understood).

3.2.2   Participation in Policies and Programs

Section 224 (b) states that a Council is expected to participate generally in developing and evaluating the policies and programs of the municipality. Thus, while the CAO is generally responsible for recommending policies and programs to Council, it is up to the elected officials to determine what is in the best interests of its residents and what can be realistically incorporated into the municipal budget. The second aspect of this requirement is to evaluate the present policies and programs to ensure that they are still relevant and that they are providing the results which the Council initially intended.

This clause in the Act suggests that a Council will:

➢ be an active participant in developing Council policies

➢ be a part of a process in evaluating the validity, timeliness and effect of those policies

➢ review current programs being offered by the City

➢ determine which programs continue to be supportable by Council.

3.2.3   Determining the Range of Services

Section 224 c) of the Act states that a Council is to determine which services the municipality provides. Such a provision is obviously impacted by what the Act and other legislation require the City to provide, but also this recognizes that the Council needs to be involved in determining whether or not the City is, for example involved in managing the

waste collection and disposal business or the theatre business. These are not the choices of public groups or of the administration. They are the responsibility of the Council because any such choices beget a range of expenditures that may or may not fit the community's tax threshold. Further, the public may perceive that there are services that are more urgent or important at the moment than others that may be favoured by some members of Council. This clause in the Act suggests that a Council will:

➢ be aware of the services currently offered by the City

➢ recognize the history of such services and whether or not any surveys indicate that they are still needed or desired

➢ be advised of the cost of such services and the manpower required

➢ be made aware of whether or not there are other alternate service delivery options.

3.2.4   Ensure Council Decisions are Implemented

Section 224 d) of the Act states that a Council is to ensure that administrative practices and procedures are in place to implement the decisions of council. This clause can be misinterpreted to presume that a Council is to become involved in the activities and decisions of their administration. This is not the appropriate interpretation when in fact, the intent lies more in putting in place a mechanism(s) that provides Council members with the assurance that the CAO is working with his/her staff to ensure that all Council decisions are being properly and promptly discharged.

There is little likelihood that any Council will either be advised regarding all decisions being implemented or want to be. On the other hand, every Council should be briefed as to the ongoing implementation of key policy issues via an update regularly provided by the CAO.

3.2.5   Maintain Financial Integrity

Section 224 e) of the Act states that a Council is to maintain the financial integrity of the municipality. This is one of the most significant of any of the responsibilities as it places the responsibility of monitoring decisions and actions that have a financial impact on the Council. Again, this does not presume that members of Council need to be well-versed in

municipal accounting in order to be effective but, rather, that each member is obligated to assure him/herself that the actions of the administration are in keeping with the policies and approvals of the Council. Further, there is an implied responsibility to request of the CAO and his/her senior staff whether or not they have done due diligence on a particular recommendation prior to bringing it to Council or prior to proceeding with the action.

3.3   Participation in Council and Committee Meetings

In order to discharge these duties fairly and responsibly, all members of Council must take an active role in Council meetings. This is where key decisions should be made and where Council's role as the final arbiter of matters within their jurisdiction is played out. This does not necessitate every member to be equally involved in terms of "air time" but, rather, be entitled to be equally involved. Most will listen to the key points being put forward by their colleagues and determine whether or not the arguments suggested are sufficient to influence their preferences on the issues as determined through reviewing the background material and through contacts during the week with other committee members and the administration.

In certain circumstances, the involvement by the public on key issues may have an impact on the judgment of Council. If the members of the public appearing as delegations are viewed as independent and not otherwise connected to the issue, there may be some Council members who adjust their thinking based on such input. Others may have had the time to check with other citizens in their own circle of friends or within their neighbourhoods and may have had their thought process either reinforced or changed.

The role of members of Council on the City's boards and committees should also be clearly identified. Members of Council are not expected to be advocates for this or that body but, rather, to act as a liaison on behalf of the Council. This enables such members to reserve their judgment until such time as they have heard from other members of Council as well as the expert commentary from the administration.

3.4   Importance of Seeking Information from the CAO

Section 229. provides that "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 purposed of ensuring the efficient and effective operation of the municipality; and

(b)   performing such other duties as are assigned by the municipality.

One of the duties assigned to the office of City Administrator (herein referred to as the CAO) is the requirement to advise the Mayor and Councillors with regard to all matters relative to the City's operations (see April 2004 position description). This is a significant requirement and one that imposes an obligation upon the CAO to ensure that Council has all of the information that it requires in order to make reasonable and informed decisions. Wherever the Council does not feel that such information has been made readily available, it can request such information and the CAO has a duty to provide same unless it falls within the realm of protected and privileged information (e.g. confidential personnel files).

An effective Council needs to assure itself that it has sufficient information on the key policy issues that enable it to make informed choices. This is one of its more important roles.

3.5   The Importance of an Acceptable Process

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. Process adds value wherein it affords the Council the opportunity to examine the more significant issues in some depth and without the normal time constraint of a regular Council meeting wherein motions are presented and a sense of urgency prevails.

This requires a Council that has a clear grasp of its role and a strong desire to perform its own tasks well, and not be unnecessarily drawn into the interesting yet clearly separate world of the administration.

Section 227 provides the following requirements for the municipal administration:

"it is the role of the officers and employees of the municipality,

(a)	to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
(b)	to undertake research and provide advice to council on the policies and programs of the municipality; and
(c)	to carry out duties required under this or any Act and other duties assigned by the municipality.

It is clear from the legislation that both Council and the CAO have a responsibility to ensure that there is an open communication system between the two so as to inhibit the spread of misinformation. Such a flow can be achieved through comprehensive yet concise background reports from the CAO to Council; through questions and responses at an actual Council meeting; through a CAO report to Council highlighting the key issues; through Council enquiries on either a verbal or written basis to the CAO; etc.

3.6   Need to Keep Confidential Matters Confidentially

Finally, the Municipal Act (Section239) states that, with some very specific exceptions, all meetings shall be open to the public. We subscribe wholeheartedly to the notion that "public business should be done publicly". The public should be afforded the opportunity to watch the process of governing and should be invited to be involved where that would make sense and add value. Most Councils across Canada utilize some form of public delegations on key agenda matters, with delegations being requested to serve notice on City Hall of their desire to speak to an issue. They are provided a time slot at the beginning of the meeting and Council listens to each presentation either without comment, or with questions of clarification permitted, and a promise is made to each delegation to take their advice "under advisement".

It is worth quoting from the Municipal Act those matters that are to be considered in confidence for purposes of clarity.

"239. (1)   Meetings open to the public – Expect as provided in this section, all meetings shall be open to the public.

(2) Exceptions – A meeting or part of a meeting may be closes to the public if the subject matter being considered is,

(a)   the security of the property of the municipality or local board;

(b)   personal matters about an identifiable individual, including municipal or local board employees;

(c)   a proposed or pending acquisition or disposition of land by the municipality or local board;

(d)   labour relations or employee negotiations;

(e)   litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

(f)   advice that is subject to solicitor-client privilege, including communications for that purpose;

(g)   a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.

(3) Other Criteria – A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, board, commission or other body is the head of an institution for the purposes of that Act."

There are, of course, ways to abuse this general desire to deal publicly with the citizens business. In particular, Council needs to be cognizant of its commitment to serve the City as a whole and not be thwarted in its desire to make decisions by individuals or groups whose principal focus may be to limit any progress on key issues that they may not favour. Councils need to be concerned about any process, which serves to limit Council's time and focus on its responsibility to actually make decisions. As a result, protocols are often established that set parameters around how presentations are to be made, to whom, for how long, and a limit of how many times on the same topic.

There are times wherein it makes sense to have Council discuss matters in private. These times are described in legislation and are essential if Council is to be able to deal with matters that the average citizen realizes would be inappropriate to discuss publicly. When a

Council does vote to go in camera, members of council must keep in confidence all matters and information discussed in closed session.

Summary

The foregoing provisions of the Act clearly spell out both authorities and responsibilities accorded to Council as well as obligations and constraints imposed on Council. In particular, we note that Council is responsible for ensuring that the appropriate policies and programs for its municipality are put into place for the betterment of the community. Responsibility for ensuring that its decisions are carried out within the appropriate context is normally delegated to the CAO together while seeing to it that such decisions are followed through promptly and effectively.

Further, it is worthy of note that the Act expressly assigns that responsibility to the CAO. If and/or when a municipal council attempts to perform the duties of the CAO in whole or in part, it has the effect of weakening the administration and casting into question their confidence in their chief officer. In this respect, a Council is expected to function much like the Board of any public or private sector corporation. It is to set the course, monitor the progress, make mid-course adjustments, provide the policy leadership and ensure that the appropriate checkpoints are in place.

3.7 A Broad Range of Duties and Expectations

Both the legislation and the experience of Councils across Ontario and Canada indicate that a Council has a broad range of significant responsibilities. These may more generically be defined as follows:

❑ Develop a clear sense of direction, goals and priorities for the City

❑ Determine the needs and wishes of the City's residents and reflect these in the decisions that Council is asked to make

❑ Ensure that there are ample opportunities for the citizens to become involved in the City's business and afford citizens the courtesy of a fair and timely hearing in terms of their concerns

❑ Seek the input and advice of the CAO as the chief administrative officer of the City and expect that the CAO will provide reasonable advice based on his/her training and expertise

❑ Pass bylaws providing for public safety and good government

❑ Provide regular and honest feedback to the CAO on his/her performance through whatever format the Council feels is relevant to that task

❑ Maintain a close awareness as to the fiscal health of the City and ensure that the administration is exercising due caution in the use and expenditure of City funds; request an assessment from the City's external auditor as to the processes the management follow that bear upon the fiduciary responsibilities of the Council

❑ Make clear, informed and consistent decisions that the Council feels are in line with the expectation of the public for the Council to provide good government.

3.8   A Distinctive Role for the Mayor

The Municipal Act describes the Mayor (head of council) as the chief executive officer. As such, the Mayor is expected to preside at all meetings of Council whenever she is present; to cause the laws governing the municipality to be executed; to communicate measures to Council which will improve the quality of governance; and so on.

There is considerable inherent value to the community in the role of the Mayor providing that this role is clearly understood and providing that the incumbent has the presence (or force) to maximize its potential. Without acting as one with dictatorial powers, the Mayor can establish a significant presence in the region and with the Province by identifying and leading a change (or reinvigoration) process. The Mayor must lead – and this requires a sense of personal vision for the future of the community.

The Legislated Role

Section 225 of the Act tells us that it is the role of head of Council:

      o   to act as chief executive officer of the municipality

      o   to preside over council meetings;

      o   to provide leadership to the council

o   to represent the municipality at official functions; and

o   to carry out the duties of the head of council under this or any other Act.

The head of council is the chief executive officer of the municipality. There is no other elected official upon whom this title is conferred. The position of head of council brings with it a number of important duties and responsibilities. Unfortunately they are more implied than conferred by statute. As a result, delivering on the expectations of this role is an onerous task. It can be made easier or more difficult by the relationships the head of council builds and maintains with other members of the council and with the CAO and the administration of the municipality. The Mayor is expected to fulfill the following key roles:

(a)   leadership

(b)   chair

(c)   guidance

(d)   representation

Leadership

The Mayor of the City is expected according to the legislation to be a leader not only of the community but also of Council. This role requires an understanding of what it means to lead as well as support in exercising the limited powers granted to the Mayor by the legislation and by the City's procedural bylaw.

The Mayor is the "face" of Council to the community and the person seen most by the citizens as the one most likely or able to move the City in a preferred direction. This requires the Mayor to develop a clear picture of the City's key policy issues and the perceived importance placed on those issues by the residents. While some of that stems from the campaigning by the Mayor and the other members of Council, it also necessitates a continual awareness of opportunities for engagement by the Mayor with her constituents. At every opportunity to meet socially with the public or in meetings wherein the public is present, the Mayor needs to find ways to ascertain the citizens' concerns and priorities and to communicate those to Council as a whole.

While it is likely that not all the members of a Council will rally behind the Mayor or her/his vision of what is important, normally there is sufficient respect and support for the role and the implied obligation of members of Council to assist the Mayor in effectively leading the

community. This requires, of course, a degree of maturity and sound judgment by the other members of Council as well as confidence by the Mayor that his/her views are pretty consistent with the majority of City residents. This can, of course, be confirmed from time to time by opinion polls and/or by the judgment of his/her colleagues on Council.

Chair

One of the more public roles of a Mayor is that of chairing the regular meetings of Council. This role is readily observed by the residents who can watch the event live in the Chambers or via the cable television coverage of the meetings.

The Mayor's role as a chair poses difficulties for several reasons. The Mayor may not be an experienced member of a Council (as is the case in Guelph) and thus may not be familiar with the rules of order and the procedural bylaw. These rules are neither simple nor straightforward as will be attested to by other Mayors as well as members of Council. It takes time to become familiar with the nuances of meeting procedures and some long term Mayors never fully understand these nor express any comfort with their role in chairing meetings.

Further, chairing a meeting can, at times, be akin to herding cats -- they often move in the direction they want regardless of best efforts to the contrary. The role of a chair normally relies on active cooperation. This is not a game of "best parliamentarian wins", or at least presumably that is not what the citizens expect.

Unfortunately and all too often, members of Council, if they are opposed to the direction represented by the Mayor, may afford the Mayor little courtesy or support in ensuring that the agenda is dealt with in an expeditious and timely manner. Some members of Council become good at capturing the agenda and maximizing their own need for recognition and results. The citizens, while they may be hopeful that the Mayor gains a measure of comfort with this aspect of the role, would also likely not be overly supportive of attempts to deliberately undermine her/his legislated role.

This Mayor acknowledges that she is new to this role and is keen to learn the responsibilities attached to chairing meetings. She will need to rely on the office of the Clerk whose role it is to assist the Mayor as meeting chair to get through the business at hand. Thus, any "fault" for not chairing the meetings effectively becomes a shared

responsibility -- that of the Mayor, the Clerk as process advisor, the CAO as content advisor, and the other members of Council.

The foundation to being an effective chair can be found in three basic tenets:

> (i) know the basic parliamentary procedures
>
> (ii) be fair and consistent in their application
>
> (iii) have regard for due process.

There are some key and basic procedures to follow. The first of these is that debate only begins with a motion. A motion on the floor becomes the focus of debate. All discussion must focus on the substance of the motion. Members should not be allowed to deviate from the substance of the motion. Personal, derogatory comments should not be allowed. Those wishing to speak need to be reminded to keep their comments focused on the motion on the floor.

Secondly, the Mayor needs to be confident that there is only one speakers' list and she is the one who controls it. The Mayor should know who has asked to speak and should know the order in which they will be accorded the right to speak. She should announce the upcoming order from time to time (not unlike a baseball game where the next batter is "on deck" and the one after that is named as well). The Mayor should not deviate from that list, except to decide a point of order or privilege. The Mayor should ensure that all who wish to speak once have had an opportunity to do so before anyone is permitted to speak a second time.

Thirdly, there can only be one amendment to the motion under consideration at any one time. An amendment starts a new list of speakers. Once the amendment is decided, you revert to the speakers' list for the main motion.

Fourthly, the Mayor is in charge of the meeting. If a member disputes the ruling of the Mayor, she should immediately state the fact that her ruling has been challenged and ask the members to vote on the challenge…..no arguments….no debate. Vote, decide and move on with the substantive debate on the matter at hand.

The final tenet is that the vote concludes the discussion of the matter. It is no longer a question of what councillor A thinks, or what councillor B said --- Council has now made a decision. It is a decision of the whole council --- not "they did this" or "they did that". Once

the vote is over, it is "Council decided to …". Regardless of whether or not the Mayor was in support of the issue, her duty is to report to the public the decision of Council.

We believe that the Mayor is growing in her degree of comfort relative to her role and is appreciative of the assistance and advice of the Clerk in ensuring that proper procedures are followed. Applying the rules of procedure in a consistent manner having regard for due process will help the Mayor become more effective in this aspect of her role and should help to assure her of the cooperation of those members of Council who view as their role the need to get the City's business done.

Guidance

The Mayor has a critical role in guiding the City towards certain goals and priorities. This role necessitates that the Mayor and Councillors determine those priorities as a body and the Mayor to then keep the Council's focus on what is truly important as opposed to interesting or urgent.

We have noted previously the importance of building consensus. There is very necessary role for the Mayor in this regard during council meetings. Decisions of stewardship of the municipality are often complex, far-reaching and bring with them long-term implications. As a result, the decision-making process is loaded with a spectrum of options and alternatives. There is seldom a single, obvious, best answer.

When a decision of significance is before council, the Mayor is in a position to assist Council in achieving that consensus. The opportunity to do so must be applied judiciously.

Perhaps most important, the Mayor must be seen and accepted as having sought out and understood the different points of view on the issue. This can occur in a number of different ways – at committee meetings, previous council meetings, public meetings and one on one conversations. It is most important though that the Mayor is seen and accepted to have understood the different viewpoints.

When the matter gets to the council floor however, the Mayor cannot argue her perspective from the Mayor's chair. While in the chair, the Mayor must refrain from speaking ON the issue. While in the chair, the Mayor should only speak TO the issue.

After all have spoken, the Mayor may choose to summarize the debate that has taken place. In such instances, she should balance her summary by fairly evenly noting the

areas of agreement and disagreement. She may even cautiously share her insights as the chief executive officer --- but such sharing must be carefully applied. The Mayor may in this way seek consensus by seeking the middle ground.

The Mayor, like all other Councillors, is elected to represent the citizens of the City, and will have strong positions on issues from time to time. Whenever the Mayor wants to advocate strongly for a particular issue, she should vacate the chair for that debate, and participate in the debate as an equal. In matters such as these, the Mayor will have made her position known in other forums, and will want to do her utmost to convince her fellow Councillors to support her position.

The challenge for any Mayor is to be able to determine in which instance she will want to be the consensus builder and in which to become the champion for one particular option. It is difficult, perhaps even impossible, for all but the most adroit politician to be both at the same time.

Representation

Each Mayor has an obligation to represent the City in a variety of situations. These vary significantly from the local Remembrance celebrations to the annual parade, from officiating at civic events to meeting with visiting dignitaries or representatives of other levels of government. All such events require that the Mayor be fully briefed as to what is expected of her and what requirement or opportunity there may be to bring greetings on behalf of the City or to seek an advantage for the City. Such a briefing may be provided by the Mayor's assistant or, as the occasion may warrant, by the CAO.

The Mayor, as the Chief Executive Officer is also the Council's liaison with the Chief Administrative Officer (who is charged with responsibility for exercising general control and management of the affairs of the municipality). To perform this role effectively, the Mayor must have trust in and respect for the CAO. There must be a solid belief in the competence, integrity and professionalism of the CAO and a willingness to believe that the CAO and the administration have the best interests of the citizens of Guelph at heart.

The CAO has a key role in building the relationship that is integral to effective liaison with the Mayor. That is, the CAO needs to place his/her emphasis on the role of the Mayor and not on the person who occupies the office. If the CAO decides to befriend the Mayor as

opposed to serve the office, then there is a strong likelihood that any new Mayor will take quite some time to develop the trust and respect that are essential to a compatible relationship. Where the CAO exercises mature judgment and ensures that not only he/she but also the rest of his/her administration is focused on serving the citizens' choice as Mayor (and Councillors), the likelihood of a collegial relationship and mutual respect is greatly enhanced.

Open, honest and timely communication is critical. Both the Mayor as CEO and the City Administrator as CAO have a role to fulfill. Each is expected to work diligently in upholding their commitments to the City and to ensuring that the relationship of these key political and administrative leaders is sound and complementary. The rest of the administration, Councillors and the general public watch this relationship very carefully. They may not always be aware of any difficulties, but they can very early on recognize when it is not effective.

The Mayor and the CAO should ensure that they have and are, and will continue to give complete effort to building and maintaining the relationship that is critical to the Mayor being able to fulfill her leadership roles on behalf of the citizens of Guelph.

Summary

At the end of the day, the Mayor is elected as the leader of the City and as the "face" of Council. She needs to be able to exercise careful, controlled judgment when dealing with the personalities on Council and to be as fair as is possible. She should attempt to recognize each member in Chambers who wishes to speak but not allow any one member dominate the floor and detract from the fact that others also want to speak to the issues. She will need to remember what it is that she believes enabled her to be elected and to ensure that the issues for which she stood, along with those of other members of Council, are accorded attention by the administration. The voice of the community needs to be heard.

3.9   *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.

❑ **Control over the Organization Structure, Compensation Levels and Number of Personnel**

- It is essential that Council recognize that it has far more control than the history would seem to indicate. Council retains the authority (or at least it should) to approve

any changes to the organization structure; the number of new personnel; the basic factors leading to salary increases (i.e. grid moves & job evaluation). All of these factors have combined (along with others) to drive up the salary burden being paid for through tax increases.

❑ **Control over Budget Variances**

● A Council also needs to exercise some degree of control over the approved budget and the changes that are made to it thereafter. It is too simple for an administration to present a budget realizing that the projections are quite optimistic but confident that other budget areas are either over-budgeted or are likely to afford the City some cost-savings. While this may enable a department to "balance the budget" the reality is that the expenditures in certain areas could be grossly over but still remain a non-issue because of the principle of internal balancing. Council needs to develop a policy on how it expects this matter to be handled so that a more complete transparency exists. This is essential to building confidence.

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.

3.10   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 is 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 whom 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 understanding 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 that 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 a member(s) 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. The latter leads to the notion that members of committees should be regularly rotated in keeping with the philosophy held by

all Councillors that they are elected as laypersons and not experts in local government. To leave people on committees for longer than a year or two gives credence to the reverse concept i.e. that a member of Council will be that much more effective if they become expert in this or that aspect of municipal government. Unfortunately, such a practice divides a Council given the presumption that such a member will act as the Council spokesperson on a particular department's programs when in fact they are elected to set policy not to manage programs.

SECTION FOUR: A Summary of What We Found

What follows is a broad outline of the issues that we heard during the course of our interviews and supplemented by our review of the background documentation provided. These are not presented as quotations but reflect a very accurate précis of what was communicated to us. We have undertaken a series of interviews throughout the course of this Review and have received numerous e-mails, letters and telephone calls relative to our terms of reference. A summary of those inputs follows.

4.1   Observations from Council

❑ Members of Council are very concerned about the impact that the divisions on Council have had on their ability to function as they intended

❑ Most of the members feel that there is the possibility of some modification in the current style but that considerable mistrust has and will likely prevail

❑ Councillors expressed desire for increased civility in the Chambers although do not see themselves (as others do) to be a significant part of the problem

❑ Most blame the schism on the results of the election and the debates throughout the election process; the negative comments heard during the campaign from one "camp" to the others has not been dismissed by some as simply campaign rhetoric; some feel that their motives for running for office and their integrity were under assault

❑ Most recognize that the treatment of the senior management has not always been fair or professional; some believe that this has been the result of a lack of respect for the

results of the election and the perception that some members of senior management were simply too personally supportive of individual candidates to maintain any neutrality

❑ Most members do appreciate the work of individual staff and would like to shrink the degree of separation between the Council and the administration

❑ Most members are supportive of the Mayor and her efforts to lead Council and to chair more effective meetings; members recognize that any Mayor regardless of experience would have had a struggle in the role based on the tenor of this Council

❑ 2004 budget process was viewed by virtually everyone as poor; produced hard feelings and did not seem to serve the needs of the Council

❑ Some members concerned about the degree of financial information available to Council on certain issues

❑ Some members are critical in terms of the degree of information that they receive; there is a sense by Council that information is not comprehensive nor complete, and that the administration may attempt to impact the decisions in that manner; information is designed to steer Council a particular way

❑ Some members expressed the belief that Council needs to be leading on the key projects rather than following the lead of the administration

❑ How could the city become more efficient; are there services that could be readily privatized e.g. the wet dry plant; are there possible projects that could be done on more of a regional basis (Staff note to us that one service has been privatized recently i.e. street line painting and incineration has been suggested to Council as a possible subject for regional consideration. Council considered privatization of the wet-dry plant about 5 years ago)

❑ This Council should have had a course(s) on governance; no one is the expert here on this topic; lack of promotion of educational sessions offered by AMO etc.

❑ No space for members of Council to sit, read reports and reflect in City Hall

4.2 Observations from the Public (including Agencies, Boards and Commissions/Committees)

❑ **Community Issues**

We heard from the citizens whom we interviewed that there are a number of key issues facing the community. These we summarize as follows:

- The Costs of Managing the City: Guelph's costs have continued to rise as a percentage of total budget considerably exceeding that which should have occurred to keep pace with the growth of the City; who is concerned about this factor; how can we expect to attract new businesses; considerable burden on seniors with fixed incomes

- Balanced Community Input: Council needs to hear from all sectors of the City; the financial impact of social issues needs to be understood; value in preventive programming; sense that the ward system's introduction in 1990-91 changed the nature of the relationship between Council and the administration; most issues still viewed as City issues not only associated with individual wards

- Guidance to Growth: Council needs to guide the growth of the City and not the development community; this requires Council to think together and plan for growth at a realistic level

- City's Communication with Residents: Lots of interaction with those who know the system but how much is being done to connect with the citizens as a whole; need more resources at Council's level to reach out on key issues

- Water for the Future: Guelph will have challenges providing water to meet demands of growth areas and yet many citizens do not react well to water conservation measures; questions as to the limitations that future water access will or should have on increased development

- Economic Development: Concerns regarding the City's approach to the "big box" issue (both pro and con this proposed development); the slowness regarding bringing industrial and commercial land on stream for development; the slow rate of growth of the agri-business side of the economy

- Relations with the University: A sense that they are satisfactory now, but need more nurturing and attention; current President appears interested in re-building improved linkages to the City; University may be helpful in spearheading the examination of some of the City's more controversial issues

- Services to Community Sport Groups: The City will face difficulties in providing expected services without additional tax dollars which may lead to a further tax increase

- The Sports and Entertainment Centre: Significant concerns regarding the way in which it was approached; were all the facts provided to the Council of the day; concerns expressed regarding the amount of information being released relative to the degree of City subsidization

- Solid Waste: this innovative program perceived by some as "leading edge" and progressive while others express concern that its costs were not well-known and thus not well-received; was City's landfill site fully used

- River Run Centre: Deficit projections are considerably out of proportion to what was promised; inadequate public discussion over what strategies could be used

- Bus Terminal: Costs of studies appear wasteful; what options could be pursued re: impact on downtown

❑ **Need for Change in Council's Functioning**

- Most doubt that Council will respond positively to any recommended change; fear that factions may see a lack of positive change as beneficial to future election campaign; general belief that the internal conflicts are too deep-seated; most express view that neither side "owns" the right view

- Need to find ways of re-building bridges amongst members of Council

- Council members need to seek coaching in how to ask questions without being so antagonistic; impossible to positively influence people that way

- No evidence of a corporate value system; what training in how to reflect ethics in decision-making is available

- Councillors need to keep options open prior to the actual Council meeting

❏ **Council Meetings**

- Lack of respect shown to those who make representations to Council; minds of some appear to be already made up and thus not open to hearing any arguments; people would be less aggravated if some rationale was offered on why people vote as they do

- The presence of television compounds the personal animosity; Council members grandstanding for extra coverage

- Last Council also very dysfunctional just less aggravating to each other; this one has been more personalized

- Desire for more accountability; concern voiced that ward system may not fit this size of a community; has increased degree of grandstanding and turf considerations

- The seating arrangements in the Chambers reflect the split in philosophy

❏ **Impact of Election Results**

- Degree of actual voters support during the past election(s) reflect less than a majority of electors voting for any of the successful candidates; response by those elected should be cautious in terms of conveying attitude that they have been endorsed by the public

- This Council like others needs to be aware that some changes were made in order to register a negative vote against the previous Council and thus not necessarily an endorsement of this Council

- No real evidence of a group in the middle of the Council to moderate the split amongst the rest of Council; someone needs to act as the consensus builder

❏ **Communication**

- How to improve their communication to all of the City; need to find mechanisms to ensure that the whole City is reflected not simply the vocal groups and individuals; meeting agendas should be advertised well in advance so the public knows what issues will be coming up

- Find ways to focus on key issues and avoid the personalities

- Council needs to find ways to open their processes

- Considerable shock over the profound change reflected by the last election; shock may have been harder to deal with than the change itself

- Development community now having considerable influence on Council; Official Plan too readily ignored

- Developers do not feel that the City is open for business; too much time spent in trying to get an industrial quarter section subdivision plan completed

- Decisions being made by Council and administration that have a direct impact on the business community and they are not consulted; no one seems to understand the need to consult the affected groups

- Senior staff may be ready to listen to public input but no evidence of providing feedback or reaction to such input

❑ **Committees of Council**

- Some issues discussed at a committee level may not ever get to Council

- Community Services doing a good job of getting out into the community to meet with neighbourhood groups

- Need to have more focus on the preservation of historical sites and buildings; someone needs to do the research and make the financial case

❑ **Public Concerns Relative to Administrative Issues**

- Would prefer a better relationship between Council and staff; no one stopping Council from ripping into members of the administration; Council shows a lack of respect for its administration based on some of the comments; results in a sense of more micro-managing by Council; some sense that they know more than their administration who are trained in civic government

- Most of those commenting about the city's administration were quite positive in the responsiveness of city staff to public issues

- Need review of administrative burden; election results indicative of the fact that the public felt that some belt-tightening was needed; substantial tax increases over the past few years are not acceptable

- Need for improvement in reports to Council; most do not make adequate reference to the financial implications of proposals; no real sense that City reports vetted by other departments; the business case for some recommendations not well presented

- Some belief that certain individuals are allowed to have too much access to key staff members and thus inordinate influence

- How can Council ask for a budget reflecting no tax increase and administration allowed to come back with one approximating 8%; is there no accountability

- Concern that tender prices are not made known to Council; often considerable variation between what projects are estimated at and what the tenders say

- Administration not free to give good advice; City has developed a culture of expecting senior management to write reports that support the majority view

- Some voiced concern that the City seems to prefer lawsuits rather than trying to resolve issues; has been too much of the City's monies wasted

❑ **Public Participation**

- Have guiding principles for public participation posted on the website

- Public involvement is quite high; quite a number of people attend Council meetings, some apparently for the sport of it; some spokespersons speak on any number of topics

❑ **Public Boards and Agencies**

- Lack of a clear process has left a bad taste in the mouths of some volunteers; appear to be caught in the battles between members of Council (e.g. Museum Board and Convent issue)

- If Council sees need to drop certain public committees or amalgamate those into other bodies, then Council should so advise these groups and not leave them in the dark

- Concern that Council interested in knowing the cost of everything and the value of nothing; some concern that the cooperation between the City and various local groups is being eroded without any reasons being provided

❑ **Office of Mayor**

- Major change since last election; sympathy for someone trying to do a good job on behalf of the citizens; hampered by a lack of understanding as to how the system functions

- Very much her own person; not intimidated by seasoned administration

- Sense that there has been too much "Mayor bashing" that is not good for anyone; does little to help the City's image

- Mayor needs to bring down the hammer more frequently and let Council members challenge her if they want; cannot tolerate the outbursts in Chambers or from the gallery

❑ **Major Projects**

- Repeated questions and obvious concerns regarding major projects which the City has become a party to; was Council provided with clear options and a full report of the downside implications of these projects; was it necessary to close the landfill site (did it not have many years of life left in it)

- Has the senior management been required to advise the Council what the agreements contain vis-à-vis the public private partnership deal with NuStadia

- Has Council made the residents aware of the implications to the City if the lawsuits it faces are not resolved in favour of the City; who will be accountable for these; some concern voiced that members of Council had claimed that the City will be on the hook for millions of dollars if courts find the City's actions were a result of negligence

❑ **Other Issues**

- Concern voiced that Council needs an accounting of the properties and assets owned by the City which are currently sitting as surplus

- Belief that there are simply too many Council members for a City of this size

- Too much money is being spent on consultants with little to no oversight by Council.

4.3   Observations from Senior Management

❑ Election results have proven difficult for some to accept; poor treatment of each other at the Council table not new to this Council

❑ Sense of Council blocs has become more pronounced; not a good working relationship right from the start; some voiced concern that significant projects were not well thought out by the senior management; many believe that the confidence level of Council members was impaired from the outset

❑ Council's treatment of each other has been deplorable; members of Council and administration are embarrassed by the antics of some; sometimes outrageous remarks have been heard which are often personalized

❑ Concern by Council surfaced around the budget process; not many happy with the way we handle the budget

❑ Demeaning remarks about Council made at the management table; not a comfortable feeling for some members of senior management

❑ Council members appear to have open access to the members of senior management and administration; no real protocol has ever been established; appears to be some members of Council with greater access to administrative advice than the others; concern that members of senior management may be circulating information to Councillors on a selective basis

❑ Other Councillors try to get their issues to Council via one of the committees; lack of a clear process means that some use the notice of motion at the end of a Council meeting as a way of introducing a new issue

❑ Appears to be some uncertainty as to whether or not Council understands the limits of its powers vis-à-vis those of the CAO

❑ Some frustration due to the vagueness of Council's agenda; had a Council strategic plan last in 1993; since then, the administration has developed its own

❑ Some sense that the Mayor was set up and undermined by senior management early on in her term

❑ Mayor needs to distance herself from either faction on Council

❑ Some question over whether or not the Mayor has the right to ask for certain items to go before Council

❑ The messages from senior management do not always seem connected; no real corporate direction; new structure overly cumbersome; too large for effective meetings; they become simply information sharing; limited sense of interdependence in the organization; limited understanding by non-executive members of the senior management as to what management table handles what issues; Commissioner model may have value but not as it has been understood and utilized to date; no real explanation as to possible impact on the corporate culture; more focus now by Commissioners on senior level strategy issues; helpful in reducing conflicts between departments; acts as conduit to the CAO

❑ Good business planning process; enabled staff to re-focus their energies; positive impact on team-building

❑ Support departments such as Finance viewed as overly controlling and with a larger impact and power than warranted; other direct reports to the CAO often non-operational

❑ Training on HPO (high performance organizations) likely a good idea but the culture here does not support a sense of being adequately empowered; too many decisions appear to be made unilaterally at the senior management level

❑ New positions identified through the budget process; the way of calculating the number of fte's (full time equivalents) appears to change annually

❑ The organization appears overly threatened by anyone voicing opposition to senior management ideas or actions; belief that some of the staff departures linked to this mindset

4.4 Observations from the Administration

❑ No one really energizing the organization; senior management may have the skills to communicate more effectively but…

❑ Public process has significant impact on how this City functions; may be overly sensitive to how some of the public thinks

❑ Public may be demanding more than we can reasonably provide

❑ Numbers of signatures required on tendering documents (quoted as 8) and planning approvals viewed as evidence that the system is not very streamlined; question as to why so many hoops to get projects approved after the budget has already been approved

❑ Relationship between Council and senior management spills over to the rest of the organization; clear that there is a lack of trust at our senior levels

❑ Organization misses the positive impact of a Chief Information Officer in the IT arena; no real understanding of risk management

❑ Low staff morale partly a factor of perception that any organizational changes result only in improvements for management (e.g. Managers became Directors; salaries increased; frontlines do not see the increases)

❑ Senior staff upset that Council wants to run things their way; not sure how to respond to this Council

❑ Need in-depth review as to how the City can achieve efficiencies; this Review too broadly focused.

SECTION FIVE: The Key Themes

5.1   Council Leadership

5.1.1   Our Observations

If the system of governance in Guelph is to function as intended, then the priority role of the Council as the governors of the community needs to be better understood, accepted and reinforced. Most of those with whom we talked expressed concern that the administration has gradually usurped the leadership role of the Council with the latter placed in the role of "rubber-stamping" administrative projects and ideas. While this may be so and may be a factor of Council's reluctance to lead through policies and priorities, it is nonetheless quite concerning if true.

This is not to say that the administration is not capable of providing good advice nor that they have undermined the role of Council through duplicitous means. Rather, Council has not grasped the high road in its leadership style and has seemingly been content to fight back against administrative proposals by simply denying approval at the Council table.

The objectives of any Council relative to governance could perhaps be summarized as:

❑ Understand the policy issues clearly from both a public as well as an administrative perspective

❑ Function as representatives of citizens; act as advocates on issues of concern; ensure that all citizens are able to influence the discussion of policies and new projects

❑ Make informed, quality decisions based upon access to the best and most comprehensive advice and salient information

❑ Involve the public in the decision-making process in a reasonable, timely and responsible manner

❑ Provide evidence of being "in charge" through providing clear direction to the issues via resolutions and bylaws

❑ Act as policy and "big picture" governors and not managers of the system

The Impact of An Election

The 2003 municipal election resulted in significant change in the make-up of Guelph's Council. Five new members were elected representing quite a substantive change in both personalities and their perception of the issues. As well, there was a change in the person holding the office of Mayor with the new Mayor coming into chambers without any previous experience in local government, but with a history of service to the community in other non-governmental roles.

Quite a number of the public, administration and even members of Council described the Council as comprised of three main "camps" that, at least in simplistic terms could be defined as "right of centre" or "conservative", "left of centre" or "liberal" and those who have managed to stay apart form being considered members of either camp and are thus "centrists" given that they may not readily fit within the other two labels. It is inevitable that, at least on some issues, decisions will reflect this division in thinking. Rarely, however, have we seen such a consistent split in a municipal council in terms of its debate and decision-making. Even more rare is the manner in which these "camps" work at maintaining the division.

This Council has apparently been designed for divisiveness since the night of the election. This has been repeated to us by many of its members in one form or another as they commented on the absolute shock at the results, particularly the change in the person of the chief elected official. Whether planned or not, this Council has been split over perceived ideology and over commitment to the prior Council's agenda. Comments by Council members that could be misinterpreted were. The public was made quickly aware of the distaste some members felt towards others on Council and the fact that these feelings were deep-seated.

Aura of Mistrust

Council's ability to function as corporate and community leaders has been greatly impacted by a sense of the prevailing aura of suspicion and distrust. Considerable energies have been consumed by this underlying tension (who said what to whom; who represents what groups; what is your agenda; etc) such that each and every issue that is identified as a concern of Council is met with guarded enthusiasm. In our opinion, there is little flexibility or forgiveness evident in discussions both at the Council table and publicly with very negative and personalized comments being made. This has had the effect of placing individuals in ideological boxes that are not consistent with the anticipated non-partisan nature of local government. Thus, good suggestions or reasonable amendments are greeted with skepticism based on whether or not the remark comes from one side of Council or the other.

It appears to us that insufficient attention was paid by Council members to the implications that this election had produced a significant change in the tenor and make-up of Council and, that an early discussion and assessment by Council as to how they were going to be able to make progress on any agenda was essential. Further, there is no evidence that the senior management had any discussions immediately after the election to discuss the anticipated change in Council's priorities nor was any evidence provided to us that would indicate that they recommended a strategic planning retreat to enable the new Council to determine its priority issues. Such a session, if held almost immediately, may have indicated to Council that there was some degree of agreement on certain issues and may have lead to a protocol or agreement as to how Council members were going to lead the City.

Need for Orientation

There is some question as to the responsibility of the administration in this regard. Is the senior management expected to guide a new Council in becoming acquainted to its roles and how changes to an agenda can be made or is it to take a more conservative and restrained approach and simply watch how the new Council fares? It would have been our expectation that, given the progressive, assertive style ascribed to the senior management by many observers (Council and staff alike), that it would have placed a series of

recommendations in front of this Council providing it with reasoned advice on how to establish a clear sense of direction with the strong support of its administration. For whatever reason(s), this approach or philosophy was not adopted.

On the other hand, the administration did plan an orientation process for new members of Council as well as a series of presentations relative to what they saw as the outstanding issues confronting the City. These presentations included sessions on the "Big Box" application (i.e. WalMart); the upcoming budget process; key litigation matters; conflict of interest; briefing on the procedural bylaw; how a Council agenda is formed; roles of current standing committees. (As noted earlier, the senior management advise that the plan to have a one day facilitated session on roles was postponed by Council).

Impact of the Role of the Mayor

Of significance in this discussion relative to Council leadership is the role of the Mayor. The Mayor plays a very important role on a Council as not only the perceived leader of the community but also as the voice of Council's policies to the administration and to other levels of government. There is nothing in legislation that requires a Mayor to attain that office by serving firstly as a Councillor. There are many instances of successful Mayors who came to office direct from their role in the public but who were largely accepted as the public's choice. The key to any transition lies in the willingness of the new Council and the existing administration to accept the democratic process.

It is always expected that with any change in a Council, there will be an initial period of adjustment. This transition is often alleviated through the active assistance of the senior administration and, in particular, the office of the Chief Administrative Officer and the City Clerk. Further, the full Council has a responsibility (not found in legislation but presumably based on a degree of maturity and judgment) to find ways to welcome in a new Mayor and assist her in making the transition as straightforward and painless as possible.

It is our view that the future success of Guelph will be linked to the ability of the Mayor to understand the issues as approved by Council, and to be able to take these forward to other levels of government and to the public of Guelph in an effective manner.

It is our assessment that the Mayor has been trying to both understand her role and her Council. She appears to have realized the challenges of both and the importance of being

fully briefed prior to each Council meeting. Even so, there are inevitable challenges at each meeting based on procedural challenges and the ongoing animosity between certain members. It is our understanding from the interviews we conducted that the Mayor has been well received by most members of Council and the administration. Most perceive the Mayor as gaining in her degree of comfort in her role and trying to develop a feel for the nature of the individual Councillors. This will continue to improve as the CAO and Clerk determine how best to ensure that the Mayor is adequately briefed on the issues and the expected roadblocks. To ensure that the relationship works both ways, the senior management also needs to ensure that they are ensuring that all agenda items are reviewed at the Preview Meeting. We were advised that certain issues were placed on the agenda, perhaps having only become known at the last moment, and that this has raised the question as to why the Mayor was not advised of the urgency to include such issues.

Delegation to Members of Council

In any city, the functions and responsibilities of the Mayor are considered to be significant and of potential value in terms of enhancing the perception of those who reside in or who have business dealings with the City. As well, there are often various ceremonial duties associated with the office of Mayor ranging from attendance at Remembrance Day functions to visiting school classrooms to speak to young students about the importance of civic life. These duties are in addition to the time the Mayor must spend at City Hall in meetings, hosting visiting dignitaries or groups and so on.

It is not essential that the Mayor either feel responsible for or look after all of these functions on her own. The rest of the members of Council should be viewed as allies in the cause and potential representatives for the Mayor whenever her duties elsewhere result in events that are not possible for her to attend. In that event, the Mayor should be quite free to contact other members of Council, preferably by rotation so as to avoid the appearance of favouritism, and request their presence at such events. Council could fill a role of Acting Mayor on a three month rotational basis or simply rotate the responsibility on an as needed basis. In either instance, the Municipal Act permits the Council to identify an acting head of Council "when the head of council is absent" (Section 242). It is our view that the rotation should be on the basis of availability and interest (i.e. some members may not be readily

available or simply not interested in such a designation) and that the Clerk should be asked to place all the names of those members interested in a hat for someone to draw the names and months they are to serve. The Mayor's office could then maintain the roster and, beginning with the Acting Mayor, contact members of Council to act in the place of the Mayor at various civic events. It is our view that all members would serve capably in such a role.

Policy Framework

There appears to have been no identifiable attempt by this Council to assess current policies and bylaws to determine the current policy framework that drives administrative action. Given that this Council represented considerable change, the policy framework upon which ongoing administrative decisions and actions are based would need to be reviewed and either adjusted, dropped completely or renewed. This did not happen nor did the senior management recommend such a review. As a result, neither Council policy, agenda nor issues management currently drives the governance process. In fact, in not one of our interviews was there any mention of Council's governance policies. This should be one of the key planks upon which a Council's ability to govern is built.

Strategic Planning

This Council (with the guidance of the Mayor and CAO) discussed its approach to strategic planning a couple of months ago and initially decided to await the completion of this Report. This was later revised and a session on strategic planning was held in September; again recently in late October (to discuss the draft administrative priorities, major projects and decision points and 2004 Council priorities); and, we understand, on two occasions during November. The most recent steps taken include a session this past Friday in an off site location with an external facilitator. The Council/Senior Management Team Session was intended to review where the team was at since its last meeting on September 22nd; to review a public consultation strategy; to assess strengths, weaknesses, opportunities and threats, key strategic issues; and to review the vision, mission and goals. There are plans to have a follow-up session in November.

If Council is to lead the City in terms of its priorities and policies, then providing a clearer picture as to preferred direction is required. At the moment, the suspicion and animosity within Council has hindered any attempt at building consensus on the foregoing vision and priorities. Whether or not the current process, which we wholeheartedly endorse, will bring about the desired end product is in question simply because of the other personal issues that have clouded much of this Council's first year.

A Code of Ethics

The orientation Manual prepared for the new Council contains a document titled "Code of Ethics". This is a very well-written short statement of how a Council should govern its local government. It speaks of "…values, integrity, fair exchange of ideas, being cooperative, creative and constructive…" and would be a good base for any Council to judge its degree of maturity. In the same binder is a document "Strategies for Dealing with Conflict" (not attributed but appears as part of the work done for the City by the Randolph Group) that also provides some excellent advice and steps relative to helping Council raise the bar on its behaviour.

Office Space for Councillors

We noted briefly in our draft report a concern that the present design and space allocation in City Hall does not allow for any office space for members of Council to utilize in order to review reports, hold individual meetings and reflect. While members of Council other than the Mayor are not considered to be "full-time", the City should be able to find suitable space for its elected leaders to access for the purposes of fulfilling their elected duties. Not all members might see the need to use a separately designated office space given that some hold full-time occupations external to City business, but it may serve as a useful space for others who have had more of a tendency to come to City Hall to visit the administration on various matters. It could also be used as a reference reading room wherein the administration could place background reports that might supplement the information contained in the agenda package. Further, some municipalities have found it useful to have a "reading file" consisting of correspondence of interest but not necessarily information that would appear on a regular agenda package.

Developing a Sphere of Influence

The decisions that impact how the City functions are not made solely within the Council chambers. Rather, the City is impacted on a regular basis by the decisions and actions of their neighbouring communities, the Province and the Federal Government. Rather than function in isolation of these impacts and simply respond to them, the City needs to develop a broader vision or horizon and find ways to make a difference in other arenas such as AMO (Association of Municipalities of Ontario) and FCM (Federation of Canadian Municipalities). These can be useful forums for the City to express concerns, develop allies, determine who is influencing the Provincial and Federal agendas vis-à-vis municipalities, and ensure that the issues facing Guelph are not left on the political back-burner. Attendance at their conferences should be encouraged by all Councillors as should serving on the executive of such esteemed organizations. While this may not be appealing to some members, participation by all should be the goal. The budget for Council building allies and useful networks is generally money well spent in other cities across Canada and that should be true here in Guelph. In encouraging such participation, there is also the recognition that the members so involved need to ensure that they report back regularly to Council and to the public as to what progress is being made and what current initiatives the City needs to support.

Council should also consider leading the region in establishing seminars on issues of concern that may also result in the participation of partners such as AMO and FCM. The City needs to learn the value of developing and then exercising its position of influence as a significant regional player on a broader landscape.

5.1.2   Conclusions

1. This Council got off on a very rocky start and has yet to fully accept or assimilate the changes the citizens demanded through the ballot box. Change was obviously expected and a new agenda for action should have been identified by now.

2. We do not believe that all members of senior management recognized at the outset the importance of gaining the confidence and support of the new Council. There was no attempt to meet the day(s) following the election to plan a strategy for how to

accommodate a new and obviously different Council. These are relatively experienced administrators who understand political dynamics and yet the perception that some of the new Council was committed to remove them from their positions resulted in a wall of silence.

3. The new Council can be faulted for not taking a progressive and proactive approach to setting out a new agenda and philosophy. While this may have been due to a lack of understanding as to how that could be done, Council chose instead to use Council meetings as a battering ram to convince each other of the public's support for their stance. This has been inappropriate and largely futile.

4. While getting the new Council together to discuss their strategic agenda at the outset to this term (say within the first 60 days) would have been the most logical approach, it is unlikely that it would have been very successful. Regardless of the calibre of the facilitator, the enmity between Council members has only recently been tempered to the point where a discussion of ideas may be possible. As we finish this report, Council and senior management are meeting to work on the framework of a strategic plan. We are hopeful that this initiative, together with the opportunity Council has in selecting a new chief administrative officer will prove to be two key building blocks in its development of a more cohesive Council.

5. Without a review of the City's key policies and bylaws, as well as the establishment of a Council strategic agenda, the City will continue to lurch forward under the stress of acrimonious debate and rhetoric. The majority on Council may eventually figure out how to press ahead with an agenda of change but without a strategy to do so, even that is unlikely to produce the results expected.

6. This Council needs to determine that it will adjust itself to the changes brought about by the election and focus on its role as the governors of the City. To do so, it will require training in how to perform that role in a climate of suspicion but hopefully respect.

7. The Mayor and Councillors should determine how best to ensure adequate and fair delegation of the duties of the Mayor that she may not be able to realistically attend to and therefore should be confident relying on a rotation of other members filling in for her.

8. The administration should review the current allocation of space within City Hall and determine how office space could be made available to members of Council to assist them in fulfilling their duties.

9. Council should review its degree of influence on the formulation of policies in the larger arena and actively seek to expand its presence.

5.2 Decision-Making Process

5.2.1 Our Observations

A second key theme in all that we heard and observed relates to the decision-making process. It is our view that the process lacks clarity regarding who is responsible for what part of the process and how both Council and the public impact that process. If any process is to be effective, it must be absolutely clear to members of Council and the administration so that the development of issues and their resolution is appropriately discharged.

Our Observations Re: Report Development

According to our interviews, the CAO and his senior management do propose initiatives and changes, with any new items going directly to the relevant committees. Many substantive changes to significant matters are usually started through the budget process. The organization's senior management are involved in recommendations to Committees and to Council.

Managers are directly involved in both preparing and presenting reports. There is no formal process through which the CAO and senior management (as a body) review reports in advance of any consideration by the Preview Meeting, which the Mayor attends. That is, there is no formal requirement to have all members of senior management meet to review reports bound for Council prior to consideration of whether or not they should be placed on an agenda. Report writers are left to their own devices to discuss parts of their reports with those who might be or ought to be interested. (We were advised that, only on an informal basis, does staff bring reports to the CAO if they think the matter is or may be controversial). It is also our understanding that the CAO reviews reports, but does not

necessarily sign them or in some other way signal his agreement with content and recommendation.

Our Observations Re: Quality of Advice

Council members rely upon the advice presented to them in order to make informed decisions. We have heard a mixture of comments with regard to the suitability of such advice, with the majority reporting that the reports from senior management and other members of the administration are generally quite comprehensive, easy to follow and provide Council with the basis of a decision. Others responded that such reports often do not present the whole story and that such selectivity is designed to move Council in the direction preferred by senior management.

Our review of the reports made available to us reflects the fact that most reports do not reflect any available options for Council's consideration, nor any of the key governance issues that the recommended action may impact. The absence of clear, defined options results in less than a full picture for Council's consideration, and reduces the quality of its decision-making. Whenever the administration, through the senior management team, presents but one choice (with often only a single line devoted to the section "Alternatives", it can be presumed that there are no other useful options from which Council can choose. Such is not the case however, and Council is thereby limited in terms of the quality of its decisions.

Council is aware that the administration may have a preferred course of action. This is what they are expected to present. Unfortunately, when a report does not reference other potential options, there is a presumption by senior management that it somehow knows what is best for the City, thereby bringing into question any value to be gained from the influence of the Council.

Our Observations Re: Agenda Development

The procedure for assembling agendas is fairly straightforward. It is based on the premise that Councillors will make use of their weekends to prepare for Council meetings, a practice that is fairly standard among Ontario municipalities. Councillors will have the option of using weekends and workdays/evenings to prepare for Committee meetings. The fact that

Councillors in Guelph receive their agendas on Thursday gives them the option of using Friday as a preparation day, which by most Ontario standards is a bonus.

The process of preparing Committee agendas begins on the Monday of the week prior to the Committee meetings. Reports from departments are to reach the Council Committee Co-ordinator by noon on Monday (must be in a hard copy form, but not necessarily signed off). Draft agendas are prepared Monday afternoon and are circulated to the Mayor and the senior management team (CAO and direct reports) before the end of the business day.

The formal review forum is the Preview Committee (or Agenda Committee or Tuesday Morning Committee), which meets at 9am on Tuesday morning. The assembled group reviews reports proposed for agendas – approving them as complete and/or giving instructions on changes to be made to reports and/or a focus of additional research, etc. The Director of Information Services was clear in her advice to us that she chairs these meetings. Based on our interviews with other members of the administration the role of chair is less clear. Responders identified the Mayor, the CAO and the Clerk as chair of the Preview Committee.

The Preview Committee also plans which items go on the agenda and to which meetings. It is our understanding that the Mayor is an ex officio member of the Committee with the authority to question reports, ask for clarification and recommend the timing of report presentation. As a general rule, staff reports make their way through one or more standing committees and from those meetings to Council. Guelph does have a practice whereby a report (depending upon the perceived degree of urgency) with action recommendations may by-pass committees and be listed directly on the agenda of a Council meeting.

At the conclusion of the Preview Committee meetings, reports are finalized in accordance with directions and are returned to the Council Committee Co-ordinator for printing and assembly. To be included in an agenda, every report must be signed by the originating department's Commissioner/Director. If the head is absent, the next in line signs off. The standard practice appears to be "no signature, not on the agenda".

When, in the opinion of the Director of Information Services, there is a good and valid reason, and when it is clear that all staff who should be consulted have been, and have agreed to the report, a report that was not at the Preview Committee meeting may be added to the agenda after the Preview Committee meeting. Agenda packages are

assembled as soon as they are ready, but must be ready for Councillors by 11:30am on Thursday. Councillors packages are provided to the courier for delivery at that time. In the event an addendum is required, it is finalized by noon on the day of the meeting.

Some Committee Chairs appear to make arrangements with Commissioners/Directors to review material for their committees on an individual basis. For example, the management staff of Environment and Transportation meet once monthly with the chair of their standing committee to discuss the critical issues that they have coming forward to the committee. We were advised, however, that there does not appear to be a stated or formal process of how items are reviewed nor on what basis an item is entitled to be placed on the committee. (We did not get to meet with the Chair of the Planning, Environment and Transportation Committee, so we are unable to make a definitive statement in this regard with respect to how he feels items are placed on the agenda of that committee). The Community Services Group appears to be very attuned to the wants and needs of their Committee Chair. The management staff works diligently to manage items through the Committee in concert with the Chair. We were also given to understand that the Chair of Finance and Administration has provided advice relative to agenda as well as report content.

It is our view that the same rigour that is to be applied to preparing for meetings of Council should also be considered applicable to committees. That is, the agenda preparation should be carefully considered and items on the agenda appropriately supported by the significant relevant documentation. Such information should be available to all members in advance so that adequate time can be given to preparing ideas and questions for each meeting. This discipline should be applied to the committee chair as well as any member of staff.

Our Observations Re: Report Presentation

Managers are directly involved in both preparing reports, and recommendations, and in presenting reports at both Standing Committees and Council. Commissioners/Directors and managers speak to reports and recommendations. We were advised that the CAO seldom speaks to reports at either type of meeting, unless directly questioned by

Councillors. We are told that this practice is essential to empowering staff involved most directly in the issues, and thus is believed to reflect a system of "policy delegation".

When we examine senior management's approach to report preparation and presentation, we view the lack of a formal senior management review of reports (as a body), the lack of formal approval of the report or recommendations by the CAO and his apparent willingness to let managers present reports and defend the recommendations as worrisome. The CAO is the key policy advisor to the Council and while reports are obviously prepared by others, Council should be concerned if these are not vetted directly by members of the senior management group and signed off by them and subsequently by the CAO. There is little assurance otherwise to a Council that the advice presented is the best that the administration can produce unless and until it is signed off by the most senior manager involved (in this instance the Commissioner or other direct report) and then by the CAO. This together with the need for the CAO to exercise a protective and coordinating role vis-à-vis the rest of the administration is central to why a municipality employs a CAO.

The CAO, as chief policy advisor, should be expected to have a substantive presence at Council meetings. It is the CAO who represents the administration to Council and to the public. Whenever a member of Council disparages staff, the CAO needs to view that as a comment which casts doubt on the performance of all members of his/her administration. It is the CAO's role, as the individual reporting directly to Council, to be held accountable for the remarks, performance and deportment of the administration.

Our Observations Re: Decision Follow-Up

From time to time a Council questions whether or not its decisions are in fact implemented. Without the availability of any formal tracking system, Council members rely upon the professionalism of its administration to ensure that all approved decisions of Council are implemented in a timely manner within the context of Council's decisions. While we would argue that the CAO should develop an "Issues Management Dossier" that highlights the actions taken vis-à-vis the key policy decisions of the Council, the remainder and thus most of the decision follow-up is simply left to the Clerk's office, and through her record-keeping and delegation, the rest of the administration to ensure that these are acted upon as requested.

We were advised that the Clerk's office follow-up consists simply of providing a written notification that a certain decision of Council requires that action be taken. Each department must then determine the turnaround time on the resolutions delegated to it.

Our Observations Re: Roles at Council

Our observations here are based on our attendance at Council and Committee meetings, and our review of video tapes of five regular meetings of City Council.

The Mayor is the head of council, and is the chair of all meetings of the municipal council. It follows that the Mayor is responsible for ensuring that every meeting is well-run. To be successful, all members of council must abide by both the letter and the spirit of the rules of parliamentary practice, and the practices and procedures that are part of the conduct of council meetings in Guelph.

Our observations indicate that members of council are capable of deliberating as mature, intelligent, responsible professionals. We offer your conduct at the May 17, 2004 meeting as evidence of that ability. We note however the tendency to move away from that standard to biting personalized attacks, pseudo 'prosecuting attorney' style of questioning, and sarcastic crowd-playing speeches when contentious issues get to the council table. We were surprised by the mean-spiritedness of members' speeches on numerous occasions. This may be understandable if it occurred rarely – once or twice in a term – over a highly contentious, emotionally charged issue. That however is not the case in Guelph. We got the unmistakeable impression that this occurs with uncommon frequency – that such opportunities are carefully watched for – even relished – by some.

This is unacceptable and un-parliamentary behaviour, and it casts an unsavoury pall over this Council's deliberations. It has become a blight on the reputation of the council. Our impressions are based on personal observation, and are supported by comments from the general public, and from managers and senior staff of the corporation. This unacceptable behaviour is a very strong, very real impediment to progressive, positive action and leadership by this council.

The Mayor is charged with managing the meeting, but every member of Council is responsible for assisting that regard. She is in her first term as head of Council. The Mayor is new to the political arena and as a result, one might expect that councillors, recognizing

this, would rein in their behaviour while the Mayor learned the ropes; that some Councillors particularly those with some experience, might have found ways to assist the Mayor to gain a measure of comfort and confidence in the chair. Instead, we observed members using the Mayor's inexperience to gain opportunities to take debate well outside the subject at hand, to make personal comments without challenge, to challenge and put down staff in a very un-parliamentary manner, without fear of censure. And, we watched the other members of Council let that happen.

There is room for all members of this Council to work together, but there must be an expressed and sincere willingness to do so. Unless that occurs, your Mayor will have to strictly apply the rules to maintain order at the table. If that has to occur, your procedural rules may become impediments to effective governance. That however may be more acceptable than a continuation of very childish behaviour.

Your first duty is to remain on topic. Every discussion must start with a motion, duly moved and seconded. Every speaker is duty bound to speak to the motion. The Mayor must not allow debate to wander. Members of Council must be self-regulating, out of respect for the Mayor, other members of Council and out of respect for the electorate. If members speak to the matter at hand, and not to the presenter of the motion, or to the last speaker, or to the remarks of previous speakers, there is less chance that your remarks will be personalized, mean or otherwise un-parliamentary.

Your second duty is to be polite. At Council meetings, you need to recognize that your prime responsibility is to make decisions with the best interests of the entire city at heart. This does not require mean-spirited debate, sarcasm and personalized attacks. These should not be tolerated and should not be permitted. The Mayor should immediately "call any member to order" when these behaviours occur, citing Section14(4) of your procedural by-law. When called to order, the member "…shall immediately sit down". The member may rise to explain the inappropriate behaviour, and appeal to Council. That appeal is decided without debate and is final. Members should carefully read Section 14(5)(f), and should be prepared to support the Mayor in this regard. If you must ask questions, ask them to obtain more information or for clarification. Resist the urge to become Clarence Darrow or Perry Mason. Do not feel that it is your duty to expose inaccuracies or wonky thinking by directly attacking someone. Ask the question through the Chair if you need the

information. Ask a rhetorical question to make a debating point. Asking accusatory questions seldom advances your point of view and does little if anything to win votes for your position.

Your third duty is to reach a decision. There comes a time in every debate when the outcome is clear. At that point, it is advisable to wind up the debate. The Mayor has a duty to ensure that every member of Council who wishes to speak has had an opportunity to do so. If you have spoken to the motion at hand a second time, ask yourself if rising to speak a third time is necessary. If you support the motion, and it is clear that it will pass, why rise to speak again. If you do not support the motion, ask your self if doing so will really advance your position, is really likely to swing enough votes to your perspective to carry the day. If not, be gracious and accept that the majority is ready to make a decision.

Your fourth duty is to accept the decision of Council. Once the voting is complete, Council, the decision-making body of the corporation has made its determination. All Councillors and the Mayor are members of the Council. That decision becomes "the Council decision", it is not "ours" or "theirs", it is Council's decision. The Mayor has an obligation to represent that decision, whether or not she voted in favour, with all of the vigour that she can --- the same amount of vigour she would apply to her favourite cause. Councillors can, and usually should defer to the Mayor as the spokesperson for the Council. They may add their supportive comments. Councillors do themselves, the Mayor, their fellow Councillors and the voters a disservice when they rail against a decision of the Council. Such actions bring nothing positive to the reputation of the Councillor, the business of the Council or the corporation, and only serve to sew seeds of discontent and acrimony for future debates.

Our Observations Re: Council Meetings

We provide the following point form comments based on what we have observed:

Positive comments

❑ In some of the meetings, the management present or asked to speak to an issue were addressed by their first names and were treated respectfully.

❑ Councillors stood to speak and used microphones; their comments were clear to the TV audience.

❑ The Mayor presented a good description of each agenda item to the public and the TV audience; this was limited insofar as it pertained to the Consent Agenda

❑ A specified time was set for delegations (Planning delegations were given 10 minutes, other delegations 5 minutes.)

❑ City Clerk provided assistance as requested.

❑ Most of the time both Councillors and staff address comments "through you Madame Mayor".

Not so positive comments

❑ The CAO as chief policy advisor is not as visible as we would expect. In the meetings that we reviewed, he was seldom if ever addressed by members of Council and similarly, seldom, if ever, interjected any comments. As a matter of protocol, the Mayor should ensure that any questions by members of Council are referred directly to the CAO. If the CAO wishes to pass the questions through to a senior member of his/her staff, that should be the CAO's prerogative and not that of Council. This is an acceptable protocol, given that the CAO reports to Council and not other members of administration.

❑ We believe that the CAO is expected to be the protector of his/her administration and that he/she should therefore offer his/her protection from members of Council who express direct and negative comments to individual members of his/her administration. It is our view that the role of a CAO is to step in quickly and request that members of Council address any questions to him. Such behaviour by members of Council is inexcusable and should not be tolerated by either the Mayor or the CAO.

❑ When given leave to ask questions, Councillors appear free to ask an unlimited number. In one instance detailed questioning went on for 40 minutes when it appeared that a number of the issues could have been addressed in a different forum e.g. a committee.

❑ By allowing some Councillors to dominate the debate, and by not encouraging other Councillors to participate, the Mayor made no attempt to ensure that there was equal opportunity for participation by all Council members.

❑ Council packages accompanying the agenda do not appear to have sequential page numbers at the bottom of each agenda item, leaving members of Council to scramble

through papers, ask their colleague for help in finding the right item, and refer to pages as "page 6 of 8 in this report" while waving it for Council and staff to see. This appears to be both a time-waster and frustrating.

❑ Councillors presented motions that referred to "Clause 1 and 2 of the report" or Clause 3 of the recommendations from PET" without reading out those recommendations thus making it very difficult for the public to determine what has been approved.

❑ Council acted as if it was giving direction to the staff members making the presentation, even when the Commissioners had clarified some answers. There was little sense of protocol followed in terms of who actually reports to Council.

❑ During one Council meeting, Council spent 3.5 hours on planning issues and 50 minutes on everything else. During the fifty minute period, along with other business, 21 bylaws were given 1st and 2nd readings (one motion, 21 bylaws) and 3rd reading (one motion, 21 bylaws), with only the number and title of the bylaw given.

❑ At the October 4, 2004 Council meeting, Council spent 70 minutes discussing and amending a "City of Guelph Response to Places to Grow, Better Choices, Brighter Future" report that was supposed to have been submitted by Council to the Province of Ontario by September 24th 2004. We understand that Council expressed considerable concern with regard to the fact that the deadline had passed 11 days earlier and that the administration had sent in a draft report by the deadline without the approval of Council. Council was concerned about the submission date and, as a result, Council passed a motion which stated that no staff submissions or reports should be made to any level of government without the prior approval of Council.

Our Observations Re: Placing Matters on the Agenda

The ability of a member of Council to place an item on the Council agenda is a challenging matter. While the administration are quite able to move items forward from departments to the Council agenda, the Council members themselves are not so fortunate. As a result, some members have used the "Notice of Motion" route while others exercise their degree of influence to good effect and may be able from time to time to have a standing committee address the matter.

This is a matter of some frustration given that the elected Council members are expected to lead. With a professional Clerk's department it is likely that they could review this matter and find suitable mechanisms that may have been tried elsewhere, or a less restrictive approach as detailed by the Procedural Bylaw.

Our Observations Re: Roles at Committees

Council operates with three standing committees: Finance and Administration, Community Service and Planning, Environment and Transportation. The PET Committee meets twice monthly while the other two committees generally meet once monthly or at the call of the chair. They consist of five members as appointed by Council. These appointments are re-visited annually by Council.

The three committees are referenced in the Consolidated Procedural By-law (By-law Number (1996)-15200) as follows:

COMMUNITY SERVICE COMMITTEE

30. (1)   The duties of the Community Services Committee shall be to study and report to Council on all matters relating to, but not limited to, the following:

   (a)   recreation services including facilities, parks, policy, programs and sports groups;

   (b)   allocation of grant money to the various community group organizations;

   (c)   cultural matters including museums, library operations, seniors centre as well as the civic centre, and their building, nominating committee and Board of Directors

   (d)   external liaison with school boards, university and local boards and commissions;

   (e)   matters relating to lotteries; and

   (f)   social services, as the members of the committee are City representatives on the Joint Social Services Board.

FINANCE AND ADMINISTRATION COMMITTEE

   (2) The duties of the Finance and Administration Committee shall be to study and report on all matters relating to, but not limited to, the following:

(a)   expenditures, revenues and investments of the Corporation;

(b)   matters relating to proposed capital expenditures which may involve the issuance of debentures;

(c)   matters relating to the sale and leasing of Corporation-owned property;

(d)   matters relating to administrative policy of by-laws;

(e)   matters relating to human resources, including equity groups, working with bargaining units and the development of policy;

(f)   matters relating to health, general public safety and insurance;

(g)   matters relating to protection including fire service, and protection of persons and property; and

(h)   matters relating to animal control.

PLANNING, ENVIRONMENT & TRANSPORTATION COMMITTEE

(3) The duties of the Planning, Environment & Transportation Committee shall be to study and report on all matters relating to, but not limited to, the following:

(a)   matters relating to public works, including the design and development of services;

(b)   waste management, water pollution control and water distribution;

(c)   addressing traffic, crosswalks, signalization of street lights, on street and off street parking, parking meters and parking lots;

(d)   matters relating to transit services and facilities including the mobility services and bus shelters;

(e)   matters relating to environmental studies, establishment of policy and protection of environmental features and control;

(f)   matters relating to planning policy including housing, land use, growth and heritage properties; and

(g)   construction and repair of sidewalks, curbs, pavement, sewers and watermains, lanes, alleys and street signs.

We noted that these mandates may not be consistent with material currently being directed to these committees, and we noted that there were instances when matters before one committee were questioned as to the rationale for appearing there as opposed to at

another committee. Our comments in another section of this report offer suggestions on dealing with this issue.

Guelph's procedural by-law applies to meetings of all Standing Committees, just as it does to Council meetings. Committee members have a duty and responsibility to maintain the same level of courtesy and decorum at Committee meetings as is required at Council meetings. Your procedural by-law requires that Committees extend the same rights, privileges and responsibilities to presenters and delegations as Council does.

Committee meetings are the venue for detailed examination of issues and proposals. They are the forums for suggesting and vetting of policy alternatives and options though which issues can be resolved. They are the primary venue through which various interests can present their positions in a less formal setting. The discussion of various points of view and both seeking and offering of staff viewpoints is expected and preferred in the committee setting.

The Chair of a Standing Committee is responsible for conducting the meeting. All members of the committee have a responsibility to assist the Chair in that regard. All Councillors who choose to attend to observe, participate or both, have a similar duty. Our comments about role and responsibility at Council apply equally to committee meetings.

We provide the following point form comments based on what we have observed:

❑ Members of staff are engaged by Councillors in discussion and there is often a free-wheeling exchange of information – sometimes with two or three conversations going on at the same time.

❑ Some useful questions were asked of the administration which reflected that the members were focused on the matter at hand and had read their materials.

❑ Councillors have been observed speaking to staff on a first name basis and with respect and civility. However, we also observed accusatory questioning and uncivil challenges to staff. We observed mean-spirited debate tinged with sarcasm and put-downs of fellow members of Council. This is not acceptable behaviour at any meeting. Neither the Chair nor the Committee should accept such behaviour.

❑ The number of staff at a committee meeting may be excessive. In one instance, there were eight staff members present.

❑ Shaping committee recommendations requires co-operation and a focus on the best interests of the entire community. Members of staff who prepare, present and defend reports are competent professionals. Their recommendations are based on the staff perspective of the best interests of the community. When your perspective differs from theirs, the elected majority always carries the day. There is no need to challenge and harass staff, members of the public or each other.

❑ Each of the chairs of committees needs to make sure that those in attendance can hear what is being said.

❑ Each issue on the agenda of a committee meeting needs to have the background dossier (or Request for Decision) attached. In at least one significant instance, the only report to the members was an oral one. Any items that are not accompanied by an RFD should be immediately tabled.

❑ We again urge all Councillors to focus on issue at hand. Begin every debate with a duly moved and seconded motion. If nothing else that serves to focus debate. Speak to the motion, not to, or about the previous speaker, the author or anyone else. Ask questions for additional information, or for clarification – not some other reason. Listen to the debate, consider the viewpoints expressed by your colleagues, and vote in the best interests of the entire community.

Our Observations Re: Committee of the Whole

There is no specific reference in Council's procedural by-law reflecting the types of items that are to be considered by committee of the whole. During our interviews, we were apprised of the fact that Councillors and staff find the committee of the whole approach to the budget process to be helpful. Senior staff advised that items of major importance or significant in complexity are discussed in committee of the whole – the sports and entertainment centre being an example.

In Guelph, all reports from Council's standing committees are considered in committee of the whole, as are proposed by-laws (during first and second reading). In addition, items lifted from the consent agenda are referred to committee of the whole.

Based on our observations contained herein and the changes recommended to Council for their approval, the City may need to update its procedural by-law. During that review, it

would be appropriate to consider including a clear set of guidelines in that by-law outlining matters that should/must be placed before committee of the whole. Some examples include the aforementioned operating and capital budgets, hearings under the planning act, all matters relating to licensing, and amendments to council's rates and fees by-law/policies.

Our Observations Re: Council Chambers

The Council Chamber is a forum for decision-making. When it is set up in a way that maximizes the Council's ability to see each other and the Mayor, the delegation and the audience, it provides optimum opportunity for effective decision-making. The current arrangements do little to facilitate discussion, and, indeed, appear to us to inhibit any attempt to enable Council to view each other as colleagues and as respectful of each other and of the public delegations.

5.2.2 Conclusions

1. The current system of decision-making is convoluted and inadequate.
2. The system does not ensure that Council is fully effective and involved adequately in making governance decisions.
3. The lack of specific guidance to standing committees results in each of them being operated in somewhat different ways with a different view of their powers.
4. While standing committees are expected to function in a more informal vein than a regular meeting of Council, decorum is still important. The rules of procedure that govern these meetings needs to be clarified.
5. The contact with Council at Committees and Council meetings should be through the CAO and Department Heads, and not managers. Managers should only be called upon as needed by either the CAO or members of senior management.
6. The design of the Council Chambers is inadequate and contributes to some of Council's problems in communication. The Chambers should be reviewed by an indoor space planner (or someone with a practical eye) and re-designed to open Council to its audience.

7. The seating arrangements in Chambers adds to the sense of a split and ought to be changed immediately, even if seating numbers are placed in a hat and councillors draw seating assignments by lot.

8. Council appears to be a processing body for the administration. By involving Council in endless planning discussions (some of them with very little value or substance), Council has little time to deal with governance issues. This does not appear to be deliberate and in fact the administration will be bringing forward a report to separate Statutory Planning Act Public Meetings from regular meetings of Council.

9. Council needs to ensure that the motions being addressed by Council are clear to the public; the use of a laptop to record minutes and present motions on the projection screen is a very typical tool for Councils in meeting this need.

10. Current debate and question procedures allow some Councillors to dominate the floor. The Mayor should ask for Councillors to present one question at a time, rotating around the table for other questions from Councillors, or a similar system that provides equal opportunity to all Councillors. Council may need to consider a limit on the number of questions asked by any one Councillor on any resolution.

11. Council members need to be encouraged to discuss and debate issues on topics unrelated to their standing committee or areas of interest. That is, all Council members should be encouraged to ask questions of the CAO pertaining to finance or the environment based on the reports presented.

12. Council should be expected to hold administration accountable when major policy documents like the "City of Guelph Response to Places to Grow, Better Choices, Brighter Future" report are not submitted to Council for review prior to their submission to the Province. This was described as an important policy document and thus all members of Council need to have their opportunity to express any concerns or support for what is being proposed.

13. While issues had been previously discussed at a standing committee, it was clear that similar questions were being repeated at the Council meeting. It is apparent that not all options discussed by the committee were made available to Council thereby relegating the importance of the full Council as a decision-making body.

14. If Council set aside one date for non-planning issues, and another date for Council planning related issues, Council could better maximize its time and attention to non-planning issues. This would require that Council spend more time in Council as a full Council, and therefore a more comprehensive public advisory committee system might be useful in providing input on specific policy issues.

5.3   Confidence of Council in Senior Management

5.3.1   Our Observations

One of the most frequent observations made by members of Council, the public and the administration was the perceived lack of confidence by some members of Council in the performance of members of senior management (we use this description as a broad reference to the three senior administrative levels while recognizing that certain of these people enjoy the support of virtually everyone on Council). This lack of confidence, some suggest, was evident during the last term of office as well but to a much lesser extent. Confidence impacts:

➢ The respect shown to one another

➢ The quality of reports and the certainty of proposed actions

➢ The promptness by which decisions are acted upon

➢ Interpersonal relationships

➢ Faith in the advice being presented

➢ Frequency of deferral of reports in order to find more information.

This issue of confidence plays such a significant role in how a Council functions that it needs to be identified and dealt with by Council as quickly and appropriately as possible. To carry on while ignoring it would simply add tension to an already stressful environment. Confidence is based on a variety of factors but particularly here relate to:

➢ The suspicion that certain members of senior management were overly supportive to members of the former Council

> The view that administrative reports were overly influenced by either individual members of Council or by a prevailing philosophy that the senior management was unwilling to oppose

> The opinion of some members that Council may not always have received sufficient in-depth briefing on significant decisions

> The observation that reports which emanate from the senior management may not be complete in terms of ensuring that Council is aware of all of the available policy-related information

This confidence issue also impacts the Council in terms of their relationship to senior management and, further, to the rest of the organization. Because of what have been reported as rude and demeaning remarks made towards staff by members of Council, the management also has a healthy distrust of some members of Council. Some perceive that certain Councillors are too involved in micro-management and may have personal agendas that run counter to any sense of mutual trust. On the other hand there is substantial informal personal contact with between some Councillors and senior management as well as staff who report to senior management. Some of this is borne out of concern that some members of Council are at City Hall quite frequently "visiting" various staff resulting in their colleagues questioning the nature and purpose of the visits. While these may be on mundane matters that require clarification, it is unlikely that many such concerns could not simply be forwarded via e-mail or personal phone calls.

The question of confidence in senior management also directly impacts the work of the other management employees as well. Departmental staff members rely on the ability of their supervisors to positively impact Council decision-making. They draft reports based on what their senior officers believe need to be presented to Council and in a format as directed. Where there is an obvious lack of confidence expressed through comments (public or otherwise), it has been our experience that departments will either reduce the flow of information to a Council or may present reports that are deliberately aimed at the agendas of the most vocal members of Council. Such a response or mindset does little to advance the best interests of the community.

Members of the administration in general perceived a definite lack of leadership from Council in terms of what it wanted to achieve. Council appears divided and individual campaign platforms and individual agendas seem to be of greater significance than a common agenda. Council has apparently disregarded existing decisions (approved by the previous Council) without replacing these matters with new policy.

This Council must learn to be more constructive in their relationships with each other, senior management, the public, and special purpose bodies (e.g. agencies, boards and commissions) in order to become more effective. If confidence cannot be restored, then steps must be taken to deal with those situations in a prompt, professional manner.

5.3.2   Conclusions

1. The issue of confidence in the senior management has been negatively impacting much of what this Council does in terms of decision-making and relationship building.

2. Some members of Council are mistrustful of the information provided to them in management reports and do not feel that they are complete and unbiased.

3. The lack of confidence results in a number of negative effects on the organization including a reduction in respect between members of the senior management and their direct reports.

4. The lack of confidence reduces productivity and effectiveness within the City's workforce.

5.4   Impact of the Orientation Process

5.4.1   Our Observations

Last fall saw the election of a new Council with four new Councillors and a new Mayor who was also brand new to Council. According to virtually everyone we spoke with, the results of the election were not readily predictable until perhaps at the last moment and were certainly a surprise to many members of the former Council, only some of whom were re-elected to this Council. This degree of surprise may have been a determinant of the lack of

preparation for change given that the senior management team expressed that they had not thought there would be such a significant turnover and were not certain as to how to respond.

To their credit, the senior management and administration scheduled a three (3) day orientation for the new members of Council. This was coordinated through the office of the City Clerk. The Clerk's office:

❑ Developed an orientation manual and circulated this to each department for their input.

❑ New materials were requested to be inserted and each department was asked by the Clerk's department how much time they needed to do an effective presentation.

❑ While the sessions were focused towards the new members of Council, all members were invited.

❑ In advance of any general orientation, the City Administrator and Clerk conducted special briefings for the Mayor.

❑ A general orientation for all Councillors was provided by the CAO and Clerk's office. Each Department Head briefed Council on their program area and services. In large departments, the second line directors and, in some cases, the third line managers gave short, power-point presentations as well. In almost all cases the third line managers were at least involved in drafting the presentations.

❑ As well the City Solicitor outlined to Council some legal issues, i.e. conflict of interest and highlights of the Municipal Act.

❑ Special briefing sessions were conducted on specific key topical areas such as the budget, big box issue, litigation, legislation, procedural bylaw, standing committees.

The style of having so many directors/ managers involved in Council presentations, while useful from a training/exposure point of view, was viewed by most as quite time consuming and without much focus. The involvement of so many people appears to have reduced this prime opportunity for senior management to show effective organizational and policy leadership. In the instance of Environment and Transportation, the managers handled the actual presentations whereas the Commissioner and Directors were present and available for questioning. The Commissioner and Director also met with the Mayor to brief her on water and waste issues.

According to those present, there was limited feedback from those in attendance other than appreciation for the work that went into the presentations. The administration did not generally view this as a very successful event in that it was poorly attended by returning members of Council and not a great deal of interest was shown at the meeting.

Orientation of Council was primarily an administrative exercise; no emphasis or training on the real role of a Council—governance.

Some members report the sense of being led in the direction preferred by the administration; staff spoke largely to "expansion packages". Orientation takes time. May have to be done in smaller bits just prior to a regular Council meeting. There is only so much that can be absorbed in one session.

5.4.2   Conclusions

1. The City of Guelph should develop a clear policy statement vis-à-vis Council orientations that places a very strong emphasis on the need to hold an independently-facilitated orientation for every new Council within 14 days of any municipal election, and prior to the assignment of members of Council to committees, agencies, boards and commissions.

2. The focus of such orientations should be placed on the Council's role as governors and not on the functions of management. Clarity of roles should be the principal aim of this session such that every member of Council is clear as to their legislated requirements and those of the senior management, and the problems created when role distinctions are unnecessarily blurred. A new Council also needs to be fully briefed on the key policies of the City particularly as they impact outstanding issues.

3. The secondary aspect of such a session should be a familiarization of all Council with the key issues facing the City.

4. Any attempt to familiarize the Council with the structure of the organization and their principal responsibilities should be directly chaired by the CAO with the senior management team in a supportive role. Such sessions pertaining to key City service functions could be spread over several days or as special sessions just prior to meetings of Council. The intent herein should be the orientation of Council to the

current services and not as an effort to co-opt Council into supporting favoured projects still to come before Council.

5. A retreat or workshop is needed on an annual basis to review the key issues that require legislative leadership, to renew the commitment to work together, and design Council's approach to strategy.

5.5   Priority-Setting

5.5.1   Our Observations

Every election that produces even one new member of Council reflects change. It is thus incumbent upon the incoming Council to discuss what the change meant and what they believe the message of the voters was intended to be.

As a part of such a discussion, a Council needs to determine what their priorities are for the coming fiscal year. Given the short time frame between the election and the new budget (and calendar) year, at least an initial session should be held to review ideas for the new term and what immediate changes might be opportune. Without a preliminary session involving all members of Council and the senior administration around key priorities and Council's philosophy regarding services and tax increases, the proposals of the senior management are most likely to be a continuation of the prior Council's direction. In the absence of such a session, the administration will continue to plan their projects and priorities for the coming year and will present those to the Council as a part of any new budget. Without the guidance of the Council, the best the administration can be expected to do is to guess at what they have been hearing and project accordingly. Again, in the absence of Council's leadership to the strategic plan, the members of Council will be left struggling to identify changes that they want to an already crafted budget.

We note that through the leadership of the senior management group, the administrative business planning process is taking shape. All departments are engaged in business planning through a process at the staff level and coordinated by those so delegated by the senior management group. This process, however, is considerably impacted and inhibited by its lack of connection to the political process, as Council has not identified its goals and

priorities for the City and by the absence of an Administrative Framework that should be developed by the senior management group.

Council needs to take a far more proactive approach to issues management in order to influence the future directions of the City. In the absence of such direction, the City's administration will continue to make decisions as they deem necessary and which they hope will be in concert with subsequent guidance by Council. This Council needs to expect that its senior management group will identify the current policy issues and bring each to Council for its approval.

We heard concerns voiced to us relative to:

➤ The need for a comprehensive review of major facility and space needs and their costs e.g. City Hall space, library requirements

➤ The approach to waste management issues, including dealing with a major lawsuit, and a new three stream recycling program

➤ Council's influence over the budget process

➤ The City's ability to pay for ongoing increases in taxation

➤ The lack of capital resources especially for infrastructure needs

➤ Growth management issues, with particular reference to limited ground water resources, in an area of growth pressure

➤ The lack of awareness to the Provincial direction to growth as it pertains to Guelph and its neighbours

➤ Organizational changes including the current Commissioner model

➤ Staff training requirements.

There was apparently no agreement by members of Council during the orientation of new members of Council nor the days following about a Council members retreat session to discuss their agenda, their issues and their approach to this term. The previous Council reportedly held such a retreat session. The senior management did, however, present a series of powerpoint orientation presentations relative to the perceived key issues (and departmental perspectives).

It is worthwhile to note that at an early meeting between the Mayor and chairs of the standing committees that several key issues were discussed and areas of progress or status updates were noted. These discussions included such topics as: development charges, operating and capital budgets, amendments of the Official Plan, library relocation, administration building, municipal court relocation, ward system, Provincial Green Law, Audit of NuStadia, senior staff hiring, affordable housing, relationships with the County, and other issues. It seems to us that this start at gathering at least some degree of consensus should have been useful in either moving towards a full discussion by all of Council or at least having all of these issues brought back before Council for resolution. This mechanism for communication appears to have been set-aside for reasons, which are not clear to us. Unfortunately, little if anything has taken its place.

This Council, to its credit, did specify to the senior management that it expected to see various budget scenarios including one that reflected a zero percent municipal increase in taxes. Such a request was not responded to in any way by the senior management who brought in a budget at 6.9%. Members of Council have expressed major concern with this response and felt that their administration would be more supportive of the desire by the current Council for a broader range of options, including the one that they felt would address the question of "what if we froze spending at current levels?" The response to this request was reportedly one of the issues that we have had expressed to us a "driver" for this Corporate Review.

The senior management recommended a strategic planning session to Council and this idea was acted upon positively in July 2004. With the help of an expert facilitator, the Council began the process of discussing the importance of strategic planning and its impact on the City.

The agenda included such topics as:

- o Objectives
- o Update on related administrative actions to date
- o Review of processes of senior management
- o Previous statements of Vision and Mission 9developed by the 1997-2000) Council

- o An overview of current and recent strategic studies and plans

- o A recommended approach to developing a community-based strategic plan

- o A recommended timeframe

It was suggested to us that there would be a follow-up session with the facilitator subsequent to the presentation of this Report. We wholeheartedly endorsed that approach and believe that with the Council as a whole in attendance, and a blank slate before them (given that this is a new Council and a new term), a useful corporate plan should emerge.

The senior management should then be expected to produce the "legs" to such a Council-driven plan by developing its programs and projects in support of the Council's plan. Further, the senior management might then be expected to engage the rest of their administration in the development of an administrative corporate plan. From that document and Council's overarching Plan, a series of Council-led departmental business plans might emerge.

At the present time, the senior management has engaged the administration in the development of a series of departmental business plans (planned completion by June 30th 2004), which are to guide their work for the next three years. In some instances, work has begun on developing detailed tasks to support these broader plans, which in turn will be useful in guiding the administrative budget process.

Surrounding the work of the City Council in providing its leadership to a Guelph Community Strategic Plan is the role played by the Province of Ontario and its broad responsibilities to provide leadership to its vision for the future. This has resulted in a discussion paper being released by the Province "Places to Grow: Better Choices, Brighter Future-A Growth Plan for the Greater Golden Horseshoe". Given the implications of such an initiative by the Province, the need for cohesive leadership by this Council becomes even more paramount. The Province will develop its plans with or without the input of the Council of Guelph.

5.5.2   Conclusions

1. Council has not been able to agree on the need to set aside time to discuss what its members see as the key priorities facing the City. Partly, this was due to the

perceived need to address certain outstanding issues or to seek the reversal of pending issues put forward by the previous Council.

2. In the absence of such planning by Council as the governing body, issues have been discussed without any framework. This is not to say that no progress has been made as decisions have still been made by this Council, albeit without the context that a thorough strategic planning framework would provide.

3. Council needs to move forward with its strategic planning making use of an experienced and external facilitator. The priorities of the City need to emanate from this Council.

5.6 Policy Leadership

5.6.1 Our Observations

One of the central functions of any Council is to provide strategic leadership to the policy questions facing the City. While most of these issues will be new and will impact future choices, there may also be some that previous Councils approved that may no longer appear, in the minds of the present Council, to be appropriate. A number of such issues were brought to our attention albeit without a strong indication as to whether or not these were reflective of the will of the current Council or simply outstanding issues that will need to be addressed.

It is our observation that Council seldom discusses or debates current or proposed policies. We have reviewed a number of Council agendas and minutes and have found limited reference to the creation of new Council policy or the refinement of existing policies. The policies that were presented appear in differing formats and, as a result, lack sufficient clarity to adequately guide members of Council.

Given that this Council obviously reflects a change in the perspectives of the public who voted in the last municipal election, one would think that there would be considerable focus placed on the need for briefing Council as to its governance policies. Further, there should be some onus on the administration to bring before Council a briefing on key governance policies that exist today and a process established wherein members of Council would be

asked to provide their insights as to which policies are to be reviewed, rescinded or amended.

The practice of pre-assigning the readings of bylaws and the motions expected of Council should be abandoned. This is reflective of leading Council to conclusions and decisions that they may not support but which have their names already attached. Members of Council should be provided with recommendations. If they agree to the content, there should not be any problem in gathering the support of someone to move the motion or to give first reading to the bylaw. While the administrative practice currently may be one of trying to expedite the business of Council or to spread around the use of Councillors' names throughout the formal Council proceedings, the Mayor and Clerk should be able to ensure that their attention is continually on Council as a whole and not specific members. Where a member is chair of a committee or the representative on a particular board or committee, they should be consulted as to their agreement to have their name placed by the Mayor before the rest of Council as the mover of the resolution.

The Chair, or in the absence of the Chair a member, of the Committee must have the opportunity to put the recommendations of the Committee on the floor of Council. This is a new process suggested by Council, and should work reasonably well. It shows respect for the Committee's work and, other members of Council know what they have to do to amend it as well. However, we never suggest who we think will make a motion.

5.6.2   Conclusions

1. As the governing body on behalf of the citizens of Guelph, Council must be engaged in the review of current policies and the development of new policies.

2. There appears to be limited focus by Council as to its policy obligations and more focus on the individual decisions as noted on each agenda.

3. The development of one consistent format for the presentation of policies to Council would assist this and any Council to understand this aspect of its governance functions.

4. The creation of an ad hoc Council Committee on Governance Policies would be of benefit to the City. A five person committee of Council members supported by the CAO and the Clerk would result in Council better understanding current governance

policies and perhaps the need for either policy refinement or new policy development.

5.7 Access to Information

5.7.1 Our Observations

During the course of our Review, we were repeatedly advised by a cross-section of Council members and members of the senior management and administration that Council does not always receive the information it needs to make quality decisions. We were advised (both by members of Council and the administration) that a more comprehensive description of the key issues may be a part of submissions from departmental staff only to find that the final report to Council contained a more abbreviated content.

This Council (and every Council) needs the best and most complete information available on which to make critical decisions. It does not need extensive background materials that often cloud the real issues and encourage Councillors to focus their time and energies on the details. Rather, the Council should expect to receive what we describe as a "Request for Decision" that contains all of the information in a comprehensive yet succinct format that enables an informed decision to be made.

The senior management team should err on the side of too much information rather than too little. If there are question marks for them in their team meeting, the Council should be privy to what those questions are. If the best decision is one to defer consideration, then that should be the advice. If there is the potential of a significant lawsuit because due diligence or reasonable consideration has yet to be shown, then the administrative response would likely be to urge a delay in any Council decision. If the matter at hand is not covered by Council's written policy, and it is not either legislated or specified as a prerogative of the chief administrative officer (City Administrator), then the administration cannot proceed to take action.

This Council is within its rights and responsibilities to pose the question: "does this report contain all of the available information that we require to make an informed decision?" It may be that what is lacking is simply an appropriate forum to outline the issues in more

detail for Council's consideration. Presumably, this would be within the expectations of a committee of Council but that may not always be the case.

Throughout the course of our interviews with the members of Council, public and the administration, the issue of Council's access to information was discussed and identified as a significant concern. The two principal concerns related to: the timeliness of Council's access to information on the issues; and, secondly, the depth of the administrative advice and whether or not the information being presented was complete. These concerns are seldom if ever voiced in an organization wherein there is:

- o An administration that understands its primary tasks

- o A Council that has clearly identified the fact that it expects to be briefed in a thorough, apolitical and unbiased fashion

- o A sense of repercussions if the information presented is deliberately slanted

- o A high level of trust between members of Council

- o A high level of trust between the Council and its principal advisor, the CAO

Various members of senior staff who spoke with us indicated their concern vis-à-vis the number of reports that had been presented to Council that were not comprehensive nor balanced in nature. There has been a growing degree of politicization of the administration that reflects poorly on the Council-Administrative interface and which will result in members of Council probing reports to an unnecessary degree simply because of their sense that key information has been withheld.

5.7.2   Conclusions

1. The high degree of mistrust as to the veracity and completeness of information and advice from the administration reflects poorly on the organization and appears to be well known to most of the elected and administrative officials (as well as to various members of the public).

2. The basis of any Council decision-making is its sense of confidence in the information being presented.

3. Any reports from the administration must be directed to the CAO for his/her review prior to presentation to Council. His/her signature should be on each and every RFD

(Request for Decision) to Council as verification that the advice contained therein is comprehensive, with clear and reasonable options and apolitical in nature.

5.8   Relationship to the Public

5.8.1   Our Observations

The City of Guelph is blessed with a very informed public who see local government as a civic duty and as an area of some interest. Meetings are generally well attended and briefs and presentations are frequently the order of the day. In fact, the Council devotes a considerable degree of time to hearing such presentations prior to considering a motion on the issue.

There is genuine concern vis-à-vis who actually constitutes the "public". Some members of Council comment that the people who attend Council meetings tend to reflect a particular point of view that may not be, in the opinion of some Councillors, the majority opinion. It is their contention that the majority view is reflected by those who have voted for the Council of the day and who stay at home confident or at least hopeful that the Council got the message during the election and will govern accordingly.

There is also a well-articulated view on Council that the public in attendance at Council meetings does reflect a considerable portion of the community and deserves the full and balanced attention of Council members. They argue that every citizen, regardless of whether or not their views are likely either well known in advance or readily predictable, should be accorded the full attention of Council as a show of respect. They also argue that such views reflect the informed citizens of Guelph and that those who are not represented in the gallery would likely support such views if they were equally well informed.

Regardless of what point of view is correct, Council members are not acting responsibly by either ignoring the public's presentations, showing visible signs of irritation or making demeaning comments. More maturity and respect should be expected of all members of Council, regardless of their point of view or public service philosophy.

Further, Council and members of the administration alike should be showing all members of the public due courtesy by responding to all forms of correspondence in a timely manner. The City's "Guidelines for Public Involvement" do provide guidance in this regard.

Agencies, Boards and Committees

A further matter that impacts Council's access to community input and adds to the breadth of inputs that a Council receives is that of Council appointments to various agencies, boards and committees.

There are several key issues here:

1. What agencies, boards and committees (ABCs) should the City appoint one or more of its members to and for what reason?

2. Which ABCs add value to the business of the City?

3. What is the cost to the City in terms of a continued relationship with one or more ABCs?

4. What impact does any one or all of the ABCs have on the City's staff resources?

5. Do any of the ABCs have the authority to direct City staff or are the staff simply there as advisors?

6. How often should the City be reviewing its ABCs and on the basis of what criteria?

7. Could one or more of the ABCs be combined thereby saving time, funding and reducing the requirements for Council members to attend such bodies?

It is our view, based on the feedback provided during our interviews, that the City needs to review its ABCs on an ongoing basis and determine which offer real value to the City and require a City "presence" and which can function on their own and may only need to meet with Council once annually.

Further, there is considerable concern by Councillors as to why the process for making these appointments is so long, laborious and fractious. If there was a policy in place vis-à-vis rotation of all Council members on an annual basis, then the Clerk's office could be charged with handling the matter rather than witnessing the painful process of Council members nominating each other for various committees and voting on each on the basis of what criteria (i.e. 93 resolutions on appointments to ABCs over the course of one week and two meetings, December 2003).

There may be considerable advantage in requesting the Mayor to recommend a schedule of appointments reflecting rotation, balance and preference. Council members are not

expected to become expert through serving on any of these bodies but, rather, to act as a liaison (not advocate) as a Council representative.

The Public Library Service

The City of Guelph has an excellent library service provided through the Guelph Public Library Board. Its librarian is the longest serving in the Province (since 1967) while the library itself has been a part of the Guelph community since 1882. The citizens really support the library services and the use per capita is one of the highest in Canada.

The Librarian reports directly to the Library Board as stipulated under the Public Libraries Act. The Board of nine members has one Councillor appointed with City policy limiting board member appointments to 10 years. The board is very involved in the affairs of the library and meets at least ten times a year with additional meetings if necessary. The board has prepared a strategic plan and the staff are involved in developing their own business (action) plans.

The library service operates out of three branches and a bookmobile, with space needs (particularly for the core collection) considered to be one of the very significant issues facing the library. The board sees this as a "once in a lifetime opportunity" and thus is prepared to wait if that means that when a new building is constructed it will be done right.

There are not any required meetings with Council although the librarian reports that the board meets with Council several times each year typically around budget issues. Minutes of board meetings are regularly sent to City Hall. The library's most regular contacts tend to be with human resources, labour relations and payroll as well as finance. The library staff members are considered a part of the City for payroll and compensation issues.

Guelph Police Services Board

The Guelph Police Services operates within the authority of the Police Services Act the City of Guelph bylaw 116(2003) by which the rules and procedures for governing meetings is established. The Board of five members (two as appointments by the Lieutenant Governor in Council, two as Council appointments and one citizen at large. The Board meets the third Thursday of each month with its sub-committees meeting as necessary.

The Police Services consist of 173 uniformed personnel and 59 civilians. Approximately 87% of the Police Services budget is for personnel costs. Although the type of policing issues found in Guelph are far different than those impacting the major centres, the force reports that they had 100,000 contacts last year and only 14 complaints. With the City's population rising, the Police Services reports that they had an increase of 21.5% in calls over the 1998-2002 timeframe with a 29% km increase over that same period.

The key issue facing the Police Services was described as the enforcement of law and order in the downtown. With the University of Guelph in session for much of the year, the City faces a significant influx of young people who mingle in the downtown area particularly on weekends. While the City feels blessed to have the University, it also recognizes that this too comes with some stress and strain on City resources. The Police Services also report other challenges as: increase in violent crime, drug related crime, alcohol-related issues and motor vehicle enforcement.

The relationship between the City and the Police Services was described as largely positive with the City having the authority to cut its budget (which can be appealed to the Ontario Civilian Commission on Police Services). The Police Services reports that the Council has been fair with them and recognizes the importance of a safe community. The Chief meets with various departments as necessary and attends management meetings as he is able.

The Service places considerable emphasis on neighbourhood policing and has incorporated that as its main corporate goal in its 2004-06 Business Plan.

Guelph Museums Board of Management

The Museums Board operates under the authority of Bylaw (1983)-11223 which amalgamated the existing Board of Management with the Colonel John McCrae Birthplace Society. The main functions of the museum are: collections, education, exhibitions, and research.

There are nine members on the Board with one being an appointee of Council. The other members are derived from citizens expressing an interest and applying for Board membership through the office of the City Clerk. The Board meets on a monthly basis throughout the year with meetings held on an as needed basis during the summer.

At present there are six full time staff working under the direction of the Museums Director. These full-time staff are also complemented by part-time staff working throughout the weekends. As well, the Museums Board relies on an extensive volunteer network who have made a significant contribution to the functions of the Museums.

The Museums Board receives funding from three principal sources: a City grant of $528,900 (2004); a Provincial grant of $32,000 (2004); and volunteer fundraising (varies annually). Its work has been recognized through an Award of Excellence presented by the Ontario Historical Society and an Award of Merit from the Ontario Museum Association for the development of their website. As well, and concurrent with this study, the Museums Board will see the John McCrae House designated as a National Historic Site (November 2004).

Based on our interview and the review of the literature, we believe that the Museums Board provides a well-organized and highly-regarded service to the citizens of Guelph. The Board has a mission statement, vision statement, clearly defined organization and a broad outline of strategic directions. Its policy manual is as good a manual for a non-profit organization as we have seen in over 300 similar reviews across Canada. (Our terms of reference did not require or expect us to review the practices of the boards and committees. And while it is possible to be well organized on paper and not function that way in reality, we did not sense that this would be the case).

The Museums Board has been reviewing the need for additional space to house an ever-growing collection and to respond to the demands of a growing Guelph population. While the plans and aspirations of the Museum were subject of the much publicized meeting of the Community Services Committee, the misunderstandings apparent then should not be allowed to detract from the right of the Board to make representation to Council vis-à-vis their space requirements. Council will inevitably have to discuss the overall space needs of its related boards and committees and determine how best to plan for their needs while keeping in mind the fiscal realities of the City. It should be possible to find appropriate and timely ways to meet the needs of City Hall, the Library and the Museums through constructive discussion with the relevant parties.

5.8.2 Conclusions

1. Council members have been struggling over what constitutes the "public".

2. Due to the perceived degree of disparity between what "public" members of Council feel they are elected to represent, their reception of delegations and other forms of communication has varied considerably.

3. There should not be any distinction made by members of Council in terms of who they owe the decency of response and courteous treatment.

4. Council needs to operate within a Public Participation Protocol as to how it responds to any delegation; how it responds to e-mails and telephone inquiries; and whether or not such inquiries deserve a formal response.

5. We believe that that the City needs to review its ABCs on an ongoing basis and determine which offer real value to the City and require a City "presence" and which can function on their own with limited City Council involvement.

6. The City has a number of key boards that are involved in delivering services that are very much a part of community well-being. Council needs to be aware of the value of these boards and ensure that there are appropriate policies and protocols in place to sustain these and nurture their ability to meet the needs of the City.

5.9 Decision-Making Readiness

5.9.1 Our Observations

Council meetings are effective based on a number of factors. These include:

➢ The quality of the advice received from the administration

➢ The opportunity for reflection at a pre-Council meeting, such as in a standing committee

➢ The opportunity to hear the ideas and questions of other members of Council and the responses of the senior management

➢ The degree of preparation by members of Council in advance of any Council meetings

It is essential to the quality of decisions that the advice provided to Council be sufficiently comprehensive, focused on the key policy issues and that it address the implications of any Council decisions on the policy framework as well as the fiscal position of the City. Council should not feel the need to probe more deeply for answers that already ought to be at the table (i.e. in the agenda packages sent to Councillors in preparation for the meetings).

Many decisions are complex in nature and may affect the rights and functions of a broad cross-section of the community. Because of this, Council needs to ensure that it has had the time necessary to reflect on the implications of all of the relevant options and has determined their likely acceptance by the public. This requires time away from the spotlight of cameras and the heat of a Council meeting. It requires time to roll up the sleeves and ask the proverbial "dumb" question (that is often on the mind of others at the same meeting). The rigour of a Council meeting does not afford such time and thus such reflection needs to be planned into the decision-making sequence prior to a regular meeting of Council.

While a part of the current system inadequacies relate to how information is presented and in what depth, there is also a part that is directly impacted by individual members of Council. There is an onus on each member to do his/her homework and to be as well prepared as possible, within each individual's time limitations. Some members of Council hold down full-time employment and thus their availability for daytime meetings and for doing any additional background research is limited. (As has been pointed out not only here in Guelph but in other communities as well, often those who appear to be the best-informed are those with the most demands on their plate but who are committed to making a difference through being better prepared than others who may have more time).

The position of Councillor in the City of Guelph is not expected to be full-time, thereby enabling a broader range of people in the community to run for such a position. As a result, the pressures on members of Council who have to earn additional income to support a family are quite significant. They want to do the best job possible under the circumstances but must also face the other realities of their lives.

It is our view that any information provided to one member of Council as a result of an inquiry to a member of senior management should also be provided to all members concurrently. This will ensure that no one member has an advantage in terms of access to

information and that 12 other members do not need to request the same information individually. Further, the dissemination of administrative responses in this manner will help at least to dispel any notion that members of the administration are in selective contact with members of the Council.

On the whole, we felt that members of Council were quite conscientious in their willingness to read the agenda packages and to ask whatever other questions they saw as necessary to members of the administration prior to the meeting. While there is some degree of grandstanding through asking pertinent albeit designed to be embarrassing questions in open forum (the answers for which are readily available), we did not see this as a significant issue. The fact that this posturing exists should, however, be of concern as it does little to add to the sense of Council and the administration being viewed as members of the same team (albeit with differing responsibilities).

Our concerns with regard to decision-making readiness applies as well to the process by which items are added to the agenda. It is our view that members of Council should be entitled to recommend issues forward to the Agenda Committee for the consideration of the Mayor and, as proposed, the other two Council members who serve with the Mayor on this committee. The Preview Meeting should simply be a discussion about the items and their background and any questions that the Mayor and members of the Agenda Committee might have with respect to the proposed agenda. Further, the Agenda Committee should carefully review the matters placed on the Consent Agenda given the observation that such issues may carry far more weight than other matters which seem to consume the interest of Councillors at the regular meetings. If the matters on the Consent Agenda are intended as information for Council or routine issues then the need to open the floor to the public to questions on such issues is suspect.

5.9.2   Conclusions

1. The Council agenda package is expected to enable a member of Council to be ready for the upcoming meeting of Council. It provides useful information relative to the issues.

2. Council members seem to be quite well prepared for the meetings.

3. Information being sent to one Councillor should be sent to all concurrently.

4. Council members struggle with how they are expected to have their issues addressed by Council.

5.10   Management Practices Related to Governance Issues

5.10.1 Our Observations

There are a number of management practices that relate directly to this issue of governance. In the main, we have concentrated our focus herein on those practices that have a direct bearing on the ability of Council to set policy effectively and to ensure that its decisions are readily implemented.

In this regard, we find the following:

➤ Reports to Council are not routinely approved by the CAO; there is often no indication to Council that the CAO has authorized their consideration of the report

➤ Any report presentation to Council should be initiated by the CAO and referred as appropriate to the senior commissioner/director responsible for that portfolio

➤ Information presented to members of Council is not circulated to all members concurrently

➤ Council members have unrestricted access to members of the administration and this results in some having the potential of far more impact on the decision-making and implementation of decisions than do others; no protocols exist; while this may appear to work for some members of Council, they tend to be the most persistent, vocal ones who may inordinately impact the independence of the administration; some members of the administration report feeling pressured to comply with the agenda of a member of Council whose opinion they value but who may not reflect the apolitical advice that the administration are supposed to be delivering

➤ Given Council's "concern" vis-à-vis the degree of contact Council members including the Mayor were to have with the consultant on this project, one can understand the degree of suspicion that accompanies the unfettered access by members of Council with the administration; a lack of protocol here makes all levels of staff open to

undue influence by members of Council, many of whom are doing their best to proceed with their own agendas

➢ The messages to the public rely almost exclusively on two formal channels-the local media and the communications officer(s) attached to the administration; the absence of any political channel to communicating effectively with the public ensures that their "picture" of what is important at City Hall is very limited

➢ The methods by which members of Council attempt to get their issues onto a Council meeting are established via the City's procedural bylaw; given the concerns expressed relative to having such concerns injected into a Council meeting without advance discussion or warning limits the ability of the administration to respond in an adequate fashion

5.10.2 Conclusions

1. Management has an impact on how governance decisions are being made. While much of that is to be expected, the senior management needs to ensure that appropriate protocols are in place to ensure that the administration is not overly impacted by individual voices on Council.

2. The CAO (as we understand his bylaw and position description) is expected to be the chief advisor to the Council. This requires, in our opinion, that the CAO ensure that any advice to Council reflect his/her endorsement in writing so as to preserve the independence of his/her office and the protection of the voices from below.

3. Protocols (or policies) need to be drafted that deal with such issues as: Council's access to individual members of the administration; concurrent information flow on all Council requests for information to all other members of Council

4. Access to the public by Council is relatively limited due to the lack of any communications resources attached to the office of the Mayor.

5.11   Planning Related Issues

5.11.1 Our Observations

Planning issues are very significant in Guelph and attract considerable attention. Meeting agendas are often heavily weighted towards issues that impact planning requirements and/or affect public expectations.

The City's senior planning official was recently hired (June of 2004) and thus is only now becoming acquainted with how planning matters are expected to be handled by the administration in Guelph. As planning issues were such a significant issue during the prior terms of Council, the fact that this Council wants to make sure that the planning department is alert to their expectations of professionalism, prompt citizen responses and sensitivity to public concerns is not surprising.

Under the Planning   Act of Ontario, a municipality is required to hold at least one public meeting prior to Council making a decision on a proposed amendment to the Official Plan or to a Zoning By-law and prior to approving an application for a new plan of subdivision. Currently, in Guelph, this public meeting occurs at the end of the development application approval process.

That public meeting process begins when a Planning and Building Services Department report is prepared and is released to Council and the public on the Thursday before the Council meeting that is held on the following Monday night. Quite often, this report is the first time that some Councillors and the public become aware of all of the details and issues associated with a particular application. Staff members may have held a previous informal meeting in the respective ward with a few Councillors in attendance, including the Ward Councillors where an application is located. At this formal public meeting, planning staff present the details of the application from the city's perspective, and the applicant will also add any pertinent details. As well, delegations from the public address the public meeting and Councillors ask questions or seek clarification to learn more about the application.

 While straightforward   applications take minimal time, discussion of more complicated and/or controversial applications can be lengthy because of the questions and/or the amount of detail that is required to be explained. One or two complicated development

applications can upset an entire Council agenda. At times, issues or questions are raised that require further information that cannot be provided that night. The meeting chair needs to sense the lack of available information in such instances and seek a motion to refer the matter to a later meeting, and directing staff to compile the additional information.

Controversial issues, particularly if there is more than one on the same agenda can be draining on Council who are then required to complete the balance of the Council agenda well into the evening.

Other planning related matters including policy issues are considered by the Planning Environment and Transportation Committee, which is a Standing Committee of Council. Recommendations from this Committee are forwarded onto Council for approval in the form of a Committee Report that is presented to Council by the Committee Chair.

The Development Application Approval Process:

An official plan or zoning by-law amendment application or plan of subdivision application should be included on a Council agenda and be received for information soon after an application is received by the Planning and Building Services Department and is deemed to be complete. In this way, Council is aware of the application at the beginning of the process and will be able to field questions from the public or refer questions to staff or the applicant, as appropriate. Also, if the ward Councillors consider the application to be complicated and/or controversial they can hold informal meetings with the ratepayers to begin to work out issues between the applicant and their constituents. Depending on the issues, Planning staff can attend these meetings and offer advice on the actual planning process or planning policies.

Ontario's Planning Act requires that, prior to enacting a by-law to amend its Official Plan or its Zoning By-laws, a council must give appropriate notice and hold a meeting to receive input with respect to the amendments it is considering. Municipal Councils may delegate the responsibility for holding the hearing to a committee of council. There is no hard and fast rule as to the best approach to take. Irrespective of whether the matter is heard by Council or a committee of council, due process must be observed.

Changes to Official Plans and Zoning By-laws can be matters of significance and, by their nature, controversial. Decisions of that magnitude affect neighbourhoods and much larger

sections of the municipality. Indeed, OP amendments may signal a major change in strategic direction within a municipality, and because of infrastructure demands, carry with them significant financial commitments on the municipal treasury. They are often, not always, but often matters that result in significant citizen interest and participation. Submissions – both oral and written -- may be numerous and the time required to deal with them, significant.

The observations noted above are advanced as the rationale for directing such matters to be heard at meetings of council --- and the same points are argued in favour of placing the hearings on the agenda of a committee such as Guelph's Planning, Environment and Transportation Committee. Another approach would be to create a sub-committee of the PET Committee to hear planning matters.

Advocates of scheduling Planning Act hearing at committee level note that committees do the detail work; are populated by councillors who have an expressed interest in land use planning and more than a passing interest in and understanding of the municipality's planning by-laws. The also argue that committee hearings are less formal and less intimidating than meetings of City Council. It is, proponents say, easier to obtain clarification of matters from staff at a committee meeting as opposed to in the council meeting setting.

Advocates of having such hearings at Council argue that matters as important as land use planning are significant policy matters and that citizens and proponents deserve to be heard by the decision makers – all of them. That Council has a duty to hear its electors directly on matters of land use planning.

We noted previously that there is no hard and fast rule as to which approach is best. We would favour holding such hearings at the committee level, including the possibility of Committee of the Whole, separate from meetings of City Council, for these reasons:

- There are fewer time constraints on presentations
- Committee settings are less intimidating that council meetings (even when held in Council Chambers)
- Members of council who are interested in and knowledgeable about the municipality's planning legislation can choose to be members of the hearing panel

- There is greater flexibility in holding hearings at the committee level – time of day/evening – location (in the area of the proposed change for example)
- It removes the emotion of the hearing from the decision-making process (as the committee recommendation will be considered on a different day by city council)

When the power to hear planning matters is delegated to a committee, that committee should be comprised solely of municipal councillors. City council must avoid the potential to hold a second hearing at a council meeting, or the exercise is one of futility and duplication.

Public meetings for development applications should be held earlier in the approval process. An application can be circulated and once pertinent comments are received from departments and agencies then a Planning and Building Services Department Report outlining the application and comments can be prepared and presented to a Committee of the Whole of Council meeting who would hold   the public meeting in accordance with the requirements of the Planning   Act. These public meetings would be held separately from a Council meeting thus providing adequate time for discussion and not infringing on valuable Council meeting time. In   this way, the application is vetted earlier on in the process. At this Committee meeting, no Planning recommendation on whether the application should be approved or refused would be offered. Rather, the report would be received   for information only and forwarded onto Council "for information only". If the application raises questions or is controversial, the ward Councillors could then hold informal ward meetings to address issues.(this in effect means that there will be TWO public meetings for each development application – which I presume means all OPAs, Zoning Amendments and plans of subdivision.—you should know that, unless a big box store proposal requires a zoning amendment, there would be no public meeting at all)

After all information is gathered and questions are answered and a full Planning evaluation is completed, a Planning and Building Services Department recommendation report can be presented to a Committee of the Whole who would hear development applications at separate Committee meetings.   Presently, planning development applications are considered to be important issues and are heard by all of Council during its regular meeting. Therefore, it follows that a separate Committee of the Whole meeting to hear all development applications and also consider other planning related matters such as

planning policy issues enables all Councillors to understand and discuss planning matters at the same time. Recommendations would then be forwarded on to Council for approval. At Council, less discussion would occur since the issues would have already been vetted thoroughly by the Committee of the Whole. Another advantage to this revised process is that the public is made aware of planning issues and development applications earlier in the approval process thus enhancing public input. The public would be made to feel that they had been heard throughout the development application approval process.

Decisions on applications to amend the Official Plan and Zoning By-laws alter the quality of life in any municipality. Approving new plans of subdivision changes the face of the city forever. Interest in these matters is particularly high in Guelph. The city needs a transparent and consistent process for dealing with these matters that ensures council and the public is aware of such applications early in the process – that they have the accurate details of the application, and a chance to offer input before the administration delivers its report that comments from a professional planning perspective on the merits of the proposal. To ensure that both the applicant and the public are treated fairly and consistently, and as suggested by the City, it may be appropriate to consider amending the current procedures to include the following steps:

1. An information report summarizing the details of an OP or Zoning amendment application is placed on a Council agenda as soon after the application is received as is practical and the application is deemed to be complete.

2. A public meeting, in accordance with the requirements of the Planning Act should be held earlier in the approval process. This meeting should be held at the committee level separate from meetings of Council. A Department report outlining the details of the application, identifying issues and comments from various departments and agencies would be presented to the committee. No Planning recommendation on the application would be offered. Council could then determine whether there is need for additional information meetings to focus on particular issues.

3. After all issues are addressed, a Planning and Building Services Report containing a recommendation on the application would be presented to the committee.

4. Recommendations from the committee would be forwarded to Council for approval.

5.11.2 Conclusions

1. Under the Planning Act of Ontario, a municipality is required to hold at least one public meeting prior to Council making a decision on a proposed amendment to the Official Plan or to a Zoning By-law and prior to approving an application for a new plan of subdivision.

2. These formal public meetings should be held by Committee of the Whole on a night separate from meetings of Council. Committee of the Whole meetings to consider planning matters could replace one of the two monthly council meetings. This would ensure that Council has ample time to consider planning matters.

3. To ensure that Council has ample notice of pending planning issues, an information report summarizing details of these applications should be included in an information report placed before Council as soon as practical after the application is received.

4. A public information meeting should be scheduled shortly thereafter (as per Provincial Planning Act amendments), while comment from other departments, agencies, boards and commissions are requested. Notice of these meetings would be circulated to Council and posted on the City's web page.

SECTION SIX: A Recommended Approach to Governance

As one of the key aspects of our work, we are expected to assess the current governance model and practices which we have done, and to provide advice on changes that might provide the basis upon which a new or renewed model might emerge. In the previous chapters, we have documented a broad overview of what we think needs to change if the City Council is to assert its independence and authority with a broad base of support. Given that we are recommending herein a new approach to governance, it is evident that we believe that the present approach is flawed. We do.

While some of the problems experienced by this Council are the direct result of how members decided to treat each other (even before the term of office began), there are other system flaws in our view that make this a very difficult organization and community to govern. Without making any system changes, and even with the passage of time and the election of new people at each successive election, there would still be some of the deficiencies that we see today.

6.1 Summary of Governance Issues

Whereas we have presented our views on these issues in other sections of this Report, we summarize our sense of the deficiencies as follows:

> ➢ A presumption in the organizing of orientation sessions that Councils are expected to become familiar with how the administration does its work rather than training in how Council can become much more effective as governors

> ➢ An inadequate understanding of the role of the Chief Administrative Officer as the Council's chief policy advisor

> ➢ A Council that is not as aware as it should be relative to its responsibilities to access independent advice on the state of health of the City or the facts of the matter

relating to projects or decisions that may not have been managed appropriately from the outset

➤ A committee system that does not require regular rotation of all of its members to ensure that no one member of Council presumes that their appointment is somehow related to their professional backgrounds

➤ A committee system that affords its members time to become involved in the details of administration rather than focused solely on the policy issues that ought to be of concern to Council as a whole

➤ A business plan and budget process that are administratively-driven with budgets presented that the administration believe to be in the best interests of the municipality

➤ A newcomer to political life as chief elected official (Mayor) who, for various reasons did not feel she could trust those who should have been her close advisors; who therefore struggled in the role in the early days and who made her own share of mistakes in not building a strong base of support across the political spectrum of Council

➤ A Mayor who has worked diligently in developing a reasonable appreciation of the nuances of chairing Council meetings; who has been reaching out to a broader cross-section of members as she seeks to carry out the expectations of her role while functioning in an atmosphere of limited trust and deep-seated discord amongst her Council colleagues

➤ An agenda development process that does not actively seek Council member issues but, rather, is premised on the notion that the agenda is a management tool to have Council endorse and/or guide management decisions

➤ Council meetings that are replete with public presentations on any number of issues throughout the meeting such that the business of Council making decisions is postponed until quite late in the evenings when the energy for effective decision-making is at a premium

> ➢ No real attention to engaging the public in constructive ways by which they might have input to the Council's decisions but, rather, a built in style of confrontation that gains headlines but little else

6.2 Dealing with the Procedural Bylaw

The City's procedural by-law (By-law (1996)-15200) was adopted in 1996 and amended on a couple of occasions since then. The by-law is generally well-crafted, and is intended for application to Guelph City Council and Standing Committee meetings and, "Where a board, committee of [sic] commission has not adopted a procedural by-law, such board, committee or commission shall be deemed to have adopted this procedural by-law with necessary modifications including the requirement that all meetings be open to the public, subject to the same exceptions applicable to Council Meetings as set out herein", according to Section 33. It cites Bourinot's Rules of Order as the authority should a matter arise outside the provisions of the by-law.

The By-law also cites The Municipal Act, R.S.O. 1990 c.M.45 as the statutory authority for enacting the by-law. This should therefore be updated to reflect the passage of the new Act.

We want to offer the following observations for consideration as part of the review that Council will no doubt engage in prior to the adoption of the new procedural by-law.

❑ Section 4(4) deals with what business may be conducted at a special meeting of the Council. You need to be concerned with the provision that "…all the members present at such a meeting" may add business to the agenda.

  ● This provision may be in conflict with current legislation.

  ● Even if it is not, it could create animosity should a member decide to not attend a special meeting based on the matter(s) under consideration (because he or she has a conflict for example), but would have attended were the "added business" known to him or her in advance.

❑ Section 4(5) permits the Mayor to call a special meeting "On urgent or extraordinary occasions" without giving notice.

  ● There is no definition of "urgent or extraordinary occasions"

❑ The by-law provides for "Presentations" and for "Delegations" but does not define or distinguish between them.

- Presentations are permitted to speak for ten minutes and Delegations for five minutes.

- It may be appropriate to add definitions to distinguish between the two.

❑ The rules as they apply to delegations seem quite appropriate and could be a model for others who are dealing with issues covered in your rules.

- A proviso could be added to sub-section (8) that would limit the number of persons, groups or organizations that a single person may speak separately on behalf of at a single meeting.

❑ The rules as they apply to the conduct of members are also well-framed. It is too bad that members pay so little attention to them. We speak to this more fully in another part of this section.

❑ Section 15 makes no provision to table or to postpone indefinitely.

- While we do not necessarily advocate such a provision, there may be times when it is politically expedient to simply "lay the matter on the table".

❑ The Reconsideration provisions of your by-law are somewhat surprising to us. Subsection (1) seems to permit reconsideration during the same meeting at which a decision was taken.

- It requires that both the mover and seconder of a motion to reconsider be members who have voted with the majority – which is somewhat unusual.

- Sub-section (2) provides that a motion to reconsider passes with the affirmative votes of seven members of the entire council.

  - o When full council is in attendance, that constitutes a simple majority. The wording allows the required majority to float.

  - o The City may want to review the rationale behind this provision, since something apparently occurred in 2000 to invite this provision to be added to the 1996 by-law.

❑ Another Reconsideration provision is found in Section 17(7). It requires neither the mover nor seconder to have voted in the majority, but requires advance notice, and again only the votes of seven members of Council.

- Bourinot, your parliamentary source states, "…reconsideration should not be allowed except upon due notice and formal motion, and *it is customary to insist on a two-thirds majority vote on a motion to reconsider.*" [Italics ours].

❑ Section 22 deals with addenda matters. Sub-section (1) permits the Clerk to assemble a list of persons who seek permission to speak, but who contacted the Clerk after the agenda was distributed.

- Sub-section (2) permits the Mayor or a member of Council or senior staff to add items or matters, "if the urgent nature of the matter requires a decision prior to the next Council meeting."

- This raises the question as to the potential for differences of opinion

  o and the propriety of this level of authority to "senior" staff however they might be defined, as well as permitting any member of Council to place a matter on the printed addendum.

  o It seems to make sense to leave this decision in the hands of the Mayor, or perhaps the Mayor and/or the Agenda Committee and/or the CAO.

❑ Section 23 deals with adjournment. It is interesting to note that it takes a two-thirds majority to extend the meeting beyond 11:00 pm, but a vote of only seven members to determine to reconsider a previous decision.

❑ Section 27(12) sets out the notice provisions for calling and cancelling committee meetings.

- Ensure that notice provisions in this by-law comply with your notice by-law or notice policy.

❑ If the City does make any change to its committee structure, it may find it appropriate to add a provision in the procedural by-law that certain specified matters will be dealt with by Committee-of-the-Whole.

6.3 Effective Governing Bodies

Based on our experience across Canada, effective governing bodies:

❑ **Respect Their Role**

  o Refuse to take on roles assigned to others

o Create and maximize potential synergies with others e.g. allied boards and commissions, neighbouring municipalities

o Build teams with those who surround you such as the City's administration

❑ **Communicate**

o Ensure that there are appropriate communication channels for the public to impact City policies and decision-making

o Ensure that the City's own techniques of communicating its messages out to the public are used in a consistent, ethical and transparent way

o Provide regular messages on the City's performance against stated goals and priorities of the Council

❑ **Create a Learning Environment**

o Underline the importance of a Council who has the responsibility of seeking continual means of building a better understanding of how the City is being governed and what improvements could be made

o Encourage participation at training sessions for Council and for staff

❑ **Create a Strategic Agenda**

o Ensure that the process of establishing core vision, values, goals and priorities is led by Council and not its administration

o Establish key priorities that are communicated clearly and regularly to the public

o Determine mechanisms whereby the public can provide its sense of the priorities on at least a tri-annual basis

o The focus of a Council needs to be on the key issues of the City rather than on the myriad of interesting yet quite mundane matters that inevitably arise

o The key question continually facing the Council members becomes "what value do I add to the way in which this City functions?"

❑ **Maintain a Willingness to Be Open to Change**

o Recognize that urban environments are not static and are continually faced with environmental changes

o Stay flexible with a desire to challenge old or current ways

❑ **Tolerate Differences & Distinctions**

- o Respect the right of others to be wrong

- o Accept that colleagues on Council reflect very differing views at times but are still trying to achieve what they see as the best interests of the City

- o Recognize that not everyone needs to be in total agreement for the City to move its agenda forward

❑ **Seek & Ensure Feedback**

- o Find ways to gain community input at least on the City's view of what constitutes the key issues

- o Provide feedback to the CAO on at least an annual basis formally but on an ongoing basis throughout the term

❑ **Measure & Report the Results**

- o Determines straight-forward mechanisms to measure the direction of Council and whether or not the desired goals are being achieved

❑ **Keep a Positive Focus**

- o Find ways to minimize negative personal relations; focus on what governance is about and not give in to petty personal politics which demean the image of the City

Governance Model

We believe that any revisions or a new model needs to be guided by the following:

❑ Criteria for Design of a Governance Model
❑ Governance Guidelines

6.4 Design Criteria for a New Model of Governance

There are certain criteria that should impact the design of any new model of governance. These include:

➤ **A Respect for the Primacy of Council**

- o Whatever model of governance is accepted by Council has to be based on the absolute centrality of Council to key policy/governance decisions

- o The model should not delegate to committees of Council the decision-making that ought to remain at the Council table

➢ **Public Access**

o The model chosen should enable the public to have suitable opportunities to present their views to Council either in committee meetings or at the regular meetings of Council

o The model of governance should ensure that the goal of transparency of decision-making is both perceived and real

o Meetings should be held at such a time as is suitable for public attendance and in a publicly-advertised facility

o Public protocols should be established that afford the public the right to expect professional, courtesy treatment by all members of Council

o Protocols should be in place to ensure that the Mayor can bring any meeting back into order should a member of the public or Council abridge such rules of procedure

➢ **Simplicity of Design**

o While any change in the model may add an aura initially of some confusion, the model should over a very brief period of time, result in clarity as to the decision-making framework

➢ **Policy Advisory Role of the CAO**

o The Mayor and Councillors need to reinforce the principle of a "one employee" municipality given that their primary advisor is to be the chief administrative officer and his/her responsibility is to include the guidance, mentoring and supervision of all other employees

o Questions of the administration from Council should be directed to the CAO by the Mayor or by members of Council through the Mayor

o Where the CAO decides to refer the matter to someone else on his/her senior management team, that discretion should be left up to the CAO

o This practice will be of considerable help in ensuring that there is respect for this important role and will be likely to help all members of Council get off to a healthy start with its new CAO

➢ **Focus on Council Priorities**

o Council should be assured that it will receive the full cooperation of the senior management team and administration in pursuing its priorities and implementing its agenda

o Every effort should be made by the administration to continually refocus Council's attention to what it said were the priorities at the outset of each term and year thereafter

o The performance review of the CAO by Council needs to be based, at least in part, on the degree of assistance the Council has received from the CAO in implementing its agenda

➢ **Coordination of Resources**

o Any governance model that is effective will enable the governing body to have access to the appropriate resources that it requires to make informed decisions

o The model will be predicated on the availability at the table of those administrative and legislative resources and recommendations that will guide effective consideration of key policies

➢ **Flexibility/Openness to Change**

o The model of governance must be open to change as Council assesses it over the next few months and going forward

o Adjustments may need to be made while not removing any of the key aspects of the model

➢ **Clarity of Authority**

o The model will reinforce the basic concept that Council has authority to make policy decisions and the CAO (and others as delegated) to make administrative decisions

➢ **Current, Concurrent and Quality Information**

o The right of a Council to current, concurrent and quality information is a fundamental tenet of governance

➢ **Clear Terms of Reference**

o Any decision-making processes need to have clear terms of reference to ensure that there is minimal overlap between committees or task forces or other policy-making mechanisms

➢ **Clarity of Procedures**

o Procedures must be in place that ensure that any public presentations and/or input will be treated with respect and handled in a timely manner

> **Equality of Council Members**
>> o   All members of Council are considered equal and are accorded the respect that should come with elected office.

6.5   Governance Guidelines

The following guidelines are recommended as the base upon which to build a new model of governance. While these guidelines 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. The opinions of the minority (as perceived by Council) will also be considered.

> ➢ 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 agree with such advice and/or information.

> ➢ Council members will respect the power differential that 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 enforcement 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 require the CAO to ensure that an effective monitoring process is in place, which ensures that its decisions are being implemented effectively and efficiently and in a timely manner.

6.6   The Key Governance Options

In terms of developing a new model, we are recommending three basic options:

o **Option A: Standing Committees**-similar to the existing system but with strategic changes;

o **Option B:** **The Strategic Priorities Committee-**one that places all members of Council at the table at the same time, in what is commonly known as a committee of the whole. We have labelled the latter committee the Priorities Committee of Council; and a

o **Option C:** **Strategic Priorities Committee and a series of Policy Advisory Committees** - wherein a series of policy issues committees are formed with members of both Council and the public on the committees (or task forces).

Option A: Standing Committees of Council

Council needs to re-think its approach to the current standing committee system and address the shortcomings that we have documented: i.e. little change in membership; limited policy focus at the committee level; significant emphasis on detail; inadequate opportunities for all members of Council to discuss the key issues in a roundtable forum prior to the matter being presented for a decision.

Our Option A continues with three standing committees albeit with somewhat different titles and mandates and supported by a Committee of the Whole:

Committee of the Whole

- ➢ Council and Corporate Strategic and Business Planning
- ➢ Operational and Capital Budget Approval
- ➢ Corporate Legal Matters
- ➢ External Liaison with School Boards, University and Local Boards and Commissions

Council Leadership Committee

The duties of the Council Leadership Committee shall be to study and report to Council on all matters relating to, but not limited to, the following:

- ➢ Strategic issues as identified through the Council's strategic planning process

- ➢ Significant policy changes and revisions

- ➢ Confidential matters pertaining to the relationship of Council to the CAO

- ➢ Other matters deemed to be of City-wide significance by the Committee in consultation with the Mayor

Membership: The membership of the CLC will be the chairs of the other standing committees of Council together with the Mayor. The Mayor will serve as the permanent chair of this committee.

Community/Development Services Committee

The duties of the Community/Development Services Committee shall be to study and report to Council on all matters relating to, but not limited to, the following:

- ➢ Community Services (including recreation, facilities, parks, policy, programs and sports groups);

- ➢ Community Group Liaison (including funding allocation of grant money to the various community group organizations and issues relating to lotteries);

- ➢ Cultural Matters (including museums, library operations, seniors centre and civic centre);

- ➢ Policy Matters relating to Planning and Development (including housing, land use, growth and heritage properties);

- ➢ Fire Suppression, Prevention, Bylaw Enforcement and Emergency Preparedness; and

- ➢ Social Services, as the members of the committee are City representatives on the Joint Social Services Board.

Corporate Economic Services Committee

The duties of this committee shall be to study and report on all matters relating to, but not limited to, the following:

- ➢ Council Policies relating to Budget Variance Reporting;

- ➢ Economic Development Initiatives;

➢ Investment and Debt Management Policy Issues;

➢ Council Policies relating to Corporate Human Resources;

➢ Council Policies relative to Corporate Property;

➢ Information Technology Long Range Planning;

➢ Long Range Planning relative to Demographic Impacts, Fiscal Planning and Monitoring; and

➢ Matters relating to Health, Safety and Insurance.

Infrastructure/Environmental Services Committee

The duties of the Infrastructure/Environmental Services Committee shall be to study and report on all matters relating to, but not limited to, the following:

➢ Long Range Capital Works;

➢ Environmental Services Policies relating to Waste Management, Water Services, Air Quality and Other Environmental Issues;

➢ Transportation and Transit Policy Matters; and

➢ Policy Issues relative to General Infrastructure Services.

Advantages

❑ Narrowly-focused Committee of the Whole

     o ensures that all members of Council receive information on a select number of key matters concurrently and is able to discuss such matters as a body

     o focus on a limited range of significant policy matters

❑ Standing Committees

     o ensure that Council members are made aware of key departmental issues

     o enable members of Council to discuss issues prior to their debate at Council

     o Council members become more familiar with a select range of issues as dealt with by their committee

     o Improved awareness by Councillors as to the full range of the Committee's issues; Increased time available to explore issues in depth

o   Increased opportunity to review departmental staff in action as they present reports

o   More opportunities for Councillors to act as chair of committees - thus greater sense of involvement in Council's work.

Disadvantages

❑ Narrowly-focused Committee of the Whole

o   majority of key issues dealt with by the standing committees

o   sustains the current degree of Council involvement in administrative issues

❑ Standing Committees

o   encourages increased focus by Council members on matters of administrative detail or on "make work" discussions

o   not all members of Council are equally aware of key issues

o   members of Council have a tendency to see themselves as advocates of specific departments or programs (and thus may lack focus on the broader picture issues facing the whole City

o   Councillors become too involved in the details of individual departments that would appear to be candidates for either a policy or direct handling by the department head or CAO e.g. play equipment removal, batting cage, licensing hawkers and peddlers; renewal of a discharge agreement

o   issues are not considered within their broad context

o   Councillors may presume they are there (or should stay) because of a particular expertise

o   Councillors seize ownership of parts of the whole-but not the whole

Membership

The membership of the Community and Development Services Committee, the Corporate and Economic Services Committee and the Operational Services Committee will be recommended to Council by the Mayor prior to the organizational meeting and will be voted on in Council.

Procedures and Guidelines:

We further recommend that these committees abide by the following procedures and guidelines:

a) All standing committees with the exception of the CLC will consist of four members with the Mayor as ex officio to the Committees.

b) The membership of standing committees will be rotated annually, with the exception of the Mayor who will serve as a continuous member of CLC.

c) The Mayor will recommend the reallocation of committee responsibilities and such recommendations will be approved by resolution of Council as presented or as amended.

d) All Council members are entitled to attend any meeting of a standing committee and will have the right to speak to the issues but may not make motions, vote or hold a position on any committee to which he/she has not been appointed to as a member.

e) While Council as a whole should ratify the choice, we believe that the Chair of the committee should be appointed by the Mayor. The committee members at their first meeting will name the Vice Chair of the Committee.

f) The Committees will meet bi-weekly (once monthly during the summer months of July and August) on alternate weeks to regular meetings of Council.

g) The committees will hear public delegations on issues within their terms of reference.

h) A quorum for standing committees is the majority of its members.

i) A seconder is not required for motions presented in standing committees.

j) The rules of procedure are those of the committee but shall normally be expected to be the rules of etiquette that mature individuals would choose to follow to ensure that each person had an opportunity to discuss the issues while considering the right of others to be heard as well.

k) The public shall be given the right to attend each committee meeting. Standing committees shall meet publicly at a time conducive to most members of the public (i.e. no earlier than 4:30 p.m.)

l) The committees will deal with reports from the department(s) as outlined within the committee terms of reference.

m) The committees will ensure that all members of Council receive all agendas and minutes of these meetings (which will happen concurrently).

n) The committee chair will present the report to Council, along with any other written documentation received as a part of any public delegation. The chair will move acceptance of the report of that committee.

o) The committees will only hear matters referred to the committee by Council resolution or by the Agenda Committee of Council.

p) The committees will recommend to Council the appointment to Council committees, boards and commissions of public members falling within the purview of the standing committee.

q) The committees may only advise Council of its advice and recommendations and shall have no authority to direct administration to take any action.

r) The CAO will delegate the appropriate senior management member to serve as the primary advisor to each committee.

s) The Mayor will serve as an ex officio member of all committees. The CAO will have the right to attend all committees meetings and will not serve as a voting member but as an advisor to all committees.

t) The committee chair (or any two members of the committee) shall have the authority to refer any matter to the Council for a decision even though the committee may not have a recommendation for Council to consider.

u) No report from the administration shall be retained by a committee for a period exceeding one month, unless the Council has agreed by resolution to a time extension.

v) Standing committees shall review reports or minutes from external boards and committees (as assigned to the committee by the Council procedural bylaw or by Council resolution). The City will need to identify the advisory bodies that are deemed essential to the ongoing functioning of the City and designate their reporting relationships accordingly.

w) Standing committees 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.

x) Any standing committee 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).

Option B: The Strategic Priorities Committee of Council

This second option requires the rescinding of all standing committees and places their responsibilities under one standing committee of the whole "The Strategic Priorities Committee (SPC) of Council". This Committee offers the following features:

1. All policy issues being placed before Council must first be considered by SPC.

2. SPC will meet on the alternate weeks to regular Council meetings and will be held in a large committee room.

3. SPC meetings will commence no earlier than 6 pm unless as otherwise agreed to by Council

4. The matters being placed on the SPC agenda will include any matters wherein the policy guidance of Council is required.

5. Matters of "information only" will NOT be added to these agendas. These are intended as working meetings wherein the focus will be on key policy issues being presented to Council by the CAO, the public, or by external agencies, boards and commissions.

6. While these meetings are intended to function in a more informal setting and process than a regular meeting of Council so as to encourage dialogue between members of Council, the administration and the public, the chair shall be vested with the authority to keep the meetings focused on the matter at hand and shall not tolerate any personal attacks, innuendo or rude comments.

7. The matters to be considered by SPC must first have been placed before the Agenda Committee of Council who will ensure that the CAO has provided his/her "discussion paper" on the matter (at least in draft form). The Agenda Committee will ensure that the matter is not subject to an already approved policy of Council unless the intent of the matter is to recommend a change in policy.

8. SPC will be chaired by a member of Council as recommended by the Mayor, with all members of Council being eligible to be appointed for a three month period as chair.

Members of Council who do not wish to serve a turn as chair may decline the appointment and the position thereby rotates to the next person on the list.

9. SPC will meet bi-weekly (once monthly during the summer months of July and August) on alternate weeks to regular meetings of Council.

10. SPC may hear public delegations on key policy issues, as decided by a majority of its members.

11. The minutes of all SPC meetings will be made available publicly within 24-48 hours of any meeting.

12. SPC may only advise Council of its advice and recommendations and shall have no authority to direct administration to take any action.

13. The CAO will serve as the principal advisor to SPC and shall be entitled to invite such other member of the administration as he/she may consider to be useful to the proceedings of that meeting.

14. SPC 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.

Advantages

❑ Council's focus is geared toward policy issues

❑ Administrative analysis and advice can readily be orchestrated through the CAO's office

❑ All of Council can participate in key policy debates and become directly involved in the key policy issues

❑ All members concurrently informed/involved; no one member has more access to information than another

❑ All policy issues surfaced at this step; time of reflection prior to formal consideration at Council

❑ Removes much if not all of the divisiveness of making appointments to standing committees

❑ The position of Chair can and should be rotated regularly (as frequently as a meeting by meeting basis) so that all members of Council can, if they wish, enjoy the opportunity of chairing this committee-which will enhance everyone's understanding of the responsibilities and challenges of chairing the full Council

❑ No one Councillor feels that they somehow have more power or influence than their colleagues (and co-equals); no one Council member is allowed to control the "agenda" on behalf of Council

❑ The full Council is enabled to direct/control the Consent Agenda

Disadvantages

❑ Meetings tend to be a dress rehearsal for Council meetings

❑ Importance of a Council meeting is diminished

❑ The focus may be viewed as too broad by Councillors

❑ The agenda may be so controlled by administration, key issues of Council may be buried by administration

❑ The opportunities to view the performance of department heads are few; succession planning is thereby inhibited

Option C: Policy Advisory Committees on Community Issues

This third option builds on the committee of the whole model wherein Council through the Strategic Priorities Committee (SPC) may establish public advisory committees as the SPC deems useful for specified periods of time to undertake additional review of a particular key policy matter (e.g. downtown parking). Such a Policy Advisory Committee (PAC) would be comprised of not more than six members of the public and not more than two members of Council. Council may decide to appoint one of its members to such a committee in strictly a liaison capacity given that any report from a PAC will still have to be presented to Council.

The PAC would be expected to report back to the SPC with their insights and recommendations. Once a report from the PAC has been tabled, the PAC would cease to exist unless determined otherwise by Council. This would ensure a continual flow of such public input but on specified topics rather than as an ongoing lobbying voice on a single issue. (The public, of course, may decide to form other agencies or committees on their own, but will not be appointed or legitimized as such by Council).

The terms of reference of such a PAC would be as follows:

➢ To carry our research and investigation into the matter(s) referred to the committee by the Strategic Priorities Committee

> ➢ To seek the input of experts on the matter (as appropriate)

> ➢ To hold meetings with the public (as appropriate)

> ➢ To report back to the SPC by the specified deadline.

We see this option as having considerable merit in that the Council still retains the merits of a committee of the whole while gaining access to the ideas of a segment of the public vis-à-vis a particular issue of concern. Further, this reflects the basic concept that community issues are not static but tend to change on a quick yet indeterminate way. As well, community issues often do not fall into neat categories (e.g. finance and administration) but, rather, cross departmental/commission lines.

This model will require the leadership and consensus of Council relative to the key policy issues that require some degree of public comment. Thus, Council will need to pay attention to the issues and discuss which ones are not as time-sensitive but are significant to the public will and could benefit from a more thorough review of the issues involved.

Advantages

❑ Council is able to articulate its key agendas based on what it sees as the key issues on an ongoing basis

❑ The public is invited to present and discuss issues that pertain to community events and Council/administrative proposals and to become part of a planned process of public input rather than the current "hit and miss" strategy that accompanies much of what Council hears via delegations

❑ Individual Councillors may be appointed to coordinate Council's efforts and to serve as the liaison member on behalf of Council

❑ Stand alone community issues, once dealt with by Council, can be addressed through Council policy and programs or tabled to a future date, or delegated to the administration if the recommendations are administrative in nature

❑ The agenda is always fluid; the Council is not boxed in by old issues or structures

Disadvantages

❑ Any dramatic change such as this may be difficult for some members of Council to accommodate

❑ The administration will have to adjust to the fact that a number of community issues may cross traditional departmental borders and thus the CAO will have to identify the lead person to respond or steer the administrative response to the issues

❑ All members of Council will not necessarily agree to what constitutes the definition of "key community issues"

❑ Chairs appointed to these PACs may see each as a long term arrangement rather than a short term assignment given the prominence that may be attached to certain community issues

❑ Some community issues may encourage too much focus on "administrative procedures"

❑ In order to adopt this recommended model, this Council will need to have confidence that the model could actually work and should be given the opportunity to function as we have described (it is our view that the public will quickly come to understand and accept this model and will not likely support reverting a more traditional model.

❑ Continual establishment of short term committees takes time as well – to determine parameters, select people, and then for the committee itself to establish group norms, behaviours, prior to achieving outcomes. Such committees should be used for significant issues only.

6.7   Staff Support to Policy Advisory Committees

The foregoing committees will require some degree of staff support but without making a significant imposition on the Clerk's department. The Administrative Assistant to the department head most related to the Policy Advisory Committee's terms of reference could act in a support capacity and the City's Committee Clerk could provide the necessary back-up (given that there will not be any standing committees under this model).

6.8   Agenda Committee

The mandate of the proposed Agenda 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 the SPC agenda

➢ to advise Council as to why any particular matter should not be brought forward for Council review at the present time.

The Agenda Committee should consist of three members of Council: the Mayor (or his/her designate) and two other members of Council. The CAO and/or his/her designates and the Clerk and/or his/her designates will act as advisors to this committee. This committee would meet at least 3-4 days prior to a SPC 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 Agenda 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 a new development on the community vs. awarding a tender of $25,000). The latter should be able to be dealt with by the CAO within policy or the CAO bylaw.

The Agenda 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.

6.9 Committee Report Template

All reports from committees of Council should be developed within the same framework. The reports should include the following categories of information:

a) Title of Issue

b) Proposal

c) Background to the Proposal/Issue

d) Key Alternatives and Implications

e) Governance Issues

f) Impacts on Policy

g) Impacts on Budget

h) Administrative Recommendation

i) Committee Recommendation

6.10 Special Purpose Bodies

Another mechanism which has a bearing on Council's Governance Model are special purpose bodies (SPBs)(also known as ABCs-Agencies, Boards and Committees). Either at the organizational meeting of Council or throughout the year, Council will be asked to endorse the value of various external bodies by placing a representative from Council on such bodies. As we have advised other clients previously, where this happens, Council should be guided by certain 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 at least once every 2-3 years (if not on an annual basis).

❑ 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 SPC (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 SPC 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.

6.11   Council's Agenda and Strategic Planning

As a significant part of a new Governance Model, Council should adopt by policy its determination to develop a Council Strategic Plan that identifies Council's sense of the key issues and priorities of the community as identified by the election process or through community forums or other public participation models. This one step will help to ensure that the focus of the administration is clearly guided by Council's vision and not solely that of the administrative team or a prior Council.

Such a step now will help to establish the base upon which the current strategic planning thrust is positioned and will ensure ongoing attention to this matter given that it would be framed within a significant governance policy.

6.12   The Impact of the Mayor on Council's Governance

There should be an expectation by Council that the Mayor will lead. Regardless of personal strengths or areas of interest, the Mayor is the one person on Council who can truly say "I speak for the City". The fact that the City is divided into wards makes this statement particularly true. As a result of receiving the endorsement of the City's residents in a democratic process, the Mayor has a certain moral ground from which to offer her perspective on what will help to move the collective agenda of the City forward.

The Mayor may be able to express her views through the new Strategic Priorities Committee or via the revised standing committees or through the expectation of members of Council that the Mayor will speak to issues prior to their consideration and resolution by Council members in a formal vote.

6.13   Council's Role in Communication

Communication of messages is one of the keys to any governance model. It is our view that this and every Council has an obligation to communicate with the citizens of the City. There are key messages that the City should be striving to get out to their citizens rather than relying on others to do the job of Council. This communication needs to be carefully considered and not simply a knee-jerk reaction to a particular issue at Council the night before that causes a letter to be sent to the local or regional newspaper.

Further, the City also communicates through responding (or not) to requests from citizens by letter, fax or e-mail. A protocol should be established that speaks to how this is handled and that seeks to ensure members of Council have easy access to needed information and are aware of the need to respond courteously in all instances. (While this may be considered a stretch at times, the same protocol should apply regardless of who is asking the questions. Even a "boilerplate" response (i.e." thank you for your interesting message. I have taken it under advisement." Is preferred over no response at all.

While the City does employ various communications practices, the majority of these appear to be designed to serve the administrative agenda. A study done by Barrow Communications in 2001 found, amongst quite a number of other things, that the City has no formal communications around critical issues and that stakeholders are divided in terms of whether or not a centralized communications department is necessary. While the senior staff and the Council of that day both favoured decentralized communication services, we do not. Only the E & T Group has such a service and it is our understanding that this Commission has recently advertised for another person. While there is likely a need for City communications staff, we believe that the City's administration would be better served as a body with one centralized service perhaps located in the Clerk's office or connected to the CAO's office.

At the same time, we believe that Council as the leaders of the City are not going to be successful in getting out any of its messages as long as it relies exclusively on both paid and free services through the local media. It is not the job of the media to ensure that the Council is able to communicate its messages to the public. Their task is to communicate the interesting and the unusual. The good news of the City may not fall into either of those categories, particularly not the latter.

We believe that Council would be better served by employing a Communications Officer in the Mayor's office who would:

- Develop a Council Communications Plan with the input and advice of all members of Council
- Focus the efforts of Council members on how they communicate with key constituencies

- Assist members of Council to develop ward newsletters that incorporate a Council viewpoint as well as a focus on individual ward issues
- Prepare news releases on key Council initiatives and decisions
- Develop solid Council relationships with the media while respecting the independence of the media
- Assist the Mayor through preparing public statements, speeches and sate of the City addresses.

6.14   Council's Relationship to the Administration

As we indicated in other parts of this Report, the relationship of the Council to the administration will be key to its degree of success. Given the fact that the recent retirement announcement by the CAO will result in the development of a new relationship between Council and its CAO, the timing of a new Governance Model will be assisted by the new relationships being established. In order for the model to function as described, the Council must agree to restrict their direction to the CAO and through the CAO to other management leaders. This coordinated approach is essential to good governance in any organization and will limit the potential for bias in the treatment of Council members and will limit the degree of interference by members of Council in the daily activities and decisions of the administration.

This is a time of new beginnings and Council needs to recognize both the accomplishments of the former senior management team and the expectations for new leadership. This new relationship should be characterized by:

- The independence of the CAO
- The professionalism and apolitical nature of his/her administrative advice
- A sense of real collegiality between members of Council and the administration as led by a new CAO
- The recognition that all reports will be presented as the best effort of the administration and will contain a thorough analysis of the issues and the key options for Council's consideration
- A willingness to trust

- A desire to stay out of the details and focus on the policy issues and broad directions.

If Council is to have a solid relationship with their CAO, it is certain that there must be a base of trust. This grows (or should grow) a day at a time and a public comment at a time. Further, we believe that one of the core elements that adds credence to this relationship is the confidence built upon the openness of the CAO in sharing the full picture with the Council. This takes courage as well as confidence in that there will obviously be days wherein the CAO has to take responsibility for the problems created by his/her subordinates. Thus, if a project or divisional budget is over-expended, rather than simply bury the problem the CAO should be upfront with the Council and/or committee and advise as to what solution he/she would be pursuing and what steps he/she would be taking to address the issue the next year.

Both the Council and the CAO need to commit to building the relationship on an ongoing basis. The success of either one depends on the success of the other.

We believe that Council should give active consideration to approving the attached Council-CAO Covenant as a part of the recruitment of the incoming CAO. This document, while without legal standing, identifies and articulates Council's willingness to embark on a relationship with the CAO based on a solid base of respect and mutual trust.

6.15   Recommended Governance Option

Any of the governance models presented herein can be made to work as part of the decision-making process. What we have done is tried to present our perspective on the strengths and weaknesses of each as accurately as we can and based on our 25 years of experience in viewing governance models across Canada. We have recommended other models in other instances and we likely will again in the future. The model, in some respects, has to be community sensitive and add value to the type of challenges faced and decisions being made.

It is our view that **Option C: Strategic Priorities Committee** and a series of **Policy Advisory Committees** reflect the best option for the City of Guelph as a new Governance Model. This model includes the very constructive elements of Option B (**The Strategic Priorities Committee**) with the addition of a series of policy issues committees that are to

be formed incorporating members of both Council and the public on these select and issues focused committees. This option will enable Council to provide considerably more focus on the key policy issues as they emerge and become of concern of Council.

This model will:

- Enable Council to focus on the key policy issues
- Add direction to the key strategic directions of Council
- Maintain a clear separation between the policy functions of Council and the management functions of the administration
- Provide sufficient opportunities for the public to be heard by Council through its Strategic Priorities Committee or at Council's regular meetings and by engaging the public on matters of significance through the creation of focused and strategic Policy Advisory Committees that will delve into key community concerns and report back to the SPC as well as to Council (as appropriate)
- The policy leadership of the Council will become the focus rather than the busy work of standing committees; administrative responsibilities will be delegated to the CAO
- Real progress will be observed as Council gains a clear understanding of the issues of concern to the community and as a broad cross-section of the community is invited to serve on these issues based committees

While this model may be the most divergent from that of the current approach, we believe that this Council (supported by its administration) will be capable of determining the nuances and necessary fine-tuning required and will gradually see the model add real value in terms of Council's leadership functions and service to the residents.

6.16   Summary of Governance Concepts

The matter of developing a Governance Model is complex and inter-related. While it depends on the most appropriate model of decision-making, it also requires the connection being made between each of the following concepts.

- *Design Criteria*
- *Governance Guidelines*
- *Governance Policies*
- *Staff Support*

- *Agenda Committee*

- *Leadership Role of the Mayor*

- *Special Purpose Bodies*

- *Council's Strategic Plan*

- *A Trust Relationship between the Council and the CAO.*

City of Guelph - Governance Models
MODEL "A" – Standing Committees

COUNCIL

Committee of the Whole

Terms of Reference:
- Strtategic Business Planning
- Operational & Capital Budgets
- Corporate Legal Matters
- External Liaisons

Council Leaders Committee

Terms of Reference:
- Strtategic Planning
- Policy Review / Renewal
- Confidential Council/CAO Issues
- Cross-Committee Issues

Community & Development Services Committee

Terms of Reference:
- Community Services
- Community Group Liaison
- Cultural Matters
- Planning/Development Policy
- Fire Suppression/Prevention
- Social Services
- Emergency Preparedness

Corporate & Economic Services Committee

Terms of Reference:
- Budget Variances
- Position Control
- Investment / Debt Management
- Human Resources
- Corporate Property
- Information Technology
- Fiscal Planning

Infrastructure & Environmental Services Committee

Terms of Reference:
- Long Range Capital Works
- Environmental Services Initatives / Policies
- Transportation Policy Issues
- Transit Policy Issues
- General Infrastructure

City of Guelph - Governance Models
MODEL "B" – Strategic Priorities Committee

COUNCIL

Strategic Priorities Committee

Terms of Reference:
- Major City Projects
- Key Governance Policies
- Proposed Bylaws
- Strategic and Business Plans
- Operational & Capital Budgets
- Fiscal Planning
- Committee Appointments
- Regional Relationships
- Economic Development
- Public Participation
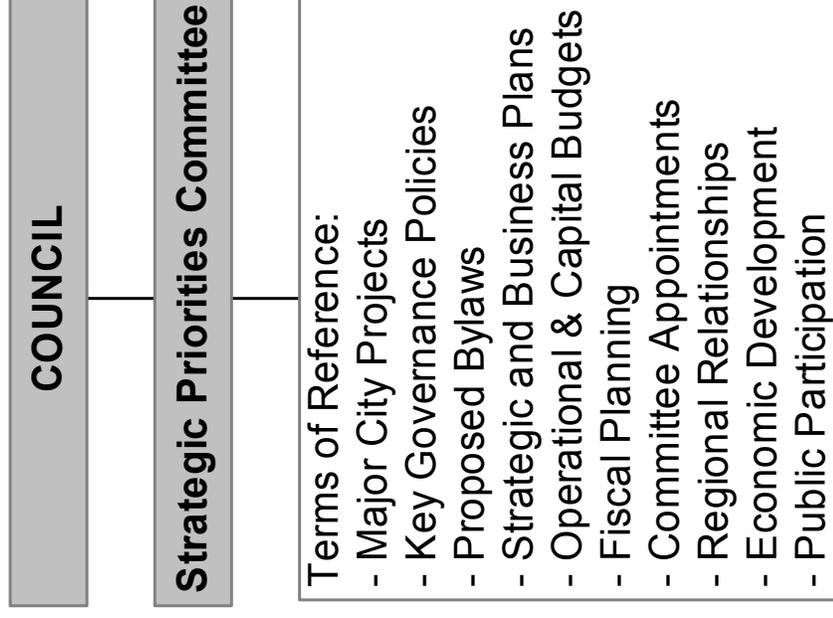
City of Guelph - Governance Models

MODEL "C" – Policy Advisory Committees

COUNCIL

Strategic Priorities Committee

Terms of Reference:
- same responsibilities
as Model B

**Policy Advisory Committee
on
Environment Issues**
(* example only)

**Policy Advisory Committee
on
Economic Sustainability**
(*)

**Policy Advisory Committee
on
City Growth**
(*)
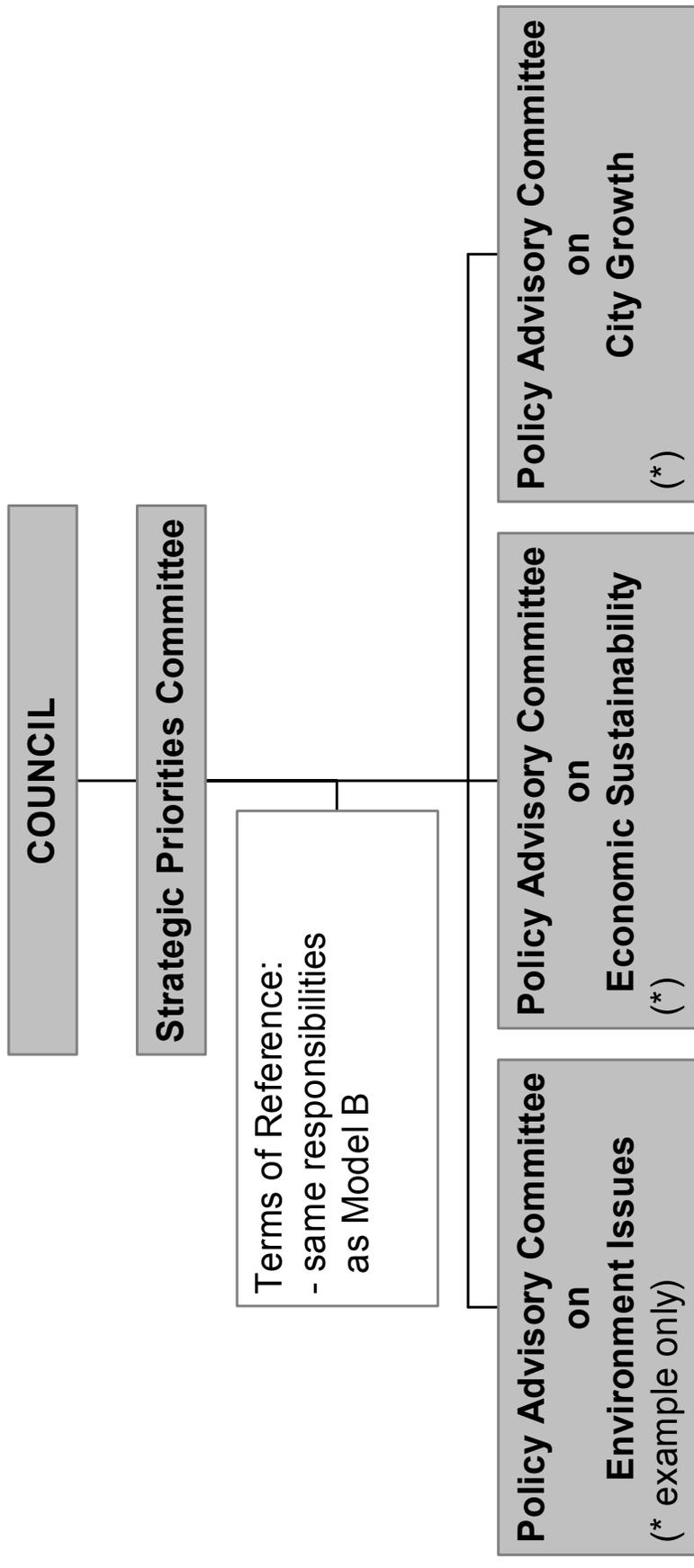
SECTION SEVEN: Recommendations

Recommendation		Responsibility	Timing	Status
1.	We recommend that Council accept The Corporate Review, Volume One "in principle".	Council	Immediate	
2.	We recommend that Council accept the proposed Governance Model Option C and request the assistance of the new or Interim CAO and Clerk's Office to put the necessary structures and resources in place to implement this model.	Council	January 2005	
3.	We recommend that Council establish a day for receiving training in how to utilize the new Governance Model and that members of the Senior Management Team and direct reports be invited to take part in the day's training and orientation on governance.	Council	January 2005	
4.	We recommend that Council establish an Ad Hoc Committee on Governance Policies and that the committee be empowered to conduct a full review of all governance policies; recommend to Council any areas for new policy development; and the process whereby members of Council might be involved in such a process.	Council	30 days	
5.	We recommend that Council review and re-affirm its support for the City's Council Code of Ethics.	Council	30 days	

	Recommendation	Responsibility	Timing	Status
6.	We recommend that Council establish an Ad Hoc Committee to review Council appointments to agencies, boards and commissions (i.e. municipally-appointed boards, jointly appointed boards and outside boards) and determine if all of these appointments are still adding value to the City, and provide a report and recommendations to Council.	Council	30-60 days	
7.	We recommend that the Council have prepared clear guidelines on the role of members of Council serving on appointed boards and committees/commissions and ensure that all such groups are made aware that the role of the Council appointee is that of a liaison and not an advocate.	Council	30 days	
8.	We recommend that the Council complete its corporate strategic plan and communicate those priorities to the public and to the administration; and, further, that the Council engage the public in a process of public consultation to seek their input on community priorities.	Council	60 days	
9.	We recommend that Council members show respect to the office of the Mayor regardless of any personal degree of support and find ways to collaborate in her desire to serve the City as its elected leader.	Council	Immediate and Ongoing	
10.	We recommend that the Mayor: a) Continue to focus on her role not only as Council chair but also as the community's leader b) Ensure that she accords all members of Council with equal treatment and respect c) Ensure that all members are given equal opportunity to make their points at meetings of Council d) Continue to show respect and concern in her contacts and discussions with individual members of Council.	Mayor	Immediate and Ongoing	

Recommendation		Responsibility	Timing	Status
11.	We recommend that the Mayor and Councillors agree to adopt a policy of identifying the position of Acting Mayor and that the Mayor's office ensure that a rotation of Councillors' names occurs as those being asked to step in for the Mayor in her absence.	Council	Immediate	
12.	We recommend that Council develop/renew a policy supporting the City's involvement in organizations such as AMO (Association of Ontario Municipalities) and FCM (Federation of Canadian Municipalities) and encourage the active participation of their members in such worthwhile organizations.	Council	Immediate	
13.	We recommend that the seating of Council members In Chambers be rotated immediately and monthly thereafter.	Council	Immediate	
14.	We recommend that all members of Council agree to take every effort to abide by the Procedural By-Law Section 14(5)(b-f) dealing with the need for improved etiquette in Council Chambers.	Council	Immediate	

Recommendation	Responsibility	Timing	Status
15. We recommend that Council adopt a policy on orientation that includes provision for: a) An orientation process that focuses on the governance responsibilities of a Council b) A process that is planned prior to each election with all candidates for election receiving advance notification of the dates of the orientation c) A scheduled orientation process that begins to occur within 7 days of assuming office d) A full review of governance policies and significant/key bylaws e) A review of the City's Code of Ethics f) An update from the CAO as to key City projects and issues g) A clear description of Council's "levers of power" that will help it understand how Council can and does influence City direction h) A review of the CAO bylaw, contract and position description i) A briefing on how the City currently develops its Council Strategic Plan j) A briefing on Guelph's public participation model k) An annual retreat to ensure that progress is being made on the foregoing and other important issues.	Council	60 days	

Recommendation	Responsibility	Timing	Status
16. We recommend that Council endorse the changes in governance policies/protocols as outlined in this report and: a) that the CAO ensure that all members of Council are included concurrently in any briefings, correspondence and awareness of new issues b) that all questions by members of Council at a regular meeting of Council be directed through the Mayor as chief elected official and as chair of the meeting to the CAO as the senior administrative officer of the City c) that all requests for administrative action be directed by Councillors to the CAO during a regular or special meeting of Council or at a committee meeting of Council d) that a Protocol on the treatment of staff in public Council meetings be drafted by the Consultant for presentation in the Final Report or as an addendum to the Final Report e) that the a revised Request for Decision format be implemented effective immediately and that it incorporate sections pertaining to: background, proposal, alternative options and an analysis, impact on budget and policies; author(s) and department head approval; and a recommendation signed by the CAO f) that the proposed Council Committee Report Format be adopted and implemented immediately g) that the manner of placing items on the agendas of any committee of Council be identified and approved by Council h) that all comments and observations contained in the Corporate Review be reviewed insofar as they pertain to committee functioning.	Council	January 2005	

Recommendation	Responsibility	Timing	Status
17. We recommend that Council engage a reputable recruitment firm with experience in municipal government to undertake a full recruitment process for candidates to the position of CAO.	Council	Immediate	
18. We recommend that Council immediately undertake a review of the current CAO Bylaw and position description with its solicitor to ensure that it is in keeping with the legislative requirements and Council priorities and expectations.	Council	60 Days	
19. We recommend that Council ensure, with regard to its relationship to the new CAO that: a) The CAO bylaw is clear as to expected role, powers and performance monitoring and that the Council views the CAO as their linkage to the rest of the organization (i.e. an acceptance of the "one employee" model) b) Council expects the CAO to play a significant role in guiding and mentoring the senior staff c) Council expects comprehensive, clear and sound administrative advice on all policy issues and any other matters being presented to Council for review and approval; and all reports from administration to be signed off by the CAO before they are presented to Council d) Council expects to be advised of any realistic options on each request for decision as well as the CAO's recommended action e) Council expects to be briefed as to the full details of any potential or current legal action against the City	Council	January 2005	
20. We recommend that Council endorse the CAO Covenant "in principle" and that any new CAO be requested to agree to the same document of Council-CAO commitments.	Council/CAO	January 2005	

Recommendation	Responsibility	Timing	Status
21. We recommend that with respect to Council's dealings with the public that it: a) Oversee the development of a Council Communications Plan b) Retain a full-time Communications Officer attached to the office of Mayor with the responsibilities as outlined in this Report. This position should be funded within the City's current budget as a result of examining current position vacancies c) Review its public input processes and determine how these can be improved such that the Council is able to seek the opinion of a broader cross-section of the public on any key or ongoing significant issues d) Review its protocol with regard to dealing with delegations so as to ensure that those who do attend Council meetings are accorded full courtesy and are regularly made aware of the need to keep their remarks on topic and to the point; and that the public be made aware of the limitations imposed in terms of re-visiting the same issue e) ensuring that the public is advised as to key Council decisions or issues to be addressed; and by ensuring that a "communications strategist/advisor be retained to assist Council in getting its message out to the public.	Council	60 days	
22. We recommend that the matters raised herein with respect to Procedural Bylaw issues be reviewed by an Ad hoc Committee of Council and the office of the Clerk in order to determine what changes should be considered in time for a new Procedural Bylaw to be considered.	Council	2005	

Recommendation		Responsibility	Timing	Status
23.	We recommend that Council take steps to improve its image by:	Council	Immediate	
	a) respecting the right of each member of Council to be heard during the debate of Council issues			
	b) agreeing to abide by the etiquette of polite treatment of each other in Chambers through only referring to each other with respect, and by focusing any disagreement on the issues being discussed and not on the personalities at the table			
	c) respecting the right of the public to be heard and by treating each person with respect			
	d) respecting the role of the CAO and other senior staff members and treating each with respect as they respond to the questions of Council			
	e) reviewing and approving those aspects of the document "Strategies for Dealing with Conflict" dated April 2000 and found in the 2003 Council Orientation Manual.			
24.	We recommend that Council direct the administration to review the current use of office space in City Hall to determine if one office space might be made available for members of Council; and that any future building plans or expansion of the current facility make provision for such space (which could also serve as a back-up space for small meetings as necessary).	Council	2005	
25.	We recommend that Council adopt the process outlined in Section 5.11 wherein public meetings required under the Planning Act are delegated to a separate meeting of the Committee of the Whole, with these planning meetings occurring in the place of one of the current bi-monthly Council meetings.	Council	Immediate	
26.	We recommend that Council request a report by the Finance and Administration Committee outlining the changes in processes and timing that will effectively address the concerns of Council vis-à-vis the 2004 budget process.	Council	Immediate	

Recommendation		Responsibility	Timing	Status
27.	We recommend that the Council review and accept the proposed design criteria for the new Governance Model.	Council	Immediate	
28.	We recommend that the Council review and approve the proposed governance guidelines.	Council	Immediate	
29.	We recommend that Council request the CAO to make available the necessary staff resources for the governance model.	CAO/Clerk	January 2005	
30.	We recommend that the Council approve the terms of reference and composition of the renewed Agenda Committee.	Council	January 2005	
31.	We recommend that the senior management team meet to review all reports prior to their submission to the Agenda Committee and that the CAO place his/her name and signature on all such reports.	CAO	Immediate and Ongoing	
32.	We recommend that Council adopt Governance Model "C", the combined Strategic Priorities Committee and Policy Advisory Committees.	Council	Immediate	

Appendix A: The Council / CAO Covenant

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

✔   refrain from any public or private criticism of our administration wherein individual employees are identified

✔   act as good stewards of the City of Guelph and as public servants of our citizens through ethical conduct

✔   provide effective leadership through guiding the corporation and the City through annual or longer term goals and priorities, through the budget approval process and by agreeing to reasonable policies which reflect, in our views, the best interests of a majority of our citizens

✔   ensure that we formally evaluate the performance of the CAO at least once annually and involve the CAO in this process so as to ensure a full understanding of the Council's candid assessment.

Signatures:

Mayor and each Councillor

I, THE Chief Administrative Officer WILL:

✔   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 reasonable and prompt follow-up is assured

✔   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

✔   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 and thus avoid the problems associated with surprises

✔   maintain a current understanding of the applicable legislation as well as relevant programs, policies and initiatives of the Provincial and Federal governments

✔   admit to any mistakes of substance made by myself or my staff and take corrective action

✔   listen carefully to the concerns of Council vis-à-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 _____