A Governance Model (The Cuff Template)

The following is a combination of governance issues and concepts which the author has written about and discussed over the past two decades and which have, from time to time, gained some traction. On the other hand, there are likely at least an equal number of Councils which have decided for their own reasons to stick with what they know as a preferable course. It is my argument that every Council at the start of a term should seriously consider how they can make their decision-making process better.

1) The Impact of the Governance Model

Governance practices can and do impact the quality of decisions made and the sense of confidence by a Council in making them. It has been my experience that members of Councils that sense they are struggling with their governance model are often overheard to complain:

- "The process has been unnecessarily hastened and as a result, the calibre of decisions is called into question".

- "The process has left minimal time for discussion with my fellow Councillors and the staff".

- "This is a public issue and they have not been consulted. Why the rush?"

- Why do we refer such an important issue to the few members of Council serving on that Committee? All of us need to be at the table and consulted".

- "Members of the public seem to have better access to our decisions than I do. I overheard xxx talking about this issue in the café yesterday and they seemed to know more about what our staff is up to than I do".

The governance model (i.e. how we make decisions) can have a tremendous impact on any Council. Such impacts are felt in terms of:

- The time Council spends making a decision

- The number of times a decision is re-visited

- The sense (or question) that all the relevant information has been placed on the table

- The ease by which members of Council can make their point on any agenda issue

- The sense that all Council members are afforded the courtesy of a responsive and good listening audience

- The proximity of the decision-makers to the public

- The proximity of the decision-makers to the administration

- The ease by which the public can access the decision-making process at the critical stages

- The sense that the Procedural Bylaw either inhibits or promotes good decision-making

- The degree of comfort and confidence expressed between the Mayor and the Chief Administrative Officer

- The confidence of the Mayor in providing comment on key issues

- The objectives of the current Council and whether these are best achieved using the present governance model or another model.

2) Time to Consider

The best opportunity to consider changes to any governance system is immediately following an election. Change is easier to make when everyone is relatively new and has not yet seized ownership of a bad or flawed system. (There is a question as to whether or not the pain or angst of change is exceeded by that of the status quo). However, new members of Council may not as of yet experienced the frustration of their predecessors and thus may not understand the need to change.

A further opportunity typically presents itself part way into a term but sufficiently distanced from the final post of an election. Council members have experienced the flaws and may be convinced that a change in how they view governance will be required if any new system is likely to work. Often this follows the perception by the administration that this governance system does not fit this Council but until Council starts to ask for information on the alternatives, not much is likely to happen.

3) Confidence is the Key

All of the above has an impact on the confidence of a Council in its decisions. Council can be assured that its model is working to its advantage when it can make decisions even in heated circumstances and on divisive issues and still emerge from the process feeling that regardless of the heat, the decisions are defensible. It has been my observation that while the governance model is extremely important, it is far more critical that Council has confidence in its own ability to make good decisions that stand the litmus test of time.

4) An Agendas Committee

While many municipalities overlook the importance of the agenda to good Council decision-making, I believe that an agenda is central to the process of local government and one of the key instruments by which Council controls the decisions which impact upon the City. Without a thoughtful approach to building an agenda, the decision-making process will quickly appear mechanistic and stale. It will also be dominated by the administration that, while central to the process, should not be the only players involved in determining what is or is not on the agenda.

The agenda should be seen as your instrument in making sound decisions and for ensuring that important issues are constantly kept in the forefront of Council. Although the physical preparation of the agenda should be the responsibility of the CAO and Municipal Clerk, the agenda itself should still be seen as Council's decision-making tool and that of its principal advisor, the CAO. Rather than solely being a list of issues derived by management based on its need for certain answers, or responses to correspondence from the public and others, the Council agenda should also contain any issues which arise which are of concern to members of Council.

4.1) Mandate and Guidelines for the Agendas Committee

The proposed mandate of the Agendas 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 Governance and Priorities Committee agenda

• to ensure that the voice of individual Council members is heard and reflected in the agenda

to advise Council as to why any particular matter should not be brought forward for Council review at the present time.

The Agendas Committee should consist of two members of Council (Mayor, the Deputy Mayor)(If one of the foregoing is not available, a roster of alternates should be established which the Clerk utilizes to determine who to call to fill in). Advising the Agendas Committee should be the responsibility of the CAO (or designate) and the Municipal Clerk (or designate). This committee should meet about 3-4 days prior to a GPC meeting and review the agenda items as put forward by either the CAO, members of Council or by the Clerk. This committee should operate by consensus. 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 refer to either this Committee or to the GPC agenda for consideration

• 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 Agendas 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 that potentially can impact current Council direction and policy. These "higher order" issues, for the most part, will likely be those of a strategic policy nature dealing with those issues which we outline as being within the purview of a Council.

The Agendas 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 Municipal Clerk should be responsible for establishing a mechanism for tracking these issues and for advising the Council as to their eventual disposition.

Any staff report intended for Council should be directed through the appropriate administrative channels to the CAO and thus becomes "his" report. That is based on the logic and protocol that it is through the CAO that all members of staff report. If the reports are authored by someone other than the CAO, then that name should also be shown on the "request for decision" covering page to which we have alluded earlier together with the name and signature of the appropriate department head. (As noted earlier, the CAO is expected to sign off all reports that are tabled at a committee or Council meeting).

A further important role for the Agendas Committee is the determination of which items ought to be referred to the Governance and Priorities Committee (GPC) for its review. Such items should be those which are policy-oriented or are perceived to generate controversy in the community or which the administration believes will likely take more time for Council to fully digest and appreciate. The GPC is not intended to be a "dry run" for a Council meeting where the latter forum becomes simply an exercise in baptising. The items on a GPC should be viewed by the Agendas Committee as significant and a cause to ponder.

5) Governance and Priorities Committee (GPC)

The GPC is expected to become a very important component of Council's decision-making as Council gains familiarity with its usage. The GPC is **NOT** intended to be an extension of a Council meeting. It will have a distinctly **different agenda** which may feature only one or two priority business items which will also appear on the regular

Council meeting agenda. In addition, it may include a reporting process for any external committees to report on matters which they believe ought to be considered by Council for a decision.

The GPC could be utilized as well for dealing with an initial review of issues which individual Councillors have asked to be placed on the Council agenda.

The GPC should also be used by Council as an opportunity to hear from potentially a wide array of speakers on topics of some concern locally but on which the Council has yet to take a strong policy position. In such instances the GPC may decide to simply recommend the matter forward to Council "for information" or that it be referred back for further consideration by the GPC prior to a formal policy recommendation being presented to Council.

Advantages of a GPC

A GPC model makes a lot of sense from a number of perspectives:

- it brings all of Council together at the same time and venue to discuss "larger order" policy issues which will then be moved forward to a Council agenda. Council is afforded time to ponder.

- The GPC is primarily a discussion, information-seeking forum; that is, it is not intended as a dry run for the next Council meeting. Its agenda ought to be very different in that it might normally only have a few items which have been identified by the Agendas Committee (see terms of reference) as most likely to generate the more significant discussions.

- Council and its administration can determine how best to seek community input on significant issues but certainly the GPC is one useful mechanism. The GPC is open to the public although the GPC members could decide to move in camera on legitimate confidential matters. Council can use this committee in innovative ways through structuring of the agenda; through inviting specific individuals or groups to make presentations; etc.

- The GPC should be seen as more of a working committee where there will be less formality but still procedures being followed. It could take place in a boardroom (if one exists which is large enough) and Council and management might be

seated at the same table (whereas they would be at separate tables in a more formal Council meeting).

- The GPC is not a decision-making committee. All issues discussed at GPC go forward to a regular or special meeting of Council and will be accompanied by a management report which has been signed off by the CAO.

- The GPC should eliminate the need for any standing committees and will assure all members of Council that regardless of what ABCs (agencies, boards and committees) they serve on as a liaison of Council, such agenda matters requiring Council's attention would first be addressed at the GPC as necessary.

5.1) Terms of Reference

The following are proposed as the appropriate terms of reference for the Governance & Priorities Committee. **The GPC** may:

- Hear from delegations and/or refer these on to Council

- Review matters forwarded to it by the Agendas Committee or by Council

- Require that all agenda matters on the agenda be supported by a draft report from the CAO or as delegated

- Recommend that a new policy be approved by Council in order to deal with the matter under discussion

- Review reports or minutes containing action items from external boards and committees so that there is some degree of consistency as to how each is treated by the Council

- Invite guest speakers to attend and present on the topic(s) or stage a debate between two organizations or speakers known to hold varying views on the topic at hand

- Meet publicly at least monthly at a time which is deemed by a majority of Council to enable any interested public to attend

- May determine to meet in-camera on a vote of the committee at the conclusion of a meeting; in-camera matters are limited as per the legislation

- Meet principally as a forum for discussion rather than as a decision-making arena (enables all of Council to review and discuss key issues without the requirement to decide)

- May refer an item to the CAO for more information or clarification but must move the issue forward to Council for its consideration and decision upon receipt of the clarifying information (in other words, the referral process if used is intended to be limited on a normal basis to two weeks).

6) Administrative Review of Agenda Issues

While the agenda and tone of a GPC meeting is not as formal as that of a regular meeting, the quality of any debate will depend on the quality of the input. This requires that the CAO and his department heads as appropriate establish their own timeline such that a meeting of the Corporate Leadership Team (CLT) occurs several days prior to the Mayor, CAO and CO who will review any agenda for the GPC and Council.

The key for the CAO and his CLT is to keep the focus on the broader and more strategic issues. The key determinants of whether or not an issue goes forward to the GPC meeting should incorporate consideration of:

- Is this a matter that we require Council's endorsement of?

- Is this a matter of a new or a revised policy?

- Does the issue have broad community significance?

- Is this an issue that it can be reasonably argued that Council would expect to see and provide direction to even though it may be within the parameters given to the CAO to act?

Governance Model Options

There are a variety of "governance models" in use across Canada. Given that this choice is in many respects at least partially left up to each Council, various models have been chosen and have either been abandoned or are still in use today. The fact that there is a wide range of choices may be due to: history of use of committees; the degree of experience on Council; the style of the new Mayor or CAO; the activism of the community; and so on. We believe that many of these choices of governance model are up to each Council to make and as a result, are not set in stone.

12.1 Description of Options

The ones which we describe in this section are those which are more regularly seen than perhaps others but may not be the only ones in use across British Columbia today (as our research points out: see report in Appendix G):

A. Council Executive Committee

B. Standing Committees

C. Committee of the Whole (Governance & Priorities Committee)

D. Council Initiatives

E. Combined Committee of Whole & Standing Committees

F. Strategic Priority Committees

G. Community Roundtables

We note that each of the foregoing offers both advantages and disadvantages to a Council relative to how it makes decisions. The only "right" one (or combination) is that which seems to best meet the needs and objectives of this Council.

A. <u>Council-Executive Committee</u>

➢ **Characteristics**

- Generally found in only the larger cities
- Closest to a cabinet style of governance; considered to be the most powerful committee of the Council
- Comprised of the Mayor and a portion of the Council, generally less than a quorum; generally consists of the Mayor, Acting Mayor and chairpersons of standing committees

- The Committee may be delegated the authority to:
    - Review and recommend the budget to Council for its consideration and adoption
    - Enter into contracts on matters approved by the budget
    - Execute agreements; call for tenders
    - Approve for appointment or dismissal or recommend the appointment or dismissal of the CAO/commissioners/department heads
    - Perform other duties as assigned to it by the Council

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

➢ **Disadvantages**
- The increase in power of members on the Executive Committee creates a sense of two classes of Councillors (those in the loop – and those not)
- The Councillors not on the Executive Committee may feel marginalized to the point of disrupting the Executive Committee initiatives
- The ultimate roles and powers of Council may be viewed as diminished due to certain of its powers having been delegated to the Executive Committee
- The reporting relationships of senior management may be diffused and possibly confused (i.e. Does senior management report to the CAO, Council, the Executive Committee, a standing committee, etc).

B. <u>Council – Standing Committees</u>

➢ **Characteristics**

A limited number of standing policy committees (3-4) are created by Council

- Should be governed by terms of reference
- CAO designates which senior staff advise which committees
- Agenda materials for standing committees are circulated to the CAO's office by department heads prior to consideration by a standing committee
- Administrative reports and policy issues are expected to be heard first by a standing committee prior to Council's consideration

➢ **Advantages**

- Separation of Council from detailed involvement in administrative matters while affording Council the opportunity to review the key issues facing departments as well as the City as a whole
- Politics are left largely in the hands of politicians; Council's stature is enhanced
- All members of Council are equally involved in committee activity and all are concurrently informed as to the issues

➢ **Disadvantages**

- Individual committees may control key aspects of Council's "agenda" and may limit the flow of information to others or Council as a whole
- Issues can be too narrow and thus invite Council into administrative issues
- Councillors can become the champions for a particular department
- Limited opportunity for Council to focus on the broader agenda
- Potentially diffuses the reporting relationships and responsibilities of the CAO and department heads

Standing Committees

➢ **The advantages of few standing committees are:**

- Less likelihood of Council members becoming directly involved in the management of civic departments

- Greater possibility that committees will focus on broader policy issues
- Improved opportunities for corporate integration of issues
- Fewer meetings to attend leaving Councillors more time to spend dealing with constituent issues.

Standing Committees

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

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

C. <u>**Council – Committee of the Whole (Governance & Priorities Committee)(GPC)**</u>

➢ **Characteristics**

- This model of Council's legislative involvement limits Council standing committees to one: a committee of the whole
- All members of Council are the invited participants with the CAO (and at his/her request members of the management team) acting in an advisory capacity
- Someone other than the Mayor generally chairs this decision-making step (or process); enables other Councillors to get a sense of the challenges of governing a meeting
- Agenda items are largely those submitted by the administration and which require Council's policy review and approval; based on the breadth of the organization, these issues will likely be "higher order" issues as time would not permit a review of lesser matters
- Council members and external boards/agencies may also have items placed on the agenda by the concurrence of Council or through a formal or informal screening process (e.g. Mayor, CAO, and Corporate Officer).

- Committee of the whole meetings generally have both a public and private component; private issues may include: legal matters, confidential City land purchases and sales and personnel issues; and any other issues as permitted by legislation.

➢ **The advantages of a GPC model are as follows:**

- Council's focus is geared toward policy issues
- The administrative analysis and advice can readily be orchestrated through the CAO's office
- All of Council can participate in the policy debates
- All of Council is concurrently informed and involved; no one member or group of members has more access to power or information than another
- Has considerable flexibility so that Council can use this committee in innovative ways through structuring of the agenda
- Allows policy issues to be surfaced at this step and thus provides for a time of reflection prior to formal consideration at Council.

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

- These meetings can become a dress rehearsal for Council meetings if the CO's office sets up the agenda to be patterned after that of Council
- Focus will be on the important and broad policy issues; those Councillors who would rather focus on detail may be disappointed.

D. <u>Council Initiatives</u>

➢ **Characteristics**

- Council discusses and determines their sense of key City issues which Council wants to move forward in their term of office
- These items/topics are derived from Council's strategic plan and reflect Council priorities
- The Mayor identifies a member of Council to "head up" each initiative on an annual basis (e.g. Aboriginal relations; sustainable farming)

- The Corporate Officer's office assigns a staff member (under the direction of the CAO) to assist with any research and/or the calling together of community members to a forum or think tank on the issue
- The same clear terms of reference are attached to each Initiative prior to the Councillor being identified as "Lead Councillor" on that Initiative (e.g. homelessness, citizen participation, City aesthetics, etc.)
- The "Initiative" ceases as the report by the Councillor is tabled and received by Council
- The report may result in a new City policy, a budgeted item or a reaffirmation of a current approach
- The issue would likely be referred over to the CAO to incorporate into the next City budget (if applicable)
- No Councillor will be appointed to the same Initiative for more than 2 years

➢ **The advantages of this approach are:**
- Council's key issues will be highlighted and get the coverage they deserve
- Each Councillor will be identified with an initiative and will be deemed the lead spokesperson on that issue/mandate
- The citizens will know that Council is governing and guiding the City
- Councillors' involvement with the administration will be defined

➢ **The disadvantages of this approach are:**
- Councillors may try to "end run" Council and the administration and operate as a "one man band"
- There may be more rather than less confusion as to who does what between Council and the administration
- The Council members may begin to treat each staff member assigned as their own research assistant

E. **Combined Committee of Whole & Standing Committees**

➢ **Characteristics**

- Council adopts a committee of the whole (Governance and Priorities Committee—GPC) and forms 3 standing committees (e.g. Finance & Corporate Services, Community & Planning Services, Operational and Safety Services)
- Terms of reference are established for each
- CAO and Corporate Officer's office determine which issues go onto which agenda
- All other advisory ABCs must be processed through one of these forums before their report is entertained by Council
- The CAO determines which administrative member is attached as the primary advisor to which committee
- Members of Council are rotated
- The Corporate Officer (based on the applicable terms of reference) will determine which issues will go to the standing committee and which to the GPC; the latter will deal with broad, major issues such as the annual budget

➢ **Advantages**
- Certain broad, city-wide or significant issues can be directed to the GPC (e.g. strategic plan, budget, Council-CAO relationship/performance reviews)
- Other issues directed to standing committees depending on terms of reference
- All issues recommended forward to Council for final approval; this retains all decision-making at Council table
- Councillors can chair these committees; provide policy leadership
- Committees chairmanship can be rotated to afford all members of Council so interested to have some experience chairing one or more committees

➢ **Disadvantages**
- May be some degree of confusion as to what issues go to which committees
- GPC (Committee of the Whole) may garner most of the larger issues; other committees may feel over-looked

- Number of committees may not afford all members of Council an equal opportunity to act as chair
- GPC may duplicate some of the work by the full Council; issues may appear to be repeated at Council meetings
- Too many committees will place a burden on the administrative resources

F. Strategic Priority Committee(s)

➢ Characteristics

- Approach reflects Council's strategic priorities as determined by its annual planning process
- Priorities are born out of Council's "Vision, Mission and Core Values"
- Preferably Council will establish a condensed number of priority themes/goals
- Committee will focus on those goals as their primary objectives for the year
- Any other external/public committee would be required to report through this committee

➢ Advantages

- Council's efforts in identifying its priorities are recognized
- The committee focuses its efforts on certain key themes
- All issues recommended forward to Council for final approval; this retains all decision-making at Council table

➢ Disadvantages

- Issues which do not fall within these categories of major themes may not find a place to land
- New issues which come to the attention of the Council may not make the agenda or may replace the priority issues too readily

G. Community Roundtables

➢ Characteristics

- This informal structure utilizes assemblies of interested citizens on an "as needed" basis

- An issue(s) would be identified by Council (and/or administration) and the insights of those affected would be solicited
- The assembly or gathering could be held over a series of weeks or a weekend but it is intended to not become a long-standing committee
- Council members would be invited to attend but would not chair these gatherings; a citizen at large would be chosen by the Corporate Officer and recommended for appointment by Council
- At the conclusion of each roundtable, Council would see developed a City over-arching policy statement which would then be used to guide Council's thinking and perhaps decision-making on related matters.

➢ **Advantages**
- The advantage would be one of short term engagement for a useful product/policy
- The lack of formality would be attractive to some people who tend to shy away from formal structures
- A variety of voices would be heard and not just those of a particular committee member
- Various roundtables/gatherings could be held throughout the year to address various topics of concern to Council and the community
- This model could seamlessly incorporate the Safety and Security Web (SSW) initiative supported by Council

➢ **Disadvantages**
- Council may find this model to be very much "hit and miss" and not a continual source of good public input
- There may be limited to negligible ongoing connections to the Council on related matters.