

PROPOSED CHANGES TO THE COUNCIL POLICY PROGRAM

EXECUTIVE SUMMARY

This report presents a proposed new Council policy on the *Council Policy Program* in order to overcome existing policy implementation gaps and establish consistent procedures for developing, amending, approving, publishing, maintaining, reviewing and rescinding Council policies at The City of Calgary. The intent of the proposed new Council policy is to enhance accountability and transparency, create operational efficiencies for Administration, and make the decision-making process at Council more effective.

ADMINISTRATION RECOMMENDATION(S)

That the Legislative Governance Task Force recommend that Council:

1. Rescind the Council policy on the *Council Policy Library*;
2. Adopt the proposed Council policy on the *Council Policy Program*; and
3. Direct that the proposed Council policy on the *Council Policy Program* come into effect on 2016 January 01.

RECOMMENDATION OF THE LEGISLATIVE GOVERNANCE TASK FORCE, DATED 2015 NOVEMBER 17:

That Council:

1. Rescind the Council policy on the Council Policy Library;
2. Adopt the proposed Council policy on the Council Policy Program, **after amendment to Attachment 5, as follows:**

On Page 1 of 7, under Section 3.1

By including a definition for "Administration Policy", and by re-lettering the remaining Subsections accordingly.

On Page 3 of 7, under Section 6.2.1, Subsection b

By adding the words "by Resolution of Council under Section 6.1.1 above", following the words "Office of the Councillors".

On Page 3 of 7, under Section 6.2.1

By deleting Subsection c, and replacing with a new Subsection c and d, as follows:

- "c. Must be forwarded to the Administrative Leadership Team if the Council policy is developed by a City of Calgary Business Unit, for endorsement in the case of corporate and/or city wide significance;**
- d. Must be forwarded to the Administrative Leadership Team if the Council policy is developed by a City of Calgary Business Unit, for information in all other cases; and"**

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And by re-lettering the remaining Subsection accordingly.

On Page 4 of 7, under Section 6.3.3, Subsection b

By adding the words “by Resolution of Council under Section 6.1.1 above”, following the words “Office of the Councillors”.

On Page 4 of 7, under Section 6.3.3

By deleting Subsection c, and replacing with a new Subsection c and d as follows:

- “c. Must be forwarded to the Administrative Leadership Team if the Council policy is developed by a City of Calgary Business Unit, for endorsement in the case of corporate and/or city wide significance;**
- d. Must be forwarded to the Administrative Leadership Team if the Council policy is developed by a City of Calgary Business Unit, for information in all other cases; and”**

And by re-lettering the remaining Subsection accordingly; and

- 3. Direct that the proposed Council policy on the Council Policy Program come into effect on 2016 January 01.**

Excerpt from the Minutes of the Regular Meeting of the Legislative Governance Task Force,
Held 2015 November 17:

“And further, that the City Clerk incorporate the amendments made by the Legislative Governance Task Force into Attachment 5 prior to being forwarded to Council.”

PREVIOUS COUNCIL DIRECTION / POLICY

At the 2003 July 28 Regular Meeting of Council, Council approved Alderman King's Notice of Motion:

“WHEREAS Council is currently seeking to improve the way it does business;

AND WHEREAS the Legislative Governance Review Project City Council Workshop of July 15, 2003 identified that “there is a lack of documented catalogued policies” and that “the City's actual policy framework must be recorded and publicly accessible” so that it can provide directional guidance to the organization;

NOW THEREFORE BE IT RESOLVED that Council direct the C.E.O. to report to APAC before October 31, 2003, on how and when Administration report could document when a proposal is or is not in compliance with Council policy;

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AND FURTHER BE IT RESOLVED that Council request the Legislative Governance Review Project to make recommendations to Council regarding achieving as soon as possible:

- a) Managed agenda setting for Council and SPC's'
- b) Reduction of duplicate debates and questions; and
- c) Documented, catalogued policies."

At the 2004 February 10 Meeting of the Accountability, Priorities and Agenda Committee (APAC), APAC approved the "Policy on the Council Policy Manual" as the course of action to document and maintain the on-line Council Policy Manual.

At the 2014 May 26 Regular Meeting of Council, Council approved the Legislative Governance Task Force (LGTF) 2014 – 2017 Work Plan, which included revisions to the policy review process, and revisions to the on-line Council Policy Library structure.

BACKGROUND

In accordance with the *Municipal Government Act*, RSA 2000 c. M-26 ("MGA"), Council is responsible for developing and evaluating the policies and programs of the municipality. Further, Section 153(b) of the MGA provides that Councillors have a duty to participate generally in developing and evaluating the policies and programs of the municipality. In 2004, APAC approved a "Policy on the Council Policy Manual" [Council policy on the *Council Policy Library (PAC001)*] providing procedures for the preparation, distribution, maintenance and approval of Council policies (Attachment 1).

Since 2004, 150 Council policies originating from various City Departments, the Office of the Councillors, Office of the Mayor and the City Auditor have been documented in the on-line Council Policy Library. The Council Policy Library is a repository of Council policies adopted by City Council, and serves as a reference for Council, Administration and the general public on matters related to The City's provision of services, programs and governance. The City Clerk's Office manages the Council Policy Program, and supports Council and Administration by providing advice on all aspects of the Council policy framework.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The current Council policy on the *Council Policy Library* provides that "PAC shall formally review the policies in the Library once every 3 years (once per term) to determine which, if any, policies need to be reviewed". In accordance with this direction, the City Clerk's Office carried out a formal Council policy review in 2006 and 2010. In 2013, the City Clerk's Office did not initiate a Council policy review pending an analysis of the Council policy review process.

In accordance with the LGTF 2014-2017 Work Plan, over the course of 2015, the City Clerk's Office undertook an analysis of the Council policy on the *Council Policy Library* in order to determine if the objectives of the Council policy are being achieved, and assess the existing Council policy review processes. This analysis, in combination with observed practices and consultations with City Administration, demonstrated three main policy implementation gaps:

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1. Inconsistent Council policy approval process: The Administrative Leadership Team's (ALT's) role with respect to Council policies is not aligned with the current Council policy on the *Council Policy Library*, which provides that "[a]ll proposed policy drafts or revisions will be forwarded to the ALT, and then to the appropriate Standing Policy Committee and/or PAC [PFC] for review and then to Council for final consideration and direction". In practice, Council policies belonging to the Office of the Councillors, Office of the Mayor, as well as those Council policies initiated by the Legislative Governance Task Force have not been forwarded to the ALT. Engagement demonstrated that the gap between the existing Council policy and practice with respect to ALT's role is largely driven by the Council policy content.

In addition, misalignment exists between The Procedure Bylaw, 44M2006, as amended, and current Council policy approval practices. With respect to policies, Section 11 of The Procedure Bylaw provides that each Standing Policy Committee (SPC) has delegated powers, duties and functions within their mandates: (1) to make new or revised policy proposals; and (2) to make final decisions within existing Council policy. Section 16 of The Procedure Bylaw provides that PFC has the delegated power, duty and function to review and make recommendations about corporate structure, corporate personnel issues, and corporate policy, act as a policy coordinator between the City Manager and the SPCs, as well as receive updates on files from the Administrative Leadership Team, providing oversight with respect to implementation of Council policy, and providing interpretation of Council policy for Administration. The Procedure Bylaw does not provide an avenue for Council policy proposals from the Office of the Mayor, Office of the Councillors, the City Auditor's Office and Corporate Administration given that their Council policies are not well aligned with the SPC mandates nor have a corporate policy focus in all cases.

2. Inconsistent format and style of Council policies: The organization of Council policies is not well understood by Administration, resulting in Council policies being presented in a variety of formats. Consequently, ease of access and reference for Council, Administration and the general public is diminished.

3. Lack of clarity around Council Policy Review: The roles and responsibilities for reviewing existing Council policies are misunderstood, and the timing for completing a formal Council policy review is not aligned with Policy Owners' operational priorities, resources and the scope of the Council policy work.

The above policy implementation gaps, along with proposed changes and rationale, are detailed in Attachment 2. The proposed approval process is further detailed in Attachment 3 and the proposed process for a formal Council policy review of existing Council policies is detailed in Attachment 4. Given the significant changes proposed to the Council Policy Program, the City Clerk's Office recommends that the existing Council policy on the *Council Policy Library* (Attachment 1) be rescinded and replaced with the proposed new Council policy on the *Council Policy Program* provided in Attachment 5.

In addition to addressing the above identified implementation gaps, the proposed Council policy:

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- Aligns with the mandate of the Legislative Governance Task Force, and provides a defined approval path for all Policy Owners;
- Brings greater clarity to roles and responsibilities within the Council Policy Program; and
- Formalizes a partnership between the City Clerk's Office and Policy Owners in the conduct of a formal Council Policy review.

While amendments to The Procedure Bylaw, 44M2006, as amended are not being sought at this time, the City Clerk's Office is set to conduct a review of Committees. At the 2015 September 28 Regular Meeting of Council, Council adopted the following motion:

"That the Legislative Governance Task Force recommends that Council direct Administration to add a review of Committees, to which Members of Council are appointed, to the Legislative Governance Task Force Work Plan, and return to the Legislative Governance Task Force with timeline recommendations and the resource commitments required".

The City Clerk's Office will give consideration to the SPCs, PFC and LGTF mandates, with respect to Council policies, as part of the review of Committees.

Stakeholder Engagement, Research and Communication

The City Clerk's Office engaged with the Office of the Mayor, Office of the Councillors, and the City Manager's Office, and held numerous meetings with Administration gathering questions and concerns related to the procedures outlined in the current Council policy. Research was conducted into existing Council and Administration policy practices at The City of Calgary, policy practices in other municipalities, as well as in universities across Canada. Key legislative resources consulted in the drafting of the proposed new Council policy include: the Province of Alberta *Municipal Government Act* RSA 2000 c. M-26 and The City of Calgary Procedure Bylaw 44M2006, as amended. The City Clerk's Office sought and received the Administrative Leadership Team's (ALT's) endorsement for the proposed changes to the Council Policy Program. ALT's amendments, with respect to the Council policy approval process, have been incorporated into the proposed Council policy.

Strategic Alignment

This Council policy aligns with Council's priority of a well-run city: "Calgary's government is open, responsive, accountable and transparent, delivering excellent services at a fair price. We work with our government partners to ensure we have the tools we need" (Action Plan 2015-2018).

Social, Environmental, Economic (External)

Adopting the proposed changes to the Council Policy Program is a step in promoting transparency and accountability.

Financial Capacity

Current and Future Operating Budget:

There are no current and future operational budget impacts as a result of this report.

Current and Future Capital Budget:

Approval(s): Gray, Sue concurs with this report. Author: Martin, Katarzyna
City Clerk's: J. Dubetz

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There are no current and future capital budget impacts as a result of this report.

Risk Assessment

The current Council policy on the *Council Policy Library* contains a number of implementation gaps, opening The City to the following risks: (1) misalignment between Council policies and practice; (2) maintaining outdated Council policies which do not reflect current Council direction and priorities as well as do not keep pace with leading best practices; and (3) inconsistent Council policy approval practices. These risks do not allow The City of Calgary to achieve its priority of becoming a well-run city (Action Plan 2015-2018). To mitigate the above risks, the City Clerk's Office prepared a proposed new Council policy on the *Council Policy Program*, with transparent and accountable review and reporting processes.

REASON(S) FOR RECOMMENDATION(S):

The proposed changes to the Council Policy Program are required in order to bridge existing implementation gaps with respect to the Council policy approval process, Council Policy Template and the Council policy review process. Implementing the Council policy on 2016 January 01 facilitates the update of internal resource documents and internal web pages.

ATTACHMENT(S)

1. Council policy on the *Council Policy Library* (PAC001);
2. Summary of Policy Implementation Gaps, Proposed Changes and Rationale;
3. Council Policy Approval Process;
4. Formal Council Policy Review of Existing Council Policies; and
5. Proposed Council policy on the *Council Policy Program*, **After Amendment**