

# Summary of Structural Issues and Potential Changes

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## Principles of Good Governance

Good governance means:

- focusing on the organisation's purpose and on outcomes for citizens and service users
- performing effectively in clearly defined functions and roles
- promoting values for the whole organisation and demonstrating the values of good governance through behaviour
- taking informed, transparent decisions and managing risk
- developing the capacity and capability of the governing body to be effective
- engaging stakeholders and making accountability real

*from the Report from the Independent Commission on Good Governance in Public Services, established by the Office for Public Management (OPM®) and the Chartered Institute of Public Finance and Accountancy (CIPFA)*

## Background

**“Governance concerns the values, policies and procedures a Council and its staff adopt, to provide ethical, transparent and accountable local governance.”**

*Local Government Association of South Australia*

The City of Ottawa's governance structure facilitates the legislative process. It consists of several different but related deliberative bodies namely City Council, Standing Committees, Advisory Committees and arms-length Agencies, Boards and Commissions (ABCs), and the regulatory tools that govern Council and its Committees, such as the *Procedure By-law*, the *Delegation of Authority By-law* and the *Notice By-law*. The City's governance structure is designed to enable formal, direct community input into decision-making and to facilitate the legislative and governmental work of the elected officials through Standing Committee and City Council meetings.

Since amalgamation, the City of Ottawa has undertaken governance reviews twice over each term of Council. The first review takes place at the beginning of a term of Council. Traditionally, this is when major changes are made to the governance structure. The Mid-Term Governance Review traditionally 'tweaks' the governance structure to address any issues that have arisen in the interim.

This term of Council is the first under the new four-year term. The 2007-2010 Governance Review, approved in December 2006, was adopted before the Bill 130 changes to the *Municipal Act, 2001* were in force. Because of this, it was anticipated that the Mid-Term Governance Review might introduce major changes to the City's governance structure, as new delegation and accountability and transparency tools are now available.

## **City Strategic Plan**

The 2007-2010 City Strategic Plan adopted six Governance

Objectives:

1. Increase the appropriate delegation of authority to Standing Committees, ward Councillors and staff to improve Council's ability to provide strategic direction and reduce transactional approvals.
2. Enhance the ability of Council to set the strategic direction of the City, including working through Standing Committees to set Term of Council priorities for departmental initiatives and on-going activities.
3. Commit to and develop a democratic, engaging and visible process to maximize input from residents in the work of Council and in policy development, while ensuring that seniors, new Canadians, women and the economically disadvantaged are included.
4. Enhance and develop processes that support the representative role of ward Councillors with respect to City undertakings in their wards.
5. Enhance and develop processes that support the representative role of members of Council on city-wide initiatives.
6. Establish clarity around conflict of interest and code of conduct policies for elected representatives.

***Some of the new accountability and transparency tools already in place include:***

- ***Meetings Investigator***
- ***Accountability and Transparency Policy***
- ***Delegation of Powers Policy***

## **Approach**

The six Governance Objectives provided the starting point. As is practice with each Governance Review, informal consultations on how to achieve these objectives were held with each elected official. Other issues were also identified in these discussions and incorporated into the Review. As well, throughout the course of the term, a number of specific directions and initiatives have been referred to the Mid-Term Governance

Review. In addition, meetings with Advisory Committee Chairs and Vice-Chairs have informed the observations. Mayor O'Brien also created a Task Force on Governance, which will be making recommendations to Council in conjunction with the staff process.

All of this information has informed the development of White Papers on different aspects of the City of Ottawa's governance system, from very specific tools that might improve process to broader discussions about Committee structure, delegation of powers and new approaches to increasing public involvement in decision-making. Because the governance system is integrated, generally, the direction selected in one could have an impact on the approach taken in others.

The White Papers summarized in this document deal with the broader issues of governance, including Committee structure, delegation of powers and new approaches to increasing public involvement in decision-making. A second summary paper provides highlights on potential process improvements.

In each White Paper, the "Governance Issues Identified" reflects a general consensus that was identified as part of the City Clerk and Solicitor's and Deputy City Clerk's interviews with elected officials, or where Council provided formal direction. The "Other Issues Identified" are those raised by one or several Councillors for discussion during this review.

The White Papers will be posted for comment on Ottawa.ca, along with the report from the Mayor's Task Force on Governance. City Council will offer their input on the issues identified in the White Papers in a facilitated session. The draft Mid-Term Governance Review report, with recommendations, will then be written, tabled at City Council and forwarded to a Corporate Services and Economic Development Committee meeting for the purpose of hearing public delegations. The Report will then be discussed at City Council, and any changes adopted.

The Mid-term Governance White Papers will provide Members of Council with a wide range of governance tools to consider, all of which are related to the six Governance Objectives of the City Strategic Plan.

***Objective 1 - Increase the appropriate delegation of authority to Standing Committees, ward Councillors and staff to improve Council's ability to provide strategic direction and reduce transactional approvals.***

The White Papers explore the potential of new authority provided in Bill 130 and identify opportunities to increase the level of delegation to Standing Committees. Recommendations to increase delegation of authority are developed around principles already adopted by Council in the Delegation of Powers Policy and are intended to streamline Council's decision-making process and improve Council's ability to focus on larger policy matters more strategically.

Many of the tools outlined in the White Papers are founded on the principle of increasing delegated authority to Standing Committees. The White Papers recommend changes based on the following principles:

- Standing Committees should have the final say on those items that are consistent with a policy that City Council has adopted.
- Standing Committees should have the final say on matters that are consistent with the application of federal and/or provincial statutes and/or regulations.
- Standing Committees should be the body that makes recommendations on all aspects related to a policy or policy implementation issue (including property acquisitions, contracts, etc.).
- Standing Committees will have the authority to confirm by-laws for decisions under their delegated authority.

The points of discussion include expanding the principles of delegated authority to include some more practical principles related directly to the delegation of authority to Standing Committees. Council will have the opportunity to consider a range of recommended delegations including all planning items that do not require Council approval (i.e. minor sign variances), surplus property (i.e. ambulances) and rights of way issues, to name a few.

Increasing the delegation of authority to Standing Committees raises a number of implementation issues that will need to be considered, including the role of a non-member Ward Councillor, the impact of joint meetings of Standing Committees on delegated powers and accountability and reporting out on delegation.

Consideration would also have to be given to a mechanism by which items that Council has delegated can be raised to Council if Councillors or the Mayor believe there are reasons to do so.

The White Papers briefly address the issue of arm's-length municipal bodies and the potential for the delegation of some powers to these bodies. The White Papers also identify some potential go-forward matters related to further delegation of authority that could be considered as part of the 2010-2014 Governance Review.

***Objective 2 - Enhance the ability of Council to set the strategic direction of the City, including working through Standing Committees to set Term of Council priorities for departmental initiatives and on-going activities.***

The White Papers provide a number of options that may improve Council's ability to set the strategic direction of the City.

While Council has now put in place a process to establish a Term of Council Plan, there is no corresponding process in place for Standing Committees. The White Papers provide an option that each Standing Committee undertake a Strategic Planning process at the beginning of the year, based on the Term of Council Plan. This would allow Committees, with public input, to determine their legislative priorities and outcomes for the year, be able to identify key areas of effort and concentration, and identify any White Paper topics. These plans would be brought forward to Council at the same time, so that Council can refine and refresh the Term of Council plan as needed. This process could help ensure that staff is focused on the priorities of Council, offers the opportunity for Council and public input at various stages of the policy development process, and allows for increased accountability for both Standing Committees and Council to measure what was able to be achieved against the plan.

In addition, a major focus of the White Papers is identifying the procedural and structural tools that could allow Committees and Council to be more transparent to the public, facilitate more holistic discussions on issues before Council, and enable Committee and Council to focus its attention on the most important items on any given agenda.

Most of the structural tools are founded on the notion of increased delegation to Standing Committees, based on the principles in the previous section. In addition, the White Papers offer tools that place more emphasis on the importance of the role of Standing Committees in policy development.

Specifically, options are brought forward that could streamline the mandates of Standing Committees in ways that may improve the legislative process as a whole, better balance the workload between Committees and among members, enhance accountability and oversight, facilitate more holistic discussions on issues at the Committee level, with public input, and improve the budget process. These include establishing a new Finance and Oversight/Finance and Audit Standing Committee, refining the mandate of the Corporate Services and Economic Development Committee and making greater use of Sub-Committees (i.e. establishing an Employee/Labour Relations Sub-Committee to make recommendations on collective bargaining and to develop a Human Resources Plan).

In addition, Council may wish to look at establishing special Legislative/Policy Committees as a pilot. These Legislative/Policy Committees would be ad-hoc Sub-Committees of Council tasked with developing recommendations on a major policy item that crosses the mandate of several different Standing Committees. These Committees would be in existence until such time as they deliver recommendations to City Council.

Once policy work has been completed at the Committee level (whether it be at a Standing Committee or through a special Legislative/Policy Committee), the White Papers include an option of having Committee Chairs or their designates present the Committee recommendations to Council, in recognition of the work that Committee has done with staff and with the input from the public in shaping those recommendations.

Options for new procedural tools include enabling Chairs to order the agenda in advance, place related items together and clearly indicate which initiatives are City-wide and which are ward-specific. Other procedural tools include the adoption of a bulk consent agenda at Council, consisting of all items carried on consent at Standing Committee, and providing 'boilerplate' information on the Agenda listing that provides Council with a snapshot of how the discussion at Committee proceeded (i.e. the number of public delegations for and against; the time spent in debate; the final vote for and against; and the vote of the ward councillor for ward-related matters).

**Objective 3 - Commit to and develop a democratic, engaging and visible process to maximize input from residents in the work of Council and in policy development, while ensuring that seniors, new Canadians, women and the economically disadvantaged are included.**

The White Papers recognize Council's commitment to engaging the public in all aspects of policy development and many of the recommendations are geared towards enhancing public engagement at all levels of the policy-making process. For instance, strategic decision-making lets the public know where Council is going and ensures they are part of the process from beginning to end. Specific to civic engagement, the White Papers consider options to increase the number and variety of opportunities for the public to get involved and provide their valuable input.

The options range from investigating the notion of audiocasting Standing Committee meetings on ottawa.ca to increasing the use of Task Forces and Summits to using new media tools to looking at the relative merits of transforming some existing advisory committees into departmental working groups. The intent is to find alternative structures or methods of civic engagement that not only fulfill the need for public input but also effectively engage the public and encourage their involvement over the long term. The White Papers consider exploring opportunities to engage more of the public through a variety of means as opposed to a single model that does not always foster an open dialogue between Council and the public.

The White Papers also raise some considerations with respect to formalizing some aspects of civic engagement (i.e. petition policy) as well as the need for Council to have opportunities to carryout research and information gathering when faced with large policy decisions.

**Objective 4 - Enhance and develop processes that support the representative role of ward Councillors with respect to City undertakings in their wards.**

The White Papers give consideration to the representative role of the Ward Councillor throughout a number of the themes including delegation of powers and strategic planning. Most significant is preserving the Ward Councillor's ability to represent constituents on issues that expressly impact his/her ward. It is recommended that opportunities exist not only for the Ward Councillor to be consulted on matters that

affect his/her ward (including the opportunity to provide separate comments on staff reports) but also to represent his/her ward at the Committee level especially in cases where delegated authority applies.

Other points of discussion include the workload balance of Members of Council specifically with respect to their time spent as Council representatives on local Agencies, Boards and Commissions (ABCs). Members of Council divide their time amongst a wide range of demands including Council and Committee responsibilities, constituency matters and commitments to ABCs. The White Papers examine the potential for reducing or eliminating Council representation where appropriate to enable Members of Council to effectively balance their workloads.

The White Papers also consider the go-forward option to conduct a local council pilot as an additional means of supporting the representative role of the Ward Councillor.

***Objective 5 - Enhance and develop processes that support the representative role of members of Council on city-wide initiatives.***

Similar to recognizing the representative role of the Ward Councillor, the White Papers identify where opportunities exist to support the role of Members of Council on city-wide matters.

In addition to looking at tools like providing an Advanced Legislative Agenda to all Councillors, the White Papers examine the notion of individual Councillors ‘sponsoring’ important policy items being brought to Standing Committees. These issues would be identified in advance, as part of the Strategic Planning exercise, or occur ad-hoc. The sponsors would work with staff on developing the inputs into the policy, including the public and stakeholder consultation strategy and when Committee should be involved, in terms of interim or status reports.

In addition, as Mayor and CEO of the City, the White Papers offer options that would provide the Mayor with a Right to Review, which would be used in instances where the Mayor feels that a particular matter that has been delegated to a Standing Committee has city-wide implications and ought to be considered by Council as a whole.

***Objective 6 - Establish clarity around conflict of interest and code of conduct policies for elected representatives.***

Council has referred the matter of a Code of Conduct for Members of Council to the Member Services Committee, and this is the subject of an ongoing, separate process. While the White Papers do not address the specific matter of a Code, there is some discussion that falls into the accountability and transparency realm. In particular, the White Papers review the Meetings Investigator role and the investigative process after over a year of existence. Consideration is also given to the recommendations of the Meetings Investigator relating to enhancements to closed meeting procedures.