

2019 Sturgeon County Committees Review Report

Scope of the Review

Council has directed Administration to:

Review the Council Committees structure and bring recommendations forward that consider the following:

1. An expanded role for the Committee of the Whole to be able to do more than receive presentations and delegations;
2. An expanded role for the other Committees of Council to receive referrals from Council or Committee of the Whole and bring recommendations to Council; and
3. Consideration of the creation of a Council Services Committee to allow Council to address operational and housekeeping matters that are not appropriate to be dealt with at Council or Committee of the Whole meetings.

Defining Council Committees

Section 145 of the *Municipal Government Act* (MGA) states that Council may pass bylaws in relation to the establishment and functions of Council committees and procedures to be followed by Council, Council committees, and other bodies established by Council.

In accordance with section 1(f) of the MGA, “council committee” means a committee, board or other body established by a council under the MGA but does not include an assessment review board or a subdivision and development appeal board.

The following Sturgeon County Boards and Committees are within the scope of this review as they are established by Bylaw 1381/16 – Council Committees, amended by Bylaw 1420/18, which established the Transportation Advisory Committee:

- Committee of the Whole
- Agricultural Service Board
- Agricultural Pest Act Appeal Committee
- Calahoo Villeneuve Sand and Gravel Advisory Committee
- Community Services Advisory Board
- Economic Development Board
- Environmental Protection Appeal Board
- Soil Conservation Act Appeal Committee
- Weed Control Act Appeal Committee
- Boards and Committees Selection Committee
- Emergency Advisory Committee
- Transportation Advisory Committee

Despite being a Council committee, the Municipal Planning Commission (MPC) is excluded from the scope of this review as it is a decision-making committee in accordance with the MPC Bylaw and not an advisory committee. If Council wishes for Administration to undertake a review of MPC, that direction must be provided.

Governance Best Practices

Benefits of Council Committees

Council committees are an important part of any municipality's governance framework. Council committees:

- provide a link from the public to elected officials, which is an opportunity to have citizens' input brought to Council for consideration;
- allow public members with expertise in specific fields to contribute their skills and knowledge to County governance;
- allow for more in-depth consideration/discussion on matters that Council does not have the time to delve deeply into; and
- support Council efficiency since committees can be used to explore particularly difficult topics or issues in detail with recommendations coming to Council for decision.

Accountability/Engagement

Council committees are established by Council and are therefore accountable to Council. As a result, Council committees must:

- contribute to the public good;
- operate within the bounds of their legislation;
- be charged with a specific purpose;
- plan how they will accomplish the purpose set out;
- be composed of committee members that actively contribute to committee work;
- contribute to the fulfillment of Council's Strategic Plan;
- support events and initiatives hosted by the County; and
- report regularly to Council on the progress of their work and achievements.

Accountability contributes to committee member engagement. With a strong sense of purpose and understanding of how the committee's work flows from, and contributes to, Council's Strategic Plan, committees are better positioned for success and realization of their goals in support of Council's vision for the community.

Environmental Scan of Comparable Municipalities

In undertaking its review, Administration conducted an environmental scan of comparable municipalities, including a mix of rural counties and mid-sized urban centres as well as larger, smaller, and similar-sized municipalities. Administration found that most of these communities have a similar governance structure to Sturgeon County. Most have a Committee of the Whole, though the name of the committee varies across municipality (in some municipalities it is referred to as Priorities Committee, Governance and Priorities Committee, or Governance, Priorities and Finance Committee). All municipalities have advisory committees, though their mandates and compositions vary. Rural municipalities are likely to have an Agricultural Service Board and some a Transportation Advisory Committee like Sturgeon County.

The municipality that is the most advanced in terms of its governance structure is Strathcona County, which conducted a governance review in 2017. When considering the review of Council committees at Sturgeon County, Strathcona County should be viewed as a best practice, although replicating another municipality's practices is not recommended without consideration of the specific needs of Sturgeon County. Adopting best practices from other municipalities is often a good place to start; continuous improvement is achieved after trying something and continually refining it over time.

Strategic Plan Considerations

The review of Council committees must be conducted in consideration of Council's 2018-2027 Strategic Plan. An efficient and effective governance structure ultimately advances all focus areas if governance is operating well, but the focus areas most relevant are those of *Strong Local and Regional Governance* and *Community Identity and Spirit*. Relevant excerpts of the Strategic Plan are provided below.

Strong Local and Regional Governance

Community Outcome:

We provide consistent and accountable leadership through collaborative and transparent processes.

Ten-Year Strategic Direction:

- Residents are engaged in the community.
- Residents are provided opportunities to participate in civic matters and are engaged.

Community Indicators:

Number of applications for Sturgeon County Committee positions

Goals:

Goal 3.1 – Sturgeon County provides effective leadership and management

3.1.1 Bylaws and policies align with the Strategic Plan and provide clarity for consistent Council decision-making and Administration implementation.

3.1.2 Opportunities for residents to represent the community and participate in municipal matters, including Boards and Committees of Council.

Community Identity and Spirit

Community Outcome:

We build upon our strengths, where we create an inclusive, caring community.

Ten-Year Strategic Direction:

Residents can be proud that Sturgeon County is their home, feel connected to their community and have a sense of belonging.

Goals:

Goal 4.2 – Sturgeon County actively supports and collaborates with voluntary organizations in the region.

4.2.2 Volunteerism is supported and promoted in Sturgeon County.

Review of Committee of the Whole (COW)

Current State

In accordance with section 78 of Procedure Bylaw 1301/13, COW may:

- receive delegations and submissions; and
- meet with other municipalities and other levels of government.

Motions are not made at COW meetings and minutes are not kept. In the current structure, there is no opportunity to refer matters to Administration for further research, to involve Council committees, or to make recommendations to Council. This creates challenges when external presenters attend COW meetings and receive no decision or resolution as a result.

Analysis

There is a significant opportunity to expand the scope of Committee of the Whole. The Committee can support Council's decision-making process by providing a venue for fulsome discussion on key principles, ideas, or components of projects, plans or other things that will ultimately require Council direction or decision.

In comparable municipalities, Committee of the Whole can, among other things:

- receive reports and updates from Administration related to County programs and services;
- monitor progress on Council priorities, strategic initiatives, master plans, master projects, and planning initiatives;
- receive presentations from external agencies and other third parties;
- receive annual reports from Council committees on committee activities;
- refer matters to Council with a recommendation;
- refer matters to Council without a recommendation;
- refer matters to Administration; and/or
- refer matters to a Council committee for further research and investigation.

Matters referred to Council would come to the next available Council meeting for a decision. The purpose of referring matters to Administration would be for Administration to incorporate the Committee's feedback and make refinements to a proposal. Referring matters to a Council committee would be for the purpose of the committee studying the matter further and presenting findings and/or recommendations to Council.

As a Procedure Bylaw amendment will be required to remove the mandate of Committee of the Whole, to be replaced with a new Committee of the Whole Bylaw, at this time, Administration intends to present other Procedure Bylaw amendments that will address matters such as motion renewals (bringing a previously-decided item back to Council). To improve Council meeting efficiency, Administration will also propose the introduction of a consent agenda process at Council meetings whereby, with unanimous consent, recommended motions on all consented agenda items are approved without debate. Additional information will be provided at the time that the bylaw amendments are presented to Council for consideration.

Recommendation

That Council direct Administration to draft a Committee of the Whole Bylaw to expand the mandate of the Committee as identified in the 2019 Committees Review Report.

Review of Sturgeon County Advisory Committee Structure

Current State

Council committees are established by the Committees Bylaw 1381/16 (amended by Bylaw 1420/18), which sets out, at a high level, the mandate of each advisory board and committee. Section 21 of the Bylaw authorizes each committee to prepare a "Terms of Reference" document for recommendation to Council, to be approved by Council. The Terms of Reference document is required to include the requirements for quorum and voting, number and composition of membership, desired skills of membership, roles of members, process for preparation and circulation of an agenda and minutes, and the role of, and process for appointing, the Chair of the committee. The Terms of Reference may also provide guidance to roles, methods, and frequency of communication between Council and committees.

Analysis

In accordance with section 145 of the MGA, Council committee terms of reference must be established by bylaw. Although the Committees Bylaw establishes the committees and sets out their purposes generally, allowing committees to propose amendments to their terms of reference and having these amendments approved by Council resolution is offside with the MGA. Further, this process seems opposite of the principles of good governance and accountability/engagement; it is Council's role to continually monitor the progress of its committees and based on performance and in consultation with the committees, initiative amendments to the terms of reference. Once responsibility is given to a committee, the committee must be able to exercise discretion within the terms of its mandate. With all of this considered, it is important to note that organizations can become fixated on terms of reference rather than consider how they can be nimble and agile in fulfillment of their objectives without initiating onerous and time-consuming bylaw amendment processes. Administration advocates a balanced approach of clear expectations and accountability with the ability to be reactive and responsive.

In consideration of municipal best practices, Strathcona County is moving towards a structure where Council committees are established by bylaw, with separate bylaws establishing the terms of reference for each committee. In each bylaw, committees are provided with an expiry date, requiring Council to review the terms of reference on a regular basis (at least every 3 years) to ensure the terms of reference continue to align with Council's expectations.

Currently, there is no significant link between the work of Council committees and Council's Strategic Plan. Council should consider the work of the committees more closely in the context of achieving the Strategic Plan and providing direction to the committees on how this work can be achieved. This can be realized through the issuance of mandate letters to committees that spell out the specific projects/initiatives Council would like achieved in the short-term. Strathcona County is an example of a municipality that issues mandate letters to its committees and this practice is quite common at the provincial and federal levels of government.

Once a mandate letter is issued, the committee should review that mandate letter and determine a workplan of how it will accomplish what Council has set out. This should be done in the form of an annual workplan, which should be filed with Legislative Services. These workplans would not come to Council for approval but would be available to members of Council and the public upon request. At least annually, each committee should come to Council to present on its accomplishments and how it was able to meet the mandate set out by Council.

Despite the identified benefits and value of Council committees, striking a Council committee is not the solution for every problem. Council committees should exist only if no existing entity (Administration, private sector, another public sector organization, non-governmental organization) can better carry out the function. Council must also consider the staffing implications, cost effectiveness, and liabilities that come with creating or maintaining Council committees.

Some municipalities are moving away from the creation of Council committees and towards establishing ad-hoc task forces. Task forces should be established by bylaw, existing only to fulfill a narrow, specified purpose and dissolve when the work of the task force is complete. Two recent examples of task forces established by Sturgeon County include the Heartland Residents Task Force and the Citizen Task Force on Elected Officials Remuneration.

The recommendations proposed below will provide for an expanded role for Council committees in receiving referrals from Council or Committee of the Whole and providing recommendations to Council.

Recommendations

That Council direct Administration to prepare amendments to the Council Committees Bylaw establishing the requirement for Council to issue mandate letters to Council committees, for committees to develop annual workplans to be filed with Legislative Services, and for committees to present at least annually to Council on their progress.

That Council direct Administration to draft separate bylaws establishing the terms of reference for the Agricultural Service Board, Agricultural Pest Act Appeal Committee, Calahoo Villeneuve Sand and Gravel Advisory Committee, Community Services Advisory Board, Economic Development Board, Environmental Protection Appeal Board, Soil Conservation Act Appeal Committee, Weed Control Act Appeal Committee, Boards and Committees Selection Committee, Emergency Advisory Committee, and Transportation Advisory Committee.

Governance Advisory Committee Proposal

Current State

Currently, there is no Council committee established to address operational and housekeeping matters that are not appropriate to be dealt with at Council or Committee of the Whole meetings.

Analysis

The need has been identified for a venue where the Mayor can receive input from other members of Council, as well as a venue for non-strategic matters to be discussed and decided. Administration proposes the creation of a Governance Advisory Committee (GAC) (or a committee with the same function and a different name, if Council prefers).

Using Strathcona County as a best practice, the County has established a Mayor's Executive Committee and a Governance Advisory Committee that deal with items not appropriate to be addressed by Council either at Council meetings or Priorities Committee meetings.

Upon reviewing the responsibilities of similar committees in comparable municipalities, Administration has identified the following matters that may be appropriate to be addressed by the GAC:

- Review of upcoming Council and Committee of the Whole agendas, proposing sequencing of items to ensure balanced meetings and identifying potential items for consent agendas
- Approval of sponsorship requests
- Review and approval of Council messaging
- Approval of letters of support for initiatives/grant funding from other levels of government
- Approval of proclamations
- Approval of conference/professional development funding for members of Council from the common conference/professional development budget (this is in addition to the individual allocation approved annually)
- Approval of common public relations budget expenditures
- Coordination of Councillor attendance at meetings and community events
- Coordination of the annual Chief Administrative Officer performance evaluation
- Coordination of Council professional development/orientation sessions

Administration recommends that the Governance Advisory Committee consist of the Mayor, Deputy Mayor, and the Councillor who is next to be appointed as Deputy Mayor on the Deputy Mayor schedule. All members of Council would be invited to attend but would not be able to make motions, participate in debate, or vote. These meetings would also be open to the public except for those matters authorized to be dealt with in closed session in accordance with section 197(2) of the MGA and the *Freedom of Information and Protection of Privacy (FOIP) Act*.

Recommendation

That Council direct Administration to draft a bylaw establishing a Governance Advisory Committee with the mandate identified in the 2019 Committees Review Report for Council's consideration.

Informal Briefings to Council Overview

Current State

Currently, informal briefings are provided from Administration to Council on average, twice a month. These briefings are open to the public.

The following are the terms of reference for these briefings:

- Attendance of Council members is optional;
- Minutes of sessions are not kept;
- There are no quorum requirements;
- The list of topics is prepared by the CAO, although areas of interest can be suggested in advance by members of Council;
- The flow of information is almost entirely one way from members of Administration to members of Council in attendance;
- The only questions that can be asked are those for clarification;
- Formal debate on information provided or actions taken by Administration is not permitted;
- Members of Council cannot provide direction or instructions to Administration; and
- Members of Council cannot attempt to reach any decisions on the basis of information being provided by Administration.

Informal briefings to Council do not constitute Council meetings under the MGA, and when gathered for an informal briefing, Council is not meeting as a Council Committee.

Analysis

It is common for municipalities to hold briefings with members of Council. These briefings help to provide awareness on emerging items and to ensure that members of Council are informed on issues affecting the organization. If the items discussed are limited to those outlined above, briefings to Council are legally permitted and should continue.

Recommendation

Administration recommends that briefings to Council continue as required, with continued diligence to ensure that items are dealt with at the appropriate venue, whether through briefings to Council, or at a Council, Committee of the Whole, or Governance Advisory Committee meeting.

Council direction is not required for briefings to Council to continue. Once committee structure changes have been finalized, Administration will be diligent to ensure that items are brought to the correct venue based on whether the purpose is for informational purposes, debate, or decision.

Summary of Administration's Recommendations and Proposed Timelines

Administration's Recommendations

To summarize, Administration recommends:

- 1. That Council direct Administration to draft a Committee of the Whole Bylaw to expand the mandate of the Committee as identified in the 2019 Committees Review Report;**
- 2. That Council direct Administration to prepare amendments to the Council Committees Bylaw establishing the requirement for Council to issue mandate letters to Council committees, for committees to develop annual workplans to be filed with Legislative Services, and for committees to present at least annually to Council on their progress;**
- 3. That Council direct Administration to draft separate bylaws establishing the terms of reference for the Agricultural Service Board, Agricultural Pest Act Appeal Committee, Calahoo Villeneuve Sand and Gravel Advisory Committee, Community Services Advisory Board, Economic Development Board, Environmental Protection Appeal Board, Soil Conservation Act Appeal Committee, Weed Control Act Appeal Committee, Boards and Committees Selection Committee, Emergency Advisory Committee, and Transportation Advisory Committee; and**
- 4. That Council direct Administration to draft a bylaw establishing a Governance Advisory Committee with the mandate identified in the 2019 Committees Review Report for Council's consideration.**

Proposed Timelines

Administration anticipates that recommendations #1, #2 and #4 can be accomplished with a report to Council no later than the February 11, 2020 Council meeting.

In order to properly consult with Council committees and committee administrative liaisons, Administration anticipates that recommendation #3 will require additional time, with a report to Council no later than June 9, 2020.