

LEGISLATIVE GOVERNANCE TASK FORCE 2014 Q3 WORK PLAN PROGRESS REPORT

EXECUTIVE SUMMARY

This report presents an update on the Legislative Governance Task Force 2014 – 2017 Work Plan.

ADMINISTRATION RECOMMENDATION(S)

That the Legislative Governance Task Force:

1. Provide direction with respect to the scope of a Council Policy on a Code of Conduct for Citizen Members of Boards, Commissions and Committees; and
2. Recommend that Council approve the amended timelines within the Legislative Governance Task Force 2014 – 2017 Work Plan.

PREVIOUS COUNCIL DIRECTION / POLICY

At the 2014 May 26 Regular Meeting of Council, Council approved the Legislative Governance Task Force (LGTF) 2014 – 2017 Work Plan and directed that the City Clerk's Office report quarterly, starting in Q3, on its progress.

BACKGROUND

The LGTF Terms of Reference provide for a Task Force of Council with the responsibility of making recommendations to Council to improve legislative governance at The City of Calgary. The LGTF meets monthly, and is focused on the following priorities:

1. Making Council more accessible and transparent to the public;
2. Making the Council decision-making process more efficient; and
3. Increasing accountability.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Following Council's approval of the LGTF 2014 – 2017 Work Plan, the City Clerk's Office initiated work, using internal resources, in the following three categories:

1. Boards, Commissions and Committees (BCCs);
2. Council Policies; and
3. Ethics and Accountability.

The work completed to date is detailed below and updated on the amended LGTF 2014 – 2017 Work Plan (Attachment).

1. Boards, Commissions and Committees (BCCs)

Item 1(a): The City Clerk's Office completed the update, as per previous Council direction, to the Council Policy on the *Appointment of Members of Council, Administration and Citizens to Agencies and Establishment of Council Agencies (CC003)*, to reflect the current advertising and recruiting practices for the Organizational Meeting of Council with respect to the Taxi Limousine Advisory Committee, Calgary Public Library Board, Calgary Aboriginal Urban Affairs Committee, and the Calgary Parking Authority. These updates have been recorded in the amendment section by Council decision date, include the report and/or bylaw number and provide a brief

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description of the decision. As a result, stakeholders now have improved access to information detailing previous Council direction related to advertising and recruiting practices in one convenient location. Although not specified on the LGTF 2014 – 2017 Work Plan, in updating this Council Policy, the City Clerk's Office also undertook a minor policy format revision in order to achieve a more consistent and readable format. In addition, a section providing a listing of Council Policies which are aligned and complement this Council Policy has been included to increase transparency and improve access to information.

Item 1(b): The City Clerk's Office undertook the amalgamation of all Council Policies related to BCCs into one master policy. However, following a more in-depth analysis, the City Clerk's Office determined that the individual Council Policies are not well suited for amalgamation at this time given that they require substantial updating and revisions. Accordingly, rather than amalgamating Council Policies which are not keeping pace with current practices, the City Clerk's Office is requesting that this item be deferred to coincide with the report proposing a new advertisement and recruitment process for Citizen Member appointments to BCCs (item 1(e)) as both the current processes and all associated Council Policies will be undergoing a comprehensive and holistic review at that time.

Item 1(c): With respect to a report proposing a new Citizen Member Code of Conduct Policy, the City Clerk's Office reviewed existing Council and Administration Policies at The City of Calgary, and observed that the conduct of Members of Council is guided by the following Council Policies:

- *Ethical Conduct Policy for Members of Council (CC042);*
- *Gifts and Benefits Policy for Members of Council (CC043); and*
- *Transparency and Accountability Policy (CC039).*

Similarly, the conduct of members of City Administration is governed by the following Council and Administration Policies:

- *Transparency and Accountability Policy (CC039);*
- *Code of Conduct (HR-LR-005(A)); and*
- *Conflict of Interest (HR-LR-004(B)).*

While The City of Calgary does have a Council Policy on the *Conflict of Interest: Citizen Appointees (CC006)*, this Council Policy is limited to only the criteria required for the annual advertisement for citizen members to various BCCs. Specifically, this Council Policy provides that citizens applying for member positions are to advise Council of any previous involvement with, employment affiliation and/or proceeding against the BCC they are applying for; however, unlike Members of Council and members of City Administration, citizen members appointed to BCCs do not have a uniform Council or Administrative Policy guiding their conduct in the service to The City of Calgary.

To further inform the development of a new Council Policy, the City Clerk's Office conducted research on publically available codes of conduct in a sample of municipalities. This research demonstrated that a number of municipalities in Canada have either a Council approved Code of Conduct for members, a Corporate Policy governing conduct of members or Ethical Guidelines for citizens who serve on boards, agencies and committees. Through this research and analysis, the City Clerk's Office found that there are a number of themes common to most

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codes of conduct and policies: conflict of interest, bias, maintaining confidentiality, gifts and benefits, conduct during meetings, investigations and handling of breaches.

Lastly, the City Clerk's Office reviewed governing authorities of a sample of BCCs at The City of Calgary. This review focused on gathering background on both the existence of codes of conduct for citizen members, as well as the breadth of conduct related topics. This review found that a number of BCCs do have provisions for the conduct of their members within their independent governing authorities, and policies and procedures. For instance,

- The Calgary Planning Commission, the Calgary Police Commission and the Combative Sports Commission contain conflict of interest and pecuniary interest provisions within their Bylaws;
- The Taxi Limousine Advisory Committee and the Calgary Aboriginal Urban Affairs Committee contain conflict of interest and pecuniary interest provisions within their Terms of Reference;
- The Assessment Review Boards have established Policies and Procedural Rules, applicable to all appointed members, stipulating the obligations and duties of the Board, as well as provisions regarding bias, conflict of interest, and member conduct. As per Bylaw 25M2010, as amended, the General Chairman may establish rules, procedures and policies for the administration of the Assessment Review Boards; and
- The Subdivision and Development Appeal Board has an established Code of Conduct, providing behavioural guidance to members in areas related to bias and conflict of interest, maintaining confidentiality, conduct during board meetings, and prohibition of accepting gifts and benefits. As per Bylaw 25P95, as amended, the Subdivision and Development Appeal Board has the power to establish rules relating to matters of the procedures, operation and conduct of business of the Board as are deemed appropriate by the Board.

Although not uniform, as a number of BCCs have existing codes of conduct, or code of conduct provisions within their governing authorities, the applicability of any future Council Policy on a Code of Conduct for Citizen Members of Boards, Commissions and Committees requires extensive consideration. Furthermore, not all the BCCs to which The City of Calgary Council appoints citizen members are established by The City of Calgary Council. Accordingly, consideration and consultation with those BCCs, in conjunction with the Law Department, related to policy alignment would be required before further progress on a new Council Policy can be achieved.

Taking the foregoing findings into account, the City Clerk's Office is requesting that item 1(c) on the LGTF 2014 – 2017 Work Plan be deferred to Q4 of 2014 in order to receive direction from LGTF with respect to the scope of a Council Policy on a Code of Conduct for Citizen Members of Boards, Commissions and Committees.

2. Council Policies

The City Clerk's Office reviewed existing Council Policies, originating with the City Clerk's Office, and identified a number of Council Policies which duplicate the provisions of Bylaw 44M2006, The Procedure Bylaw and the *Municipal Government Act*. Subsequently, the City

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Clerk's Office completed item 2(b) on the LGTF 2014 – 2017 Work Plan and is recommending that the Council Policies on *Council Breaks and Meal Times* and *Council Members Attendance at Meetings* be rescinded to eliminate the duplication of legislated requirements and procedures related to recess and attendance at meetings. The report proposing the rescinding of these Council Policies is being presented at the 2014 September 02 meeting of the LGTF.

3. Ethics and Accountability

The City Clerk's Office conducted and completed research into comparable disclosure practices in other municipalities, as well as at the provincial level, to inform the development of a potential disclosure policy for The City of Calgary. During the research stage, the City Clerk's Office engaged in consultations with the Law Department, the FOIP Office, and the Office of the Mayor. Following this process, the City Clerk's Office prepared a draft Disclosure Policy for Members of Council, which was submitted to the Office of the Mayor as part of stakeholder engagement. In order to continue the consultation process with Members of Council, the City Clerk's Office is requesting that item 3(a) on the LGTF 2014 – 2017 Work Plan be deferred to Q4 of 2014.

Stakeholder Engagement, Research and Communication

The City Clerk's Office presented a proposed LGTF 2014 – 2017 Work Plan to the LGTF on 2014 March 06 for discussion and sought direction on the scope of future governance initiatives. Following Council's approval of the LGTF 2014 – 2017 Work Plan on 2014 May 26, the City Clerk's Office conducted research into code of conduct policies for citizen members appointed to BCCs and into comparable disclosure policies in other jurisdictions to guide the development of potential Council Policies for The City of Calgary. The City Clerk's Office engaged the Law Department extensively, over the summer months, in the process of developing a Council Policy on a Code of Conduct for Citizen Members of Boards, Commissions and Committees. The Law Department, the Office of the Mayor, as well as the FOIP Office, were also engaged in the development of the Disclosure Policy for Members of Council.

Strategic Alignment

The LGTF 2014 – 2017 Work Plan is aligned with The City of Calgary's 2012 – 2014 Business Plan priority of becoming a more effective and disciplined organization by exploring and applying alternative ways to deliver our services and improve access to information. In addition, this Work Plan is aligned with Council's Fiscal Plan for Calgary; specifically, priority Z10: "increase transparency and accountability throughout the organization", and priority Z12: "implement new ethical guidelines for members of Council, potentially including a real estate and lobbyist registry and a commitment to campaign finance reform".

Social, Environmental, Economic (External)

There are no social, environmental, or external economic implications as a result of this report.

Financial Capacity

Current and Future Operating Budget:

In accordance with the LGTF Terms of Reference, the work around legislative governance will be conducted primarily by City Clerk's internal resources. To date, all work on the LGTF 2014 – 2017 Work Plan has been carried out by internal resources; however, in order to deliver on all of

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the legislative governance initiatives within the proposed timelines, the City Clerk's Office requires additional resources. The City Clerk is exploring options, within existing operating budgets to obtain limited term resources. As per the LGTF Terms of Reference, should the services of an external consultant be required for the completion of the special projects within the LGTF 2014-2017 Work Plan, the City Clerk will return to LGTF with a project budget for Council's review and approval.

Current and Future Capital Budget:

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

Risk Assessment

Failure to complete the work detailed in the LGTF 2014 – 2017 Work Plan exposes The City of Calgary to a number of risks: (1) failure to adhere to Council Policies, (2) confusion and misalignment between Council Policies and existing practice, (3) maintaining outdated Council Policies which do not keep pace with leading practices in legislative governance, and (4) inadequate transparency and accountability. Such risks do not allow The City of Calgary to achieve its priority of becoming a more efficient and effective organization.

REASON(S) FOR RECOMMENDATION(S):

The City Clerk's Office requires approval of the amended timelines within the LGTF 2014 – 2017 Work Plan in order to deliver on legislative governance initiatives at The City of Calgary.

ATTACHMENT(S)

Amended Legislative Governance Task Force 2014 – 2017 Work Plan