

Jurisdictional Review

Overview

This attachment provides an overview of literature related to differences in orders of government, forms of municipal government, authorities of Councillors and Mayors, and structures of Council committees.

Differences in Orders of Government

Provincial and Federal Governments

The provincial and federal government systems differ from municipal government structure by giving specific elected members of the governing party more power and authority. Certain Members of the Legislative Assembly (MLA) or Member of Parliament (MP) are appointed to head a specific government ministry (i.e. departments); the collection of portfolios, or ministries, make up the Cabinet¹. The Ministers, heads of specific portfolios, are the executive heads of their departments². Ministers are individually responsible for the powers Parliament has assigned to their portfolio, as well, Ministers have the authority necessary to discharge that responsibility³. Beyond approving Orders in Council, Cabinet ratifies policy matters and is the final authority on issues related to the day-to-day operation of government⁴. Ministers are individually responsible for their own actions.

Municipal Government

Municipal governments, specifically Calgary, have various Standing Policy Committees (SPC) chaired by a Councillor who is selected by the committee as a whole⁵. Committee meetings provide the opportunity for discussion and public input before making recommendations to Council⁶. Each Member of Council, including the Mayor, has an equal vote on matters before Council. Although the Council's Procedure Bylaw in Calgary gives committees the authority to make final decisions on items within their mandates, in practice Calgary Council's SPCs refer items to Council for final decision.

Forms of Municipal Government

As cities developed in North America during the late nineteenth century, the strong mayor system dominated⁷. Over time, though, local government structure has morphed and changed

¹ "How the Alberta Government Works," Alberta Government, accessed March 7, 2019, <https://www.alberta.ca/how-government-works.aspx>.

² Peter Aucoin, Jennifer Smith and Geoff Dinsdale, *Responsible Government: Clarifying Essentials, Dispelling Myths and Exploring Change* (Canadian Centre for Management Development, 2004), 26, <http://publications.gc.ca/collections/Collection/SC94-107-2004E.pdf>.

³ Ibid., 27.

⁴ Alberta Government, "How the Alberta Government Works."

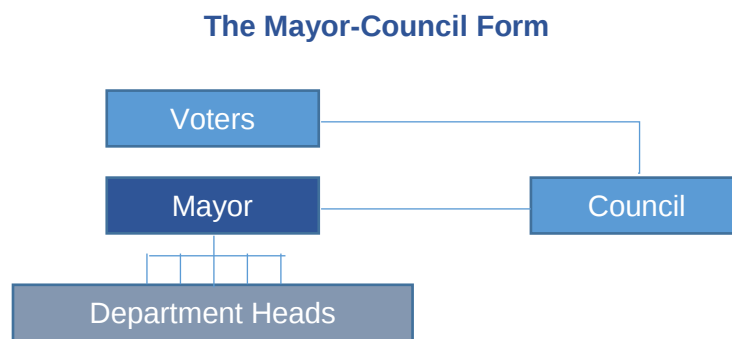
⁵ "Procedure Bylaw 35M2017," The City of Calgary, accessed February 11, 2019, <https://mycity.calgary.ca/ourorg/mayorcouncil/councilresources.html>.

⁶ Ibid.

⁷ Kate, Graham, "Leading Canada's Cities? A Study of Urban Mayors" (PhD. Diss., The University of Western Ontario, 2018), 26, <https://ir.lib.uwo.ca/cgi/viewcontent.cgi?article=7704&context=etd>.

to adapt to the needs and demands of ever larger cities⁸. The most common structure has gone from a mayor-council system to a council-manager one⁹.

The mayor-council system of local government (see diagram below¹⁰) can be further broken into strong-mayor or weak-mayor variants. In this structure, the city council is headed by a mayor, chief executive officer, who is responsible for the administration of local government services, including appointing department heads¹¹. The delineation between strong-mayor and weak-mayor in this structure, deals with the power that the mayor holds¹². In some versions the mayor has the management authority for all operations of the city while the council has limited authority; thus, the term “strong-mayor” exists¹³. In a weak-mayor system, council handles both policy and city operations, and the mayor’s role is mainly ceremonial¹⁴.



The council-manager system of municipal government began in the early 20th century to combat the corruption, graft, and nepotism occurring in US cities and promote transparency, responsiveness and professionalism¹⁵. The council-manager form consists of an elected governing body, including a mayor, which adopts legislation and sets policy¹⁶. The governing body, council, hires a city manager to carry out the policies and oversee the day to day

⁸ Ibid., 27.

⁹ “Key Roles in Council-Manager Government,” ICMA, accessed February 6, 2019, https://icma.org/sites/default/files/18-027%20Council%20Manager%20FOG%20Brochure_final%2010-16-17.pdf.

¹⁰ “Forms of Local Government,” ICMA, accessed February 6, 2019, <https://icma.org/documents/forms-local-government-structure>.

¹¹ Graham, “Leading Canada’s Cities,” 28.

¹² Ibid.

¹³ “Council-Manager Government in Arizona,” League of Arizona Cities and Towns, June 2018, 2, <http://www.azleague.org/ArchiveCenter/ViewFile/Item/199>.

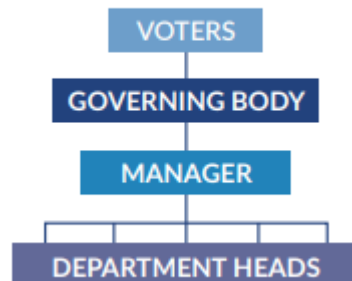
¹⁴ Ibid.

¹⁵ ICMA, “Key Roles.”

¹⁶ Ibid.

operations of local government¹⁷. The Council-Manager Form is depicted in the following diagram.¹⁸

The Council-Manager Form



This structure mirrors many corporations in which a board of directors hires a Chief Executive Officer, CEO, to run the company¹⁹. The CEO typically has broad executive authority to run the company; however, the board establishes the overall policy direction. The CEO has the responsibility of policy implementation.²⁰

The mayor in this type of system is an equal voting member of the city council and has no more formal authority than any other council member²¹. The mayor is the public face of the community who presides at meetings, assists the governing body in setting goals and advocates policy decisions²². The mayor and council together approve the budget and adopt laws and regulations, and set the tax rate²³. The mayor does not have the authority to veto legislative actions²⁴. This style of government encourages citizen input and diffuses power of special interest groups²⁵.

The most common municipal government system in Canada is the council-manager system²⁶. As stated previously, the “strong mayor / weak mayor” description applies to the mayor-council system of government; therefore, in the formal definition, the description does not apply in the Canadian context of the council-manager system²⁷. As stated by Graham, “Policy is made and power is exercised within a structured set of relationships”, and it is through relationships that

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ “Learn About the Council-Manager Form of Government,” The Balance Careers, accessed February 8, 2019, <https://www.thebalancecareers.com/council-manager-form-of-government-1669446>.

²² ICMA, “Key Roles.”

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Graham, “Leading Canada’s Cities,” 32.

²⁷ Ibid.

Canadian mayors exert the “strength” of their office.²⁸ It is through skill, information and connections that Canadian mayors apply their “soft powers” in their municipalities.²⁹

Authorities of Councillors and the Mayor

To understand the power of the mayor, it is necessary to clarify the delineation between “authorities”, or the legal powers of mayors, versus the “influence”, the capacity of the mayor to shape, persuade or condition others³⁰. The *Municipal Government Act* (MGA) outlines the duties and functions of the Councillors and of mayors.

MGA: Duties of Councillors

Municipal Government Act in Alberta states that the general duties of Councillors include (section 153):

153(a) to consider the welfare and interests of the municipality as a whole and to bring to council’s attention anything that would promote the welfare or interests of the municipality;

(a.1) to promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities;

(b) to participate generally in developing and evaluating the policies and programs of the municipality;

(c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;

(d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;

(e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;

(e.1) to adhere to the code of conduct established by the council under section 146.1(1);

(f) to perform any other duty or function imposed on councillors by this or any other enactment or by the council.

MGA: Duties of the Mayor (Chief Elected Official)

Municipal Government Act in Alberta states the duties of the Chief Elected Official include:

154(1) A chief elected official, in addition to performing the duties of a councillor, must

(a) preside when in attendance at a council meeting unless a bylaw provides that another councillor or other person is to preside, and

(b) perform any other duty imposed on a chief elected official by this or any other enactment or bylaw.

²⁸ Ibid., 46.

²⁹ Ibid., 191.

³⁰ Ibid., 50.

(2) The chief elected official is a member of all council committees and all bodies to which council has the right to appoint members under this Act, unless the council provides otherwise.

The table outlines the mayoral authority as set out by provincial legislation.³¹

Table 1: Mayoral authority in provincial legislation, by city

	Vancouver, BC*	Calgary, AB*	Saskatoon, SK	Winnipeg, MB*	Toronto, ON*	Montreal, QC*	Saint John, NB	Halifax, NS*	Charlottetown, PE*	St. John's, NL*
Mayor presides over meetings (or has option to)	X	X	X	X	X		X	X	X	X
Mayor calls special meetings at own discretion	X	X	X	X	X	X	X	X	X	X
Mayor signs bylaws, contracts, cheques, etc.	X	X	X	X	X	X	X	X	X	X
Mayor makes specified appointments	X	X	X	X	X	X			X	
Mayor appoints deputies, committees and/or chairs	X			X	X	X			X	
Mayor "provides leadership" (or equivalent)	X				X		X			
Mayor "provides direction" (or equivalent)	X					X	X			
Mayor "communicates information" (or equivalent)	X				X	X	X	X		X
Mayor "makes recommendations"	X				X	X				X
Mayor "reflects the will of council"	X									
Mayor "prosecute and punishes all negligence"										X
Mayor oversees employees' conduct	X			X		X				X
Mayor suspends employees or officers	X			X		X				X
Mayor suspends Council decisions for limited period				X		X				

* Denotes cities with city-specific legislation

³¹ Graham, "Leading Canada's Cities," 75.

Mayoral Authority in the Procedure Bylaw

The City of Calgary's Procedure Bylaw gives the Mayor the authority to be the Chair over all meetings of Council, the Priorities and Finance Committee, and the Intergovernmental Affairs Committee; in addition, the Mayor is an ex-officio member of all Council committees³². The authority of the Mayor as the chair of Council meetings includes: setting agendas, deferring agenda items, keeping a sequence of speakers and recognizing people to speak³³.

The authorities of the mayor as outlined in the aforementioned legislation are mainly procedural in nature and do not discuss the more fulsome role of the mayor. As the only elected official voted in city-wide, the mayor represents all citizens, not just citizens from a specific ward. When the citizens of a municipality elect the mayor, they are endorsing the mandate and priorities the mayor set forward in his election platform³⁴.

A Canadian mayor who has limited legislative authority must use leadership skills to wield power³⁵. Leadership is a social process to mobilize resources, and a mayor uses influence and leadership to develop a collaborative advantage and to mobilize resources in his/her chosen direction³⁶. In Calgary, specifically, mayoral power is limited; therefore, the leadership skills and abilities, as well as the support from the majority of citizens, underlies the main source of the mayor's powers³⁷.

Committees of Council

Calgary's Council Committees

The City of Calgary's Council committees have the following roles as laid out in the Procedure Bylaw:

SPCs

B.1 The following actions/decisions of SPCs are binding on *The City* without the requirement of *Council* approval, provided the action or decision is within the SPC's mandated areas as listed in this bylaw:

- (a) to make final decisions at the Committee level within their mandate where City of Calgary policy exists;
- (b) to receive any periodic reporting directed by *Council* for information;
- (c) to create and be responsible for SPC sub-committees and approve their Terms of Reference; and
- (d) to incorporate the community sustainability strategy into its deliberations.

³² "Procedure Bylaw 35M2017," The City of Calgary, 33, accessed February 11, 2019, <https://mycity.calgary.ca/ourorg/mayorcouncil/councilresources.html>.

³³ *Ibid.*, 11.

³⁴ Graham, "Leading Canada's Cities," 85.

³⁵ *Ibid.*, 79.

³⁶ *Ibid.*, 53.

³⁷ *Ibid.*, 85.

B.2 SPCs are also tasked with making new or revised policy recommendations to *Council* within their mandated areas as listed in this bylaw.

The agendas of Council Committee meetings, per the Procedure Bylaw, are set by the Clerk unless it is a special meeting of the committee of which the Committee Chair and the Clerk set the agenda³⁸. However, in practice committee agendas are usually driven by Administration, and the committee Chair is consulted. The Mayor of Calgary does not have the power to appoint the chairs or members of the various Standing Policy Committees or Special Committees of Council. These positions, as laid out in Appendix A of the Procedure Bylaw, are appointed by all Council at its Organizational Meeting with the Chairs of each committee elected by the members during the first meeting after the appointment of members³⁹.

Executive Committees

Some Canadian municipalities have created Executive Committees (EC) which differ from Standing Policy Committees. An Executive Committee is established by bylaw and has perpetual existence and reports to the executive board or Council. ECs grant a small but trusted group of officers the authority to make any critical decision (usually reserved exclusively to the board) between board meetings⁴⁰. An EC commonly has almost all the power of the board, yet the EC's decisions may be subject to the board's ultimate approval. An EC is a board within the board.

Within Canadian municipalities, many similarities exist between the mandates of the Executive Committees and the mandates of a quasi-Executive Committees, committees structured to resemble an executive committee. The table below summarizes Canadian municipalities that have an Executive Committee or a quasi-Executive Committee. As shown, the Canadian municipal Executive Committees do not have decision making powers; the decision-making powers continue to reside with Council.

Although most of the existing Canadian municipal Executive Committees do not have the decision-making power of an EC in the "pure" sense, some have more power through the appointment of the members. The Mayors of Toronto and Winnipeg have the power to appoint the Chairs of the various Council committees which, informally, creates a group large enough to influence a vote.

³⁸ Ibid., 12.

³⁹ Ibid., 32.

⁴⁰ C. Alan Jennings, *Robert's Rules for Dummies*, 3rd Ed. (New Jersey: John Wiley & Sons, Inc., 2016)287.

Table 2: Canadian Municipalities and Their Executive or Quasi-Executive Committee

Municipality	Committee	Mandate	Composition	Powers
Calgary	Priorities and Finance Committee	Appointments to Committees; community sustainability strategy; naming of City-owned facilities; recommendations about corporate structure, corporate personnel issues, and corporate policy; Recommendations to Council on CCCO; Recruitment, appointment and evaluation of City Manager; Administration responses to Administration inquiries; overseeing financial planning and reporting.	Mayor; 6 Councillors* *(Chair SPC on CPS; Chair SPC on PUD; Chair SPC on T&T; Chair SPC on UCS; Chair of Audit Committee; 1 Councillor-at-Large)	No decision making powers.
Edmonton	Executive Committee	Deals with matters relating to Office of the City Manager; Financial Services; Utilities not within the purview of other Standing Committees; Corporate Services; Sustainable Development. Recommends budget adjustments. Approves contracts or agreements which exceed the delegated authority of the City Manager. Recommends to Council membership to related Boards, Commissions and Committees of Council. (ARB, Housing Corporation, Design Committee, Naming Committee, SDAB).	Mayor 4 Councillors	No decision making powers.
Ottawa	Finance & Economic Development Standing Committee	Provides direction on corporate and administrative practices, economic development issues, high-level fiscal and management policies, including the fiscal framework, Budgets budget reporting and overseeing the City's audit functions. Addresses all matters related to communications, accessibility, human resources, labour relations, bilingualism policies and French Language Services, purchasing, information technology, legal services, the Clerk's Office, and real estate matters.	Mayor 11 Councillors* *(Chairs of the other 7 Standing Committees, 3 Deputy Mayors and 1 member-at-large)	No decision making powers.
Winnipeg	Executive Policy Committee	Shall have jurisdiction in the following areas: audit matters; business liaison; capital region; corporate communication; economic development; financial management; formulation of policy; human resource policies; information technology; inter-governmental affairs;	Mayor 6 Councillors*	No decision making powers. Can make alternative

		labour contract negotiations; legal services and matters under litigation; Plan Winnipeg and alignment of department strategic plans; and property assessment. Acts as the Inter-governmental Affairs Committee and the Audit Committee.	*(One of whom is the Deputy Mayor; and one the Acting Deputy Mayor) NB: Mayor selects the chair of all Committees	recommendations for consideration.
Vancouver	City Finances and Services Standing Committee	Deals with: The City's revenues and their allocation. Financial planning, budgets, taxation, capital works, and municipal infrastructure. Grants. Economic development, including tourism, Pacific Rim initiatives, and industrial zoning. Civic administration and matters pertaining to the civic work force, including service expansions, computerization, worker health and safety, and equal employment opportunity.	Mayor All Members of Council	No decision making powers.
Vancouver	Policy and Strategic Priorities Standing Committee	Deals with: Neighbourhood planning and protection, local area planning programs, zoning issues, noise complaints, and continuing public health care initiatives. Environmental issues. Community issues, social policy development, housing initiatives, and children's policy. Cultural and ethnocultural issues, local arts initiatives, and heritage matters.	Mayor All Members of Council	No decision making powers.
Toronto	Executive Committee	The Executive Committee's mandate is to monitor and make recommendations on the priorities, plan. International and intergovernmental relations, and the financial integrity of the City.	Mayor Deputy Mayor, Chairs of All Standing Committees, Chair of Budget Committee, one member at large NB: Mayor selects the chair of all Committees	No decision making powers.

NB: This information was refreshed by researching current municipal Bylaws as the document, "Comparative Accountability: Structures in Canadian Municipal Governments" by Dr. Stan Drabek was written in 2003.