

2018-2022 DISTRICT OF HOUSTON COUNCIL ORIENTATION

Your Guide to Good Governance

November 2018



Council Orientation Agenda

TIME	MONDAY	TUESDAY	WEDNESDAY
8:30 – 10:00	Local Government 101	Municipal Service Delivery & Planning	Asset Management
10:00 – 10:15	Refreshment Break	Refreshment Break	Refreshment Break
10:15 – 11:45	Governance & Ethics	Budgeting, Taxation, and Financial Affairs	Risk Management & Dispute Resolution
11:45 – 12:45	Lunch (Provided)	Lunch (Provided)	Lunch (Provided)
12:45 – 2:15	Setting Priorities, Delivering Outcomes	Community Planning & Development	Human Resource Management
2:15 – 2:30	Refreshment Break	Refreshment Break	Refreshment Break
2:30 – 4:00	Council Meeting Simulation	Municipal Facility Tour (Will Run to 5pm)	Public Relations





Outline

- Governance v. Government
- Ethics in Governance
- Roles & Responsibilities – Who Does What?
- Tips for Surviving the Term
- Key Takeaways



Who is George Cuff?

- Former Provincial Manager, Mayor
- Local Government Consultant
- Author
- Governance Focused & Relations Expert



Role of Local Government

- A municipality is **a corporation of the residents of its area... governed by its Council...** responsible for:
 - Providing for Good Governance of the community
 - Providing services, laws and other matters for community benefit;
 - Providing for stewardship of the public assets of the community;
 - Fostering the economic, social and environmental well being of the community.



Governance v. Government



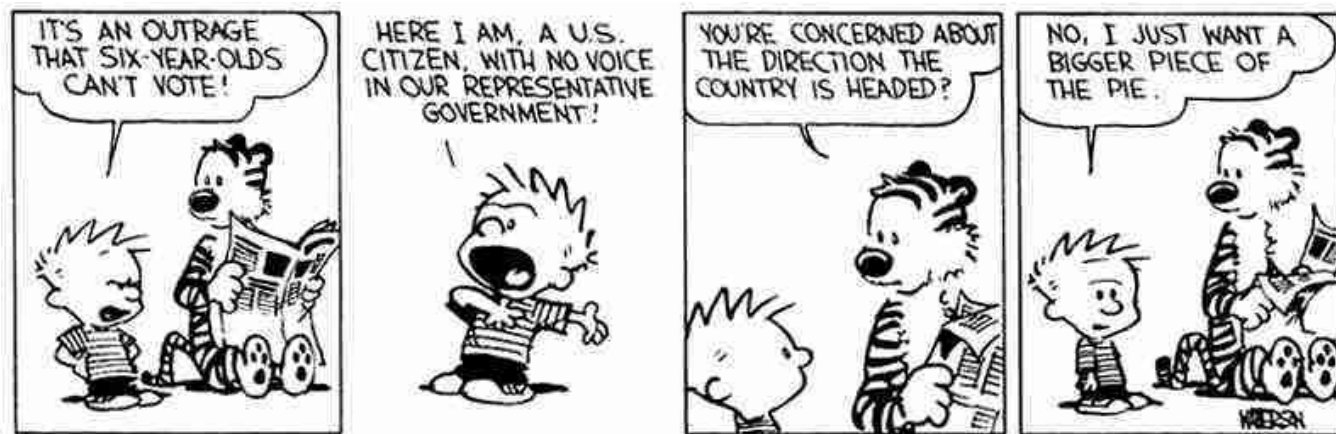
NATURALLY AMAZING

Governance v. Government

Why it's Important

Municipalities... exist as a vehicle for local citizens to identify and address their collective concerns. To be governed well requires more than efficient service delivery; how well municipal decisions reflect and respond to the public interest is of equal importance.

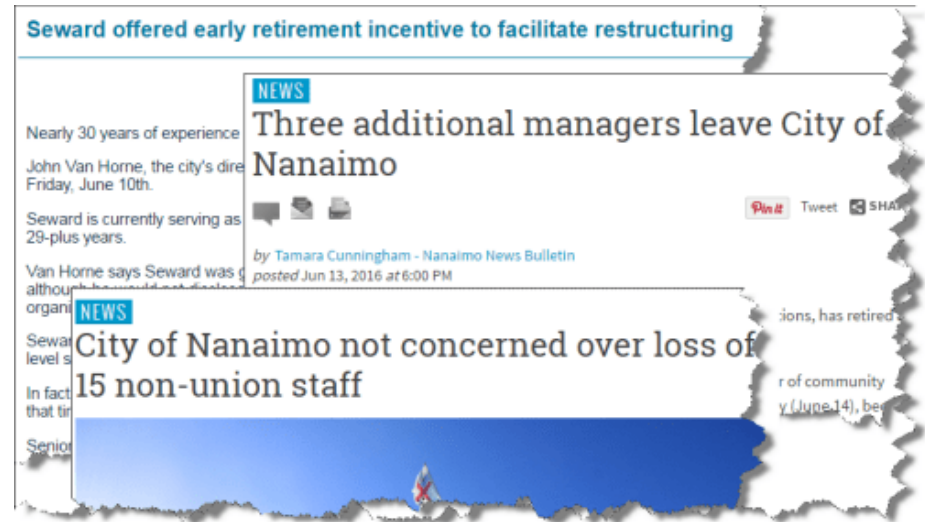
Tindal & Tindal, *A Guide to Good Municipal Governance*, p. 1



Governance v. Government: Why it's Important

“Municipalities are responsible for their own choices in terms of governance model... much of what a Council does and how it is done is up to local elected officials to determine. In some ways, it is both sad and unnecessary that councils struggle to make sense of their roles and to find ways by which they can add value to the communities they serve...”

– George Cuff, *Executive Policy Governance*, p. 58





Governance Founding Principles

Executive Policy Governance (Cuff)

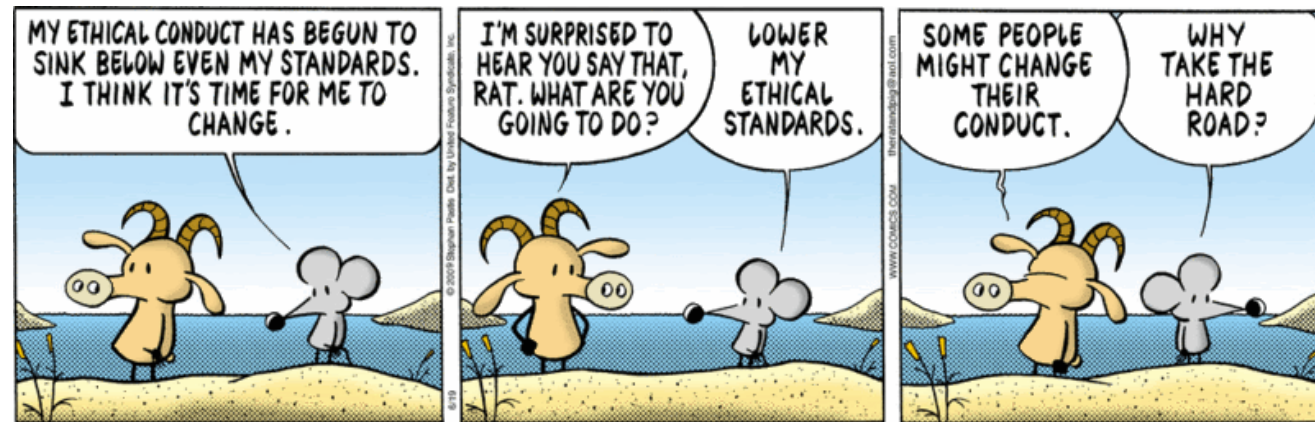
1. Maintaining Accountability to the Public
2. Allowing and Respecting Public Input
3. Ensuring Transparency
4. Performing the Governance Role
5. Maintaining Role Clarity for Elected Officials
6. Respecting Council Rights and Responsibilities
7. Ensure Implementation of Council Decisions
8. Follow Established Protocols
9. Decision Making Considerations
10. Following the Policy Decision Process



What deters Good Governance?

Cuff, Executive Policy Governance

- Lack of a critical perspective & exchange of ideas
- Assuming the Lead Role on Agencies, Boards & Committees
- Being an advocate for vested interest groups
- This looks more interesting... (Doing Staff's Job)
- Lack of Role Clarity & Integrity



Governance is Important!

“A governance model is more than decision making. The model should reflect what values are important; what objectives are significant, and what results are expected. The model will reflect what each council sees as important...”

George Cuff, “Executive Policy Governance”, p. 71-72



Ethics in Governance

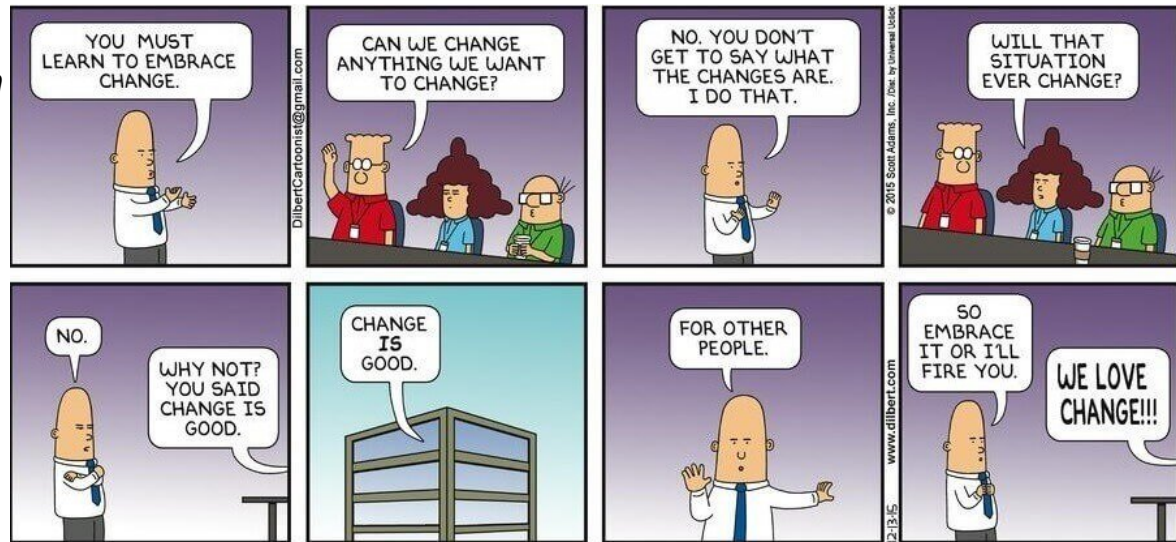
- Foundation of democratic government
- Consists of law *and* practices
- Checks & Balances
- Public Confidence
- Legitimacy of Decision Making & Authority to Govern



Ethics in Governance

“There is much more... to a municipality’s relationship with its residents. [...] The current preoccupation with serving the customer can be very helpful, provided it does not deflect attention from, or even undermine, the broader link with the public that is inherent in the notion of local democracy.”

Tindal & Tindal, “Guide to Good Municipal Governance”, p. 45





Ethics in Governance

Core Legislation

- CC & LGA – COI rules for Councils & RD Boards
 - Applies to elected officials during meetings of Council / committees / commissions
 - Applies to elected officials outside of meetings (i.e. exercising duties of public office)
- Financial Disclosure Act – rules for annual disclosure of financial interests of elected officials and municipal officers





Ethics in Governance

Conflict of Interest

- Conflict of Interest – CC s. 100-109
 - Conflict of Interest: A personal interest in a matter that goes beyond the interests of other members of the community, and might be reasonably expected to influence the elected official's ability to perform their duties.
 - Up to Member to disclose conflict at meetings – but failure to do so can lead to significant consequences (discussed in Risk Management & Dispute Resolution)



Ethics in Governance

Conflict of Interest

PEARLS BEFORE SWINE

By Stephan Pastis





Ethics in Governance

Freedom of Information

- Requirement to disclose most information contained in records to public on request
- Classes of information that must/may be withheld (i.e. privileged / confidential documents)
- Classes of information that must be available without request (i.e. Policies, Bylaws, etc.)
- Staff must assist requestor with accessing information through FOIPPA

Ethics in Governance

Conventional Wisdom

- Transparency & Accountability foundational to democratic governance
 - “Open Government” practices
 - Some legal requirements (i.e. Open v. Closed Meetings), but largely based in governance practices
 - Ex. Access to Financial Statements versus General Ledger
 - Rule of thumb: decisions and reasons for public decisions should be publicly available
 - It’s not hard!





Ethics in Governance

Conventional Wisdom

- Seeking Public Input
 - Councils are accountable to the public and electorate
 - Not all decisions require public input
 - Consultation v. Engagement – Differences?
 - When to consult, when to engage, and when to seek elector assent/support
 - Advantages & Disadvantages?





Ethics in Governance

Conventional Wisdom

- Bias & Keeping an “Open Mind”
 - Councils are legally obligated to avoid making biased decisions (i.e. member already decided without debate)
 - What does “having an open mind” mean?
 - Utility of meetings & challenge of bias
 - Are meetings worth it?
 - Ongoing Challenge for elected officials
 - To be valued is to be heard and listened to, even if the decision does not go your way.



Ethics in Governance Conventional Wisdom

Should I do it? versus ***Can I do it?***

- What is permitted as legal is not always ethical
- Required versus Choosing
- Basis for Ethical Decisions




Who Does What: Governance Role of Council

“Municipal Government is based on the principle of ensuring that residents have a voice in the affairs of their community that impact their well-being. This requires the election of people who are prepared to serve in leadership positions, and who are willing to exercise their best judgments on issues impacting the lives of other.”

- George Cuff

*Cuff's Guide for Municipal Leaders – A Survival Guide
for Elected Officials*





Who Does What: Governance Role of Council

- Governing & Representative Body
- Approves Bylaws & Policies
- Establishes Financial Controls & Oversight
- Appoints Officers to act on behalf of District
- Establishes Service Levels, Types of Service
- Advocates on behalf of Residents
- Creates Vision for Community
- Holds Administration Accountable

Who Does What?

The Role of Councillors

- All members of Council **must** act in good faith in the best interest of the municipality and its community as a whole (CC s. 115)
- Individual Councillors responsible for contributing to the development and evaluation of policies related to the District's services and activities
- Council Members must participate in Council and Committee Meetings (rules under CC s. 125 require those who consistently do not to be removed from office, resulting in a byelection)
- Council Members must take the Oath of Office, or be disqualified (CC. 120) committing to fulfill the duties of their office in a responsible manner for the benefit of the community



Who Does What?

The Role of the Mayor

- The Mayor is the head and CEO of the municipality (CC 116(1)) who:
 - Provides leadership to Council, including making recommendations to Council;
 - Communicate information to Council;
 - Presides at Council meetings when in attendance;
 - Provides general direction to officers to implement Council decisions;
 - May establish Standing Committees;
 - May suspend officers and employees per CC s. 151;
 - Reflects the will of Council and carries out duties on behalf of Council;
 - Other duties assigned by other acts (i.e. issue SOLES)



Who Does What? Not the Mayor's Role

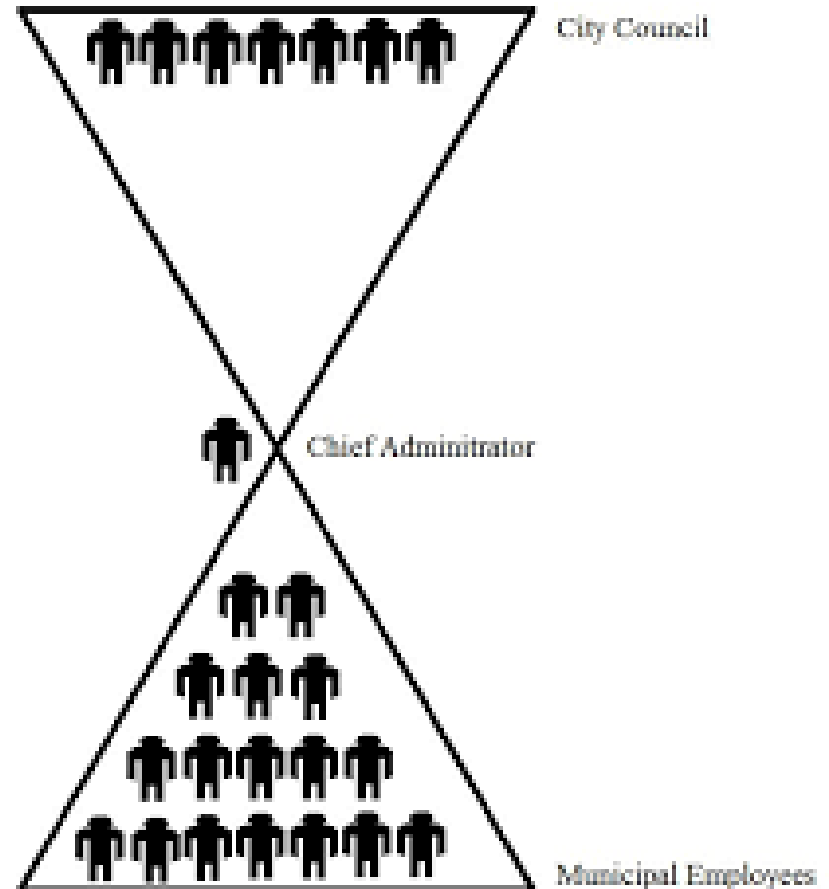
- Mayor is not the replacement for the CAO or another officer
- Little Individual Authority
- No “Deciding Vote”
- Mayor does not represent Administration & does not direct them alone



Who Does What?

CAO

- CAO is the conduit between Council and Staff
- Sole Employee of Council
- Takes direction from Council via resolution, policy and bylaw
- Makes and approves recommendations to Council from staff




Who Does What?

CAO

- Single Employee of Council that:
 - Manages the affairs of the municipality;
 - Advises Council on policy initiatives; and
 - Ensures that Council's directives, policies and programs are carried out.
- Single point of contact for Council – Maintenance of Chain of Command
 - I.e. individual members of Council do not direct staff!
 - The Fire Truck Scenario
- In absence of CAO, Council can contact Deputy CAO (Tasha Kelly)
 - Deputy CAO – same powers, duties and responsibilities of CAO when CAO is absent
 - Day-to-Day – Deputy is one of five officers / department heads, and does not exercise extraordinary authority.





Who Does What? Officers / Dept. Heads

- Report to CAO; may advise Council at discretion of CAO
 - CAO Delegates directives from Council to the officers
 - Officers inform CAO of the operations and matters pertaining to their department
 - Chain of Command & Unity of Command Principles
- Officers / Dept. Heads responsible for managing specific functions of the District.
 - Corporate Officer – Legislative Services, Administration, Policy, Contracts, etc.
 - Finance Officer / Director of Finance – Budgeting, Taxation, Expenditure Control
 - Manager of Engineering & Operations – Public Works, Capital, and Parks
 - Manager of Leisure Services – Recreation Programs & Facilities, Parks Capital
 - Fire Chief – Fire Department, Emergency Planning/Response, Bylaw Enforcement

Who does What?

Policy v. Administration

Policy / Governance

- Adopting a Bylaw
- Setting Permit Requirements
- Approving tax rates & fees
- Approving Policies for what administration can do
- Approving the Financial Plan
- Changing Policy to fit needs of community / organization

Administration

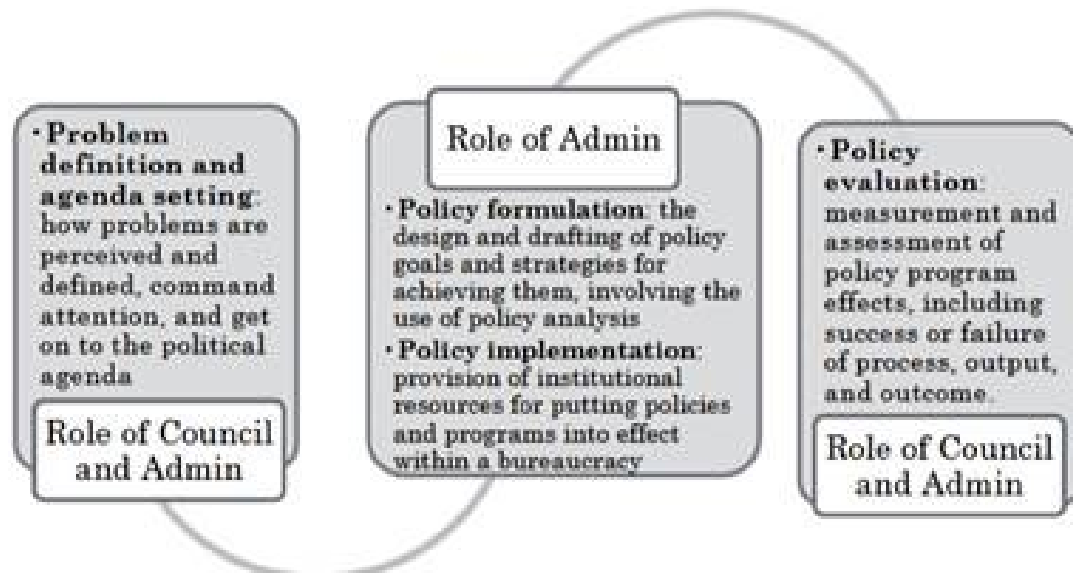
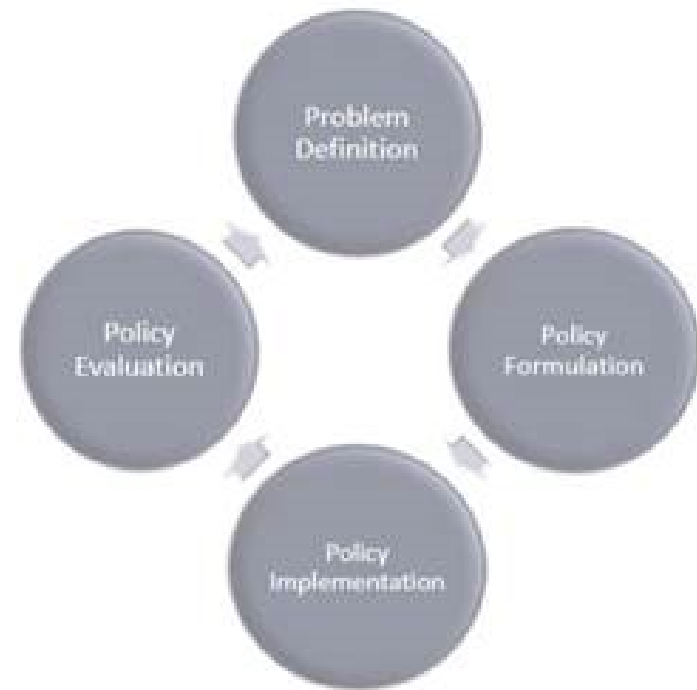
- Research, Recommend, Enforce Policies & Bylaws
- Carry out legislated tasks & functions (i.e. permits & taxes)
- Following & Enforcing Policies for what administration can do
- Spending \$\$\$ from the Plan
- Ensuring Policy changes are implemented throughout organization



For more, see Cuff's Executive Policy Governance, p. 86

Developing Policies

- Define the problem & what could be done to resolve it
- Admin confirms and forms policy; advises if policy ultra vires
- Presents policy and considers implementation
- Council and staff evaluate; council approves or rejects
- Staff implements, Council monitors



Who Does What?

Frequently Asked Questions

Question	Answer
Can I call and ask what's going on?	Yes – provided you speak to the CAO
Can you ask staff to do something for you?	Only if it is through the District's Request for Service / Bylaw Complaint system. Individual members do not direct staff.
If I see a District employee doing something wrong, do I tell them the correct way to do it?	NO – Not only should you let the CAO know, but if you did this it could result in a grievance (and if it was really bad, could interfere with the discipline process!)



Who Does What?

Frequently Asked Questions

Question

Can I refuse a development application to avoid any threats to existing businesses?

What happens if Bylaws aren't being followed or not working?

Answer

No. If the matter is before Council, members must consider its bylaws and applicable legislation. Generally a development permit cannot be refused for creating competition with local business.

- 1) Call the office and make a bylaw complaint.
- 2) If it's broken, you have the power to fix it by changing the bylaw/policy!



Who Does What?

Frequently Asked Questions

Question

I need some information about a bylaw.
Do I still need to contact the CAO?

Can I go for coffee with a staff member?

Answer

NO! Council Members, like any member of the public, can ask staff for information provided that there is no direction associated with it.

It's strongly discouraged – not only does this erode the boundaries of a professional working relationship, but it can also produce “special” working relationships. Staff need to treat all members of Council equally.



Who Does What?

Frequently Asked Questions

Question

I know the people we are talking to – can I negotiate a contract with them?

I heard a complaint about something staff did. I don't think it's right. When can we investigate and fix it?

Answer

NO! Individual Council members don't possess this authority – this is what staff are for.

Trickier – this type of complaint is common. Public Complaints should always be referred to the CAO, particularly when they involve staff. BUT just because someone says something, it does not always warrant immediate action. Staff have difficult shoes to fill.





HOUSTON
NATURALLY AMAZING

What went Wrong?

- Chair refused to accept motion had died on the floor
- “Call the Question” Ignored
- Politics v. Governance
- Could the motion have been seconded to discuss and vote on the matter?
- Who decides a conflict?





Future Agenda Items & Requests for Information

What went Wrong?

- Is there new material being discussed?
- Is meeting procedure being followed?
- Is member going rogue?
- Are participants respecting process?
- Politics v. Governance





What went Wrong?

- Who was this person?
- Was this the appropriate place for this conversation?
- Was due process respected?
- Was the individual's right to speak respected?
- Is this good public engagement?





What went Wrong?

- Is there an issue?
- Are the concerns valid?
- Is there a better opportunity to have the concerns heard?
- When, how and why to limit public input – and when to avoid it
- Mitigating this situation



Tips for Surviving Council Working with Council

- Council succeeds and fails as a team, not as individuals
 - Accept & Celebrate Diversity
 - Debate should not just be tolerated, but accepted and respected
 - Focus on the issues/question, not the person!
 - Represent the Community at Large
 - Accept Democracy & Democratic Decision Making
 - Respect Each Other



Tips for Surviving Council Working with Staff

- Staff are part of the same team!
 - Councils hire staff to be subject “experts” and advisors who focus on the day to day affairs, and to provide advice on the “big picture”.
 - Staff are expected to do their job in a non-partisan and professional manner – they aren’t there to support individual Council member’s agendas.
 - Staff present their professional opinion and advice based on evidence, not personal opinion - Council should not engage in personal attacks against staff for doing so.
 - Staff do not debate with Council – they answer questions and provide justification for their recommendations.
 - Staff do not make policy decisions – Councils decide, staff recommend
 - **If you do not understand a decision, defer it!**
 - **If you do not agree with a recommendation, vote against it or make a new motion!**



Tips for Surviving Council Working with Staff


- You pay staff for a reason... so you don't have to do their job!
 - Be a Council Member!
 - Focus on the Big Picture
 - What were they hired to do?
 - Respect each other's roles



Tips for Surviving Council Working with the Public

- Respect Confidentiality & Privilege
 - Matters discussed in closed meetings are not privy to the public
 - Members and staff must not disclosed the substance or deliberation of closed meetings, even if it would be in their best interest to do so.
 - Exceptions: Staff may disclose when disclosure is required by FOIPPA or law
 - Exceptions: Council can resolve to release matters & decisions from in-camera
- Respect the Open Meeting Rule
 - Most decisions must be made in open meetings
 - If it's not under section 90, it cannot be discussed in-camera
 - Do not make decisions “in caucus” or at a restaurant – come to meetings with an open mind, have your debates at the Council table, and make your decision there





Cuff's Survival Guide for Elected Officials

12 Hallmarks of Successful Elected Official

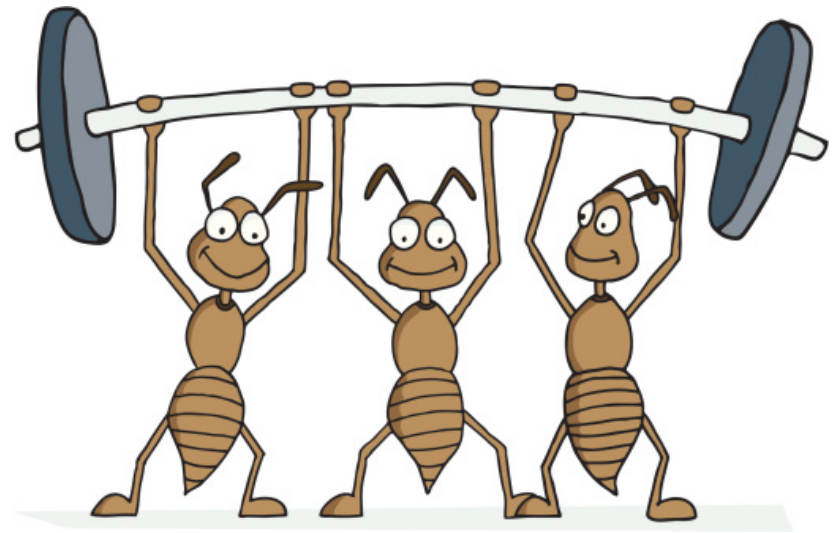
1. Prepared to Learn
2. Servant of the Community
3. Respectful of Others
4. Well Prepared
5. Understands & Accepts Democracy
6. Prepared to Ask “Dumb” Questions
7. Understands Teamwork, Resists Groupthink
8. Prepared to Work
9. Ability to Stay the Course and Sound Enthusiastic
10. Accountable
11. Multi-Dimensional
12. Personal Integrity



Cuff's Survival Guide for Elected Officials

What Results in Good Governance?

1. Appreciation of People
2. Desire to Serve Others
3. Willingness to Learn
4. Listen to Colleagues
5. Ready to Compromise
6. Understanding of Issues
7. Decision-Making Process
8. Role Clarity
9. **PATIENCE**



Questions?

Coming up next:

Setting Priorities & Delivering Outcomes

