

GBC MANAGEMENT CONSULTANTS

## SUMA Annual Convention

### Break Out Session

February 2013  
George B. Cuff, FCMC

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Governance is a poorly understood concept given that it affects all of our lives from birth to death. It underlies what our decision-makers do and how they do it. It is at the heart of issues and their resolution by those we elect to govern us. In effect, it is critical to our well-being and central to how we treat others.

George B. Cuff, FCMC  
September, 2012

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"...a good board (or Council) is like a good painting. Good and bad paintings are made of the same stuff-paint, canvas, wood-it is how they mesh together that makes it either art or garage sale refuse."

(Source: Brad Cherniak, Columnist, National Post, November 14<sup>th</sup> 2011)

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## What Do I Know from Learning & Experience?

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## What Do I Know? (1)

- ❑ Effective Councils understand that they serve best when they provide policy leadership
- ❑ Effective Councils are not meddlers; as much as they may be convinced they could do better than skilled and experienced administrators, they resist the temptation
- ❑ Effective Councils focus more on servant-leadership than egos, sound bytes, photo ops

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## What Do I Know?(2)

- ❑ Effective Councils argue, disagree, speak up on the issues AND do so in a spirit of respect: in short, they are mature
- ❑ Effective Councils respect each other: in private and in public
- ❑ Effective Councils understand that the focus of their debates is with other members of Council: the administration is not on the debating team

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### What Do I Know?(3)

- ❑ Council & Mayor Set the Tone at the Top
  - ❑ Community senses the tone: progressive, change, status quo, reactive, fractious, unified
  - ❑ Dialogue in Chambers an important barometer
  - ❑ Council outlines its priorities; expects the system to put those into action; expects the CAO to report on accomplishments and challenges

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### What Do I Know? (4)

- ❑ Effective Councils
  - ❑ Show respect for the independence & professionalism of management
  - ❑ Collegiality/respect between Mayor & CAO
  - ❑ Advice by CAO always sought; not always bought!
  - ❑ Public criticism of administration received but not quickly accepted
  - ❑ CAO keen to always improve what his management and staff are doing; public's impression important

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### What Do I Know? (5)

- ❑ Decorum in Council Chambers
  - ❑ Council members agree to show courtesy to others
  - ❑ Council members accept that others hold varied opinions
- ❑ Council's Focus
  - ❑ Committed to engaging the community
  - ❑ Willing to recognize community groups as allies
  - ❑ Prepared to find ways to involve the public
- ❑ Council members "Other-centred not Ego-centred"
  - ❑ Service not self the attitude
  - ❑ My time here is limited

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## Role Clarity the Key: Council, the Mayor, CAO

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### General Duties of Councillors (Sec.92)

(a) to represent the public and to consider the well-being and interests of the municipality;

(b) to participate in developing and evaluating the policies, services and programs of the municipality;

(c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;

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### General Duties of Councillors (Sec.92)

(d) to ensure that administrative practices and procedures are in place to implement the decisions of council;

(e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;

(f) to maintain the financial integrity of the municipality;

(g) to perform any other duty...

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### General Duties of Mayor or Reeve

93(1) In addition to performing the duties of a councillor, a mayor or reeve has the following duties:

(a) to preside when in attendance at a council meeting unless this Act or another Act or a bylaw of council provides that another councillor is to preside;

(b) to perform any other duty imposed on a mayor or reeve by this or any other Act or by bylaw or resolution.

(2) The mayor or reeve is a member of all council committees and all bodies established by council pursuant to this Act, unless the council provides otherwise.

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### Key Roles (1)

- ❖ The Mayor and Councillors
  - ✓ Respect the legislation
  - ✓ Represent the public; the whole community
  - ✓ Identify their vision for the future of the municipality; invite senior management & the public input
  - ✓ Assess current policies guiding current vision; adjust policies to fit your vision/priorities/campaigns
  - ✓ Resolve local issues; arbitrate; determine what is right; examine precedents; review budget; decide
  - ✓ Establish the Corporate Business Plan

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### Key Roles (2)

- ❖ The Mayor and Councillors
  - ✓ Assess budget proposals; weigh options; determine taxes, utility charges needed to fund operations
  - ✓ Set new policies; examine current procedures
  - ✓ Assess ABCs; review value added
  - ✓ Determine best governance approach: committees, citizens, terms of reference (it's YOUR model)
  - ✓ Assess CAO: set position description, identify preferred accomplishments, manage the relationship, assess progress; compensate fairly

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### Administrator

110(1) Every council shall establish a position of administrator of the municipality.

(2) A person who holds the position of administrator of the municipality must: (a) in the case of an administrator of a municipality other than a rural municipality, be qualified as required by The Urban Municipal Administrators Act; or (b) in the case of a rural municipality, be qualified as required by The Rural Municipal Administrators Act.

(3) The administrator shall perform the duties and exercise the powers and functions that are assigned to an administrator: (a) by this and other Acts; and (b) by the council.

(4) Subject to the approval of the council, an administrator may delegate any of his or her powers, duties or functions to any employee of the municipality.

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### Duties of Administrator (Sec.111)

- Maintain the official records & keep safe
- Produce them when called upon
- Provide them when you quit
- Record the minutes; approve at next meeting
- Record who is present
- Advise Council of duties
- Send information to Minister
- Follow Council's directions
- Deposit the money
- Disburse the money as directed
- Develop the financial statements
- Submit the statements by June 1

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### Roles of the CAO

- Apolitical policy advice to Council
- Conduit of Council decisions to administration
- Implementer of Council decisions
- Quarterback/team leader of the administrative body
- Approval authority for administrative actions
- Quality control of advice up & action down
- Partnership builder; building alliances as appropriate

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## Key Roles(1)

- ❖ The CAO & Management
  - ✓ Represent the organization to the Council
  - ✓ Provide best apolitical advice; identify policy options; present arguments; recommend best option
  - ✓ Prepare business plan based on Council's vision
  - ✓ Prepare budget proposals; options; recommend taxes, utility charges needed to fund operations
  - ✓ Identify need for new policies; review current policies; assess what is working and not
  - ✓ Be open to change

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## Key Roles(2)

- ❖ The CAO & Management
  - ✓ Review value of ABCs; assist as directed
  - ✓ Support Council's approach to governance
  - ✓ Assist Council in developing future vision
  - ✓ Respond to local issues within policy
  - ✓ Hire quality people; provide clear direction; assess; support; compensate within Council-approved policies
  - ✓ Champion administration in front of Council

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## CAO Control Mechanisms

- CAO Bylaw
- CAO Position Description
- Position Profile
- CAO Contract (Letter of Offer)
- CAO Performance Appraisal
- CAO Goals/Objectives
- Organizational Performance

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## Relationship Between Council & Senior Management

- Respect for the professional skills & experience
- Understanding these people report to CAO; they serve the municipality & not individual Councillors
- Friendly, cordial, respectful
- Prepared to ask questions
- Any relationship not to undermine that of Council-CAO

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## Relationship Between Council & CAO

- What is harmful?
  - Constant undermining; ridicule
  - Personal friendships
  - Believing every rumour you hear
  - Trying to get staff on your side
  - Seeing staff as one of you (they aren't)
  - Adopting an unquestioning attitude towards reports

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## Foundations of Good Governance

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## What is Governance?

The process of exercising corporate leadership:

- by the governing body
- on behalf of the citizens
- to the community & organization as a whole
- in terms of purpose, control and future
- while providing oversight to ensure that the mandate of the municipality is achieved.

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## Principles of a Policy Governance Body

- Adherence to decision-making protocols
- Primacy of the Council Table
- Open meetings
- Regular and transparent reporting
- Apolitical administration
- Interests of the whole
- Oversight to the administration, the budget, the municipality's fiscal health, key priorities, relationships

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## Principles of a Policy Governance Body (2)

- Participation
- Respect for the Administration
- The Mayor as Spokesman for Council
- Ethical Government
- Good neighbours
- Self Regulating
- Accountability

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## Governance Models

- Important to underline the fact that your model is your choice
- Models may encourage focused and streamlined decision-making or process-oriented with considerable public participation
- Best models enable time for Council to ponder
- Citizen advisory processes impact significantly: which ones add value?

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## Committee Systems

- Council's choice as to what works
- Each model has strengths and weaknesses
- Understand what the model is expected to achieve
- If you do change your governance model, build in a period of assessment

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## The Critical Tools of Governance (1)

- Council's leadership on a strategic set of priorities; what's on first base?
- Council's stamp on policies; are they reflective of THIS Council
- Long and short term plans (land use, infrastructure, corporate services including finance, community services, protective services)

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## The Critical Tools of Governance (2)

- Clearly defined protocols
  - Access to senior managers
  - Public commentary
  - Confidentiality
  - Transparency of process
  - Primacy of the table respected
  - Viewpoint of each respected

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## Suggested Council Protocols

- # 1 **Treatment of the CAO**  
We agree to respect the apolitical nature of the office of the CAO ...
- # 2 **Treatment of the senior administration**  
We agree to respect the apolitical nature of our senior staff ...
- # 3 **Access to staff information**  
We will agree to access information developed and or possessed by our administration by accessing such information...
- # 4 **Use of public property**  
We agree to respect the fact that property belonging to the municipality is held as a common interest ...

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## Suggested Council Protocols

- # 5 **Role of citizens to request information**  
We respect the right of all citizens to have access to public information...
- # 6 **Right of citizens to appear before Council**  
Our citizens are entitled to appear before Council on issues that are within the jurisdiction of the municipality...
- # 7 **Treatment of ABCs**  
Council is appreciative of the willingness of citizens to volunteer their time and talents to serve on ...
- # 8 **Respect for each other in Chambers**  
Council members will treat each other with respect in Council Chambers...

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## Leadership & Decision-Making Principles

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## Core Decision-Making Principles

1. Principle: The Council will exercise its independent authority with respect to: setting the municipality's vision & priorities, assessing the CAO, meeting with the external auditor, passing bylaws, policies, resolutions
2. Principle: Decisions will flow from a sound understanding of Council's governance role based on a thorough orientation
3. Principle: Elected Officials will voice their views before a decision is made & will respect the results of the democratic process
4. Principle: Council will approach all decisions with an open mind
5. Principle: Decisions will be based on comprehensive, apolitical administrative advice from the CAO
6. Principle: All members of Council will receive access to concurrent information on decisions & policy issues

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## Core Decision-Making Principles

7. Principle: All members of Council are elected as co-equals & may lead any ABC of Council
8. Principle: No ABC will be delegated decision-making authority unless permitted by legislation & by Council resolution
9. Principle: Council's decisions will flow from a policy framework
10. Principle: Decisions will be made in a transparent manner unless required to be otherwise protected by law (i.e. in camera)
11. Principle: Public participation will be encouraged in key Council decisions; all decisions will reflect "what is best for the community as a whole"
12. Principle: The Mayor/Chair will ensure full Council awareness of any proposed policy or public announcement; all Elected Officials will be uniformly well-informed

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## Core Decision-Making Principles

13. Principle: Mayor may be briefed first but not in isolation of all others; all Council members briefed within 48 hours of the information being received
14. Principle: The CAO's authority over all staff will be respected; questions to admin at Council meetings through the CAO
15. Principle: Request for information from one Council member triggers a response to all members
16. Principle: Council will be briefed regularly by the CAO on progress on key issues
17. Principle: The Mayor is regarded/respected as the official spokesperson on behalf of Council

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## Levers of Power

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## Levers of Power (1)

- Legislative Authority (Responsibilities and Powers)
- Power of the People (Representation of the Public)
- Strategic Vision (Council Vision, Goals, Priorities)
- Financing & Taxation (Operational and Capital Budgets) (Variances)
- Decision-making (Policies & Bylaws)
- Organization Structure (Personnel; Compensation)
- Organizational Management (CAO Performance)

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## Levers of Power (2)

- Governance Processes
  - Agenda Process (Itinerary for Decision-making)
  - Committee System (Determining which Style)
  - Appointment of ABCs (Terms/Who/How Long)
  - Guidance to & Review of Policies (What)
  - Procedural Bylaw (How)

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## Agencies, Boards and Committees

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## Categories of ABCs

- Agencies, Boards and Committees
  - Three major categories: those established by legislation (e.g. Library Board); those established by Council for a particular purpose (e.g. Citizens' Committee on Council Compensation, Communities in Bloom); those established by others who wish Council representation (e.g. Mothers Against Drunk Driving)
  - Cuff's Maxim: Ensure you know why they were created and determine if they are serving a useful purpose

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### Rules of Engagement

- Define the purpose (Committee Charter)
- Define the role of any Council representative to the ABC
- Ensure that the ABC understands that their chair is their advocate, not the Councillor
- Request that their minutes be provided to Council (Clerk's office) within 7 days of any meeting
- Ensure that you review their minutes; pass along to Council for information
- Determine who appoints members & Chair

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### Rules of Engagement (2)

- Specify a term of office; refresh members regularly
- Identify what staff resources if any will be provided
- Ensure ABC understands that staff do not report to them
- Invite to a Council meeting; thank for service to community; inquire as to their goals/plans; offer help
- Ensure clear reporting path: how do reports get to Council?
- Utilize in terms of gauging municipality pulse on key issues
- Mayor to thank publicly

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### Council's Connectedness to the municipality & Community

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### The Point of this Business (1)

- Does Council have a clear citizen engagement strategy?
- Does the public feel a sense of connectedness to its leaders?
- Are meetings properly publicized? Are most issues dealt with publicly? Does Council use in camera meetings carefully?
- Are delegations properly briefed?
- Is the municipality website refreshed regularly?
- Does Council employ a user-friendly approach to its governance model?

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### The Point of this Business (2)

- Is the Mayor seen outside his office regularly?
- Does he address all visiting groups, associations, annual meetings? Does he get a "heads up" from tourism and economic development authorities?
- Are complaints properly investigated? Is Council informed?
- Are key messages disseminated in plain language?
- Are citizen groups invited to Council meetings?
- Are ABCs listened to? Appreciated?

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### Governance Challenges

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## Challenges & Landmines

- Lack of certainty as to where Council adds value
- Limited understanding of Council's priorities
- No commitment to communicating with the public
- Focus on personalities & not on the issues
- Friction between members of Council on petty issues
- Lack of confidence in advice of senior management; Council's focus on management's realm

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## Challenges & Landmines (2)

- Disrespecting the office of Mayor
- Allowing the Mayor to overstep his powers
- Combining and confusing Mayor/CAO roles
- Misunderstanding the value of consensus
- Personalizing all issues
- Refusing to change or to listen
- Enjoying the limelight but not the commitment

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## Ethics and Governance

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## Life in a Fishbowl (1)

- Once elected to public office or appointed to a public ABC, life changes
- People expect personal behaviour at a higher standard than the life of a private person
- Understand the provisions of legislation; have legal counsel meet with Council annually to update
- Develop your own Code of Conduct then follow it
- Do not think it does not apply to you

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## Life in a Fishbowl (2)

- There will always be some cost to doing Government business; this will always be regulated
- Your notion of what is permissible does not cut it
- Comments after headlines are a waste of print
- Policy has to be followed; transparency is the key
- Publish your expense accounts; have them audited annually or at least on a rotational basis
- Keep to the moral/ethical high ground

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There are certain keys to an effective system of local government. Central to those is understanding that governance is what a Council is elected to do. Management is what your administration are appointed to do. The citizens profit when both are doing what they should be doing as effectively as possible.



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## Carpe Diem (Seize the Day)

- Determine to be a difference maker: the status quo is for those who have quit thinking
- Work collegially as you search for the answer to the question: what difference do we as a Council want to make?
- Be courageous! Columbus did not know where he was going; did not know where he was when he got there; did not know where he had been when he got home: but he made a difference!