

Proposed Amendments to Councillors Assistants Policy (PAC005)

RECOMMENDATION(S):

The Coordinating Committee of the Councillor's Office recommends that Council:

1. Approve the proposed amendments to *Councillors Assistants Policy* (PAC005) contained in Attachment 1;
2. Approve the Chair, Coordinating Committee of the Councillors Office ("CCCO") as the employing Councillor during the Transition Period;
3. Approve the Chair, CCCO as the signing authority for the corresponding Ward office during the Transition Period; and
4. Direct that the Ward office budget remains intact during the Transition Period.

RECOMMENDATION OF THE ORGANIZATIONAL MEETING OF COUNCIL, 2020 OCTOBER 26:

That with respect to Report C2020-1227, the following be adopted:

That Council:

1. Approve the Chair, Coordinating Committee of the Councillors Office ("CCCO") as the employing Councillor during the Transition Period;
2. Approve the Chair, CCCO as the signing authority for the corresponding Ward office during the Transition Period; and
3. Direct that the Ward office budget remains intact during the Transition Period.

Excerpt from the Minutes of the 2020 October 26 Organizational Meeting of Council:

" Moved by Councillor Colley-Urquhart
Seconded by Councillor Farrell

That with respect to Report C2020-1227, the following be adopted:

The Coordinating Committee of the Councillor's Office recommends that Council:

1. Adopt the proposed amendments to *Councillors Assistants Policy* (PAC005) contained in Attachment 1;

That Council postpone the following to the 2020 November 02 Combined Meeting of Council:

1. Approve the Chair, Coordinating Committee of the Councillors Office ("CCCO") as the employing Councillor during the Transition Period;
2. Approve the Chair, CCCO as the signing authority for the corresponding Ward office during the Transition Period; and
3. Direct that the Ward office budget remains intact during the Transition Period.

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For: (14): Mayor Nenshi, Councillor Carra, Councillor Chahal, Councillor Chu, Councillor Colley-Urquhart, Councillor Davison, Councillor Demong, Councillor Farkas, Councillor Farrell, Councillor Gondek, Councillor Keating, Councillor Magliocca, Councillor Sutherland, and Councillor Woolley

MOTION CARRIED”

HIGHLIGHTS

On October 19, 2020, Councillor Jones presented his resignation letter to David Duckworth, City Manager indicating his intent to retire effective October 19, 2020.

Although there has been some recent history whereby an Alderman has resigned from office (Alderman Patti Grier, Ward 13 in 2000, and Alderman Margot Aftergood, Ward 10 in 2004), the current Council policy, namely the *Councillors Assistants Policy* (PAC005) does not specifically address how, if so desired, the Ward office staff can be retained for the Transition Period.

It is important to ensure Ward constituents have access to assistance and service from the Ward office in the event that a Councillor suddenly leaves office. Currently, as per the terms of the *Councillors Assistants Policy* (PAC005), Ward office staff are engaged using a personal service agreement with each Councillor individually and understanding that the Ward office does require an appointed Councillor to be able to manage matters that require direct Councillor involvement and the elected Councillor leaves office before the end of the elected term, it is advantageous to appoint the Chair, Coordinating Committee of the Councillors Office (“CCCO”) as the employing Councillor and the signing authority for the Ward office during the Transition Period.

Council should decide whether any additional Ward responsibilities should be assigned to another Councillor or shared between Councillors.

- Strategic Alignment to Council’s Citizen Priorities: A well-run city

DISCUSSION

Patty Orr, Manager, Office of the Councillors in consultation with Chelsea Sutherland, Barrister and Solicitor reviewed Council meeting minutes and other supporting documents to determine if Council considered any other Alderman or Councillor resignations and were able to find two similar incidents, which included:

1. Alderman Patti Grier, Ward 13 Alderman resigned from her elected position on Council, in writing to the Chief Executive Office, Paul Dawson, on Friday, May 5, 2000 (as required by the MGA, section 161).
 - An Executive Report to Council (C2000-31) was presented to Council outlining Council’s options upon receiving Alderman Grier’s resignation

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- Council passed the following on Monday, May 8, 2000 (which was the Monday immediately after the Friday when the resignation letter was received):
 - Recommendation 1 was passed, with a modification to the actual by-election day: Direct City Clerks to hold a by-election for the position of Alderman for Ward 13 on 2000 July 04
 - Recommendation 2 was passed with modifications: Retain the Aldermanic Assistant for Ward 13 for administration duties as required, until the newly elected Alderman is sworn in.
 - The parts of the Executive Report that were not passed included: to “share the duties of Ward 13 Alderman among the other Members of Council through the Adopt-A-Ward concept”, which was the first part of Recommendation 2 in the Executive Report.

- 2. Alderman Margot Aftergood, Ward 10 resigned from her elected position on Council, in writing to the Chief City Administrator, who is the City Manager, Owen Tobert, on Monday, November 29, 2004
 - An Executive Report to Council (C2004-57) was presented to Council outlining Council’s options upon receiving Alderman Aftergood’s resignation.
 - During a Special Meeting of Council regarding the Resignation of Alderman Aftergood held on Tuesday, November 30, 2004 (which was the day after when the resignation letter was received), whereby the following motion was carried:
 - MOTION ARISING, Moved by Alderman Jones, Seconded by Alderman Ceci,
 - That, with respect to City Manager’s Report C2004-57, pending a Ward 10 by-election, the representation of Ward 10 become the responsibility of the following Alderman, as indicated:
 - a) Alderman Ceci – Ward 10 South of Memorial Drive; and
 - b) Alderman Jones – Ward 10 North of Memorial Drive.

In both the 2000 and 2004 cases, the Ward office staff was retained to continue supporting the Ward office. This continued until such time as the by-election was able to determine the newly elected Ward Councillor.

Upon doing further research and in consulting Councillor Jones and his Executive Assistant, both of whom were working in the Ward 5 office in 2004, it was determined that the Ward 5 office staff were retained to continue doing the work for the Ward 5 office and would engage Alderman Jones, in matters relating to land use, bylaw or policy or when a constituent wanted to speak directly with an Alderman.

It was determined that as a result of the announcement of Councillor Ray Jones’ retirement on October 19, 2020 it was the intention to have the current Ward 10 staff, Ward Assistants and Specific Project Contracts alike, remain employed and continue to support the Ward 10 office during the Transition Period.

It was also determined that in order to achieve this goal the *Councillors Assistants Policy* (PAC005) would be amended to allow for the following:

- the Ward office staff, if they wish to continue employment in the Ward office, be permitted to enter into a new personal service agreement with the Chair, CCCO being named as the employing Councillor during the Transition Period;

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- that the new personal service agreement be drafted and aligned with the *Councillors Assistants Policy* (PAC005) to ensure continuity of service, pay and benefit;
- that the salary levels for the Ward Assistant and/or Specific Project Contract remain at the same level of pay as it was just immediately prior to the Councillor leaving office;
- that the new personal service agreement be extended to when the new Councillor is elected and officially takes office, but no later than the natural end of the current election term; and
- that should a Ward Assistant not wish to continue employment during the Transition Period, that the Ward Assistant be able to seek severance as outlined in the *Assistants Severance Policy* (CC030).

Finally, it was important to also confirm by way of these Recommendations, that the Ward office budget remain intact, meaning it would have the same value as if the Councillor did not resign his/her position, and that during the Transition Period and a new Councillor is elected to the Ward office, that the Chair, CCCO be the signing authority for that Ward office.

The key internal stakeholders consulted during the research for this Committee report to Council, included but was not limited to:

- Councillor Ray Jones, Ward 10 Councillor
- Devery Corbin, Chief of Staff, Mayor's Office
- Mark Lavallee, Chief Human Resources Officer, City of Calgary
- Chelsea Sutherland, Barrister and Solicitor, City of Calgary
- Patty Orr, Manager, Office of the Councillors
- Coordinating Committee of the Councillors Office ("CCCO")

As part of The City's organizational day on Monday, October 26, 2020, it is anticipated the members of CCCO for the 2020/2021 term will be appointed as part of the regular Boards, Committees and Commission appointments process led by the City Clerk's Office.

Although the Chair and Vice-Chair appointments for CCCO would normally take place at the Committee's next Committee meeting after the Organizational Day meeting of Council, currently scheduled for November 18, 2020, it is requested that as a result of the pending approval of these Council policy amendments, that the City Clerk facilitate the appointment of the Chair and Vice-Chair, CCCO during Council's Organizational Day meeting. This would allow for the appropriate personal service agreements to be drafted and signed as soon as possible in order to minimize risk and ensure continuity of service, pay and benefits for the Ward office staff, as outlined in the amended *Councillors Assistants Policy* (PAC005).

However, if for any reason, should the Chair and Vice-Chair, CCCO not be appointed during Council's Organizational Day meeting on October 26, 2020, then a special meeting of CCCO will be called for the sole purpose in making such appointments as soon after the Organizational Day meeting as possible and once the new members of CCCO have been appointed.

We are also asking Council to approve the following additional recommendations:

1. have the Chair, CCCO be named as the employing Councillor for the Ward office staff personal service agreements during the Transition Period;
2. have the Chair, CCCO be named as the signing authority for the Ward office during the Transition Period; and

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3. ensure the Ward office budget remain intact during the Transition Period.

CCCO acknowledges there may need to be further amendments to the *Councillors Assistants Policy* (PAC005); however, those matters will be considered and presented to Council at a future date.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- Public Engagement was undertaken
- Public Communication or Engagement was not required
- Public/Stakeholders were informed
- Stakeholder dialogue/relations were undertaken

Not Applicable.

IMPLICATIONS

Social

Not Applicable.

Environmental

Not Applicable.

Economic

Not Applicable.

Service and Financial Implications

No anticipated financial impact

Not applicable.

Not applicable.

RISK

The *Municipal Government Act* R.S.A 2000, c. M-26 (“MGA”), as amended, outlines the general duties of Councillors, which includes, but is not limited to: considering the welfare and interests of the municipality, promoting an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities; participating generally in developing and evaluating the policies and programs of the municipality; participating in council meetings and council committee meetings; obtaining information about the operation or administration of the municipality; and performing other duty or function imposed on Councillors.

Ward office staff are an integral resource used by Councillors to ensure that he/she is able to fulfill his/her duties as a Councillor as outlined in the MGA. Ward office staff also allow for continuity of service to the constituents should there be any instance whereby a Councillor leaves his/her office ahead of the next municipal election.

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The potential risk in not approving the proposed amendments to *Councillors Assistants Policy* (PAC005) to include a section providing for the retention of Ward staff during the Transition Period is that (a) the constituents of that Ward are left without representation or appropriate support and/or (b) Ward office staff are presumptively severed from their employment, which is an undesired outcome.

In future, if the *Councillors Assistants Policy* (PAC005) is amended as proposed, there should be an immediate transition of Ward staff from the departing Councillor to the Chair, CCCO in order to minimize risk.

ATTACHMENT

1. *Councillors Assistants Policy* (PAC005), as amended

Department Circulation

General Manager	Department	Approve/Consult/Inform
Committee members: Councillors Chu, Farkas, Keating and Magliocca	Coordinating Committee of the Councillors Office (“CCCO”)	<p>This Committee Report to Council titled “<i>Proposed Amendments to Councillors Assistants Policy (PAC005)</i>” (the “Committee Report”) and the <i>Councillors Assistants Policy</i> (PAC005) as amended was reviewed and unanimously approved by CCCO on October 23, 2020.</p> <p>CCCO further approved, on October 23, 2020, that the Chair, CCCO, or in his absence another CCCO member, be appointed to present the Committee Report to Council.</p>