

July 2017

City of Fort Saskatchewan, Alberta Governance Review Report



Strategic Steps Inc.
Sherwood Park, AB
780-416-9255



July 10, 2017

Members of City Council
City of Fort Saskatchewan
10005 102 Street
Fort Saskatchewan, Alberta T8L 2C5

Re: City of Fort Saskatchewan Governance Review

Dear Members of City Council:

A review of governance documentation, protocols and activity of the City of Fort Saskatchewan has been conducted as directed by City Council resolution 74-17 on April 25, 2017.

The governance findings are contained in the following report along with recommendations respectfully submitted for consideration.

Thank you for the opportunity to assist with this process. We remain available to respond to any questions you may have regarding the review findings.

Sincerely,

Strategic Steps Inc.

Ian McCormack, B.A.
President, Strategic Steps Inc.

Disclaimer: The content of the following report is prepared for the City of Fort Saskatchewan. Strategic Steps Inc. does not authorize or take any responsibility for third-party use of the contents contained herein. Ownership and control of the report contents rests with the City of Fort Saskatchewan.

Table of Contents

1	EXECUTIVE SUMMARY	3
2	SCOPE OF GOVERNANCE REVIEW	4
2.1	LEGISLATIVE BASIS FOR A GOVERNANCE REVIEW	4
2.2	MANDATE AND GOVERNANCE REVIEW PROCESS.....	4
2.3	PUBLIC PROFILE	7
2.4	GOVERNANCE REVIEW INTERVIEWS	8
2.5	MUNICIPAL PROFILE INFORMATION	8
3	REVIEW OF GOVERNANCE	11
3.1	BROAD AUTHORITY TO GOVERN	11
3.2	COUNCIL STRUCTURE.....	13
3.3	COUNCIL ORIENTATION.....	15
3.4	CODE OF CONDUCT	16
3.5	COUNCIL PERFORMING ADMINISTRATIVE DUTIES	23
3.6	STRATEGIC PLANNING	25
3.7	COUNCIL LEADERSHIP	30
3.8	ORGANIZATIONAL MEETINGS.....	33
3.9	MEETINGS OF COUNCIL.....	34
3.10	BYLAWS	56
3.11	POLICIES.....	57
3.12	COUNCIL COMMITTEE STRUCTURE	61
3.13	CITY MANAGER	64
4	CONCLUSION	67
5	APPENDICES.....	69
	APPENDIX 1: TABLE OF FIGURES	69
	APPENDIX 2: RECOMMENDATIONS SUMMARY	70

1 EXECUTIVE SUMMARY

A governance review was conducted for the City of Fort Saskatchewan, Alberta as directed by city council. Organizational strengths were found, such as comprehensive legislative and policy tools, visible strategic direction, and strong levels of senior staff competence. Areas of concern were also identified, perhaps the most significant of which can be described as distractions that remove city council focus on achieving the city's vision.

Major concerns, and likely what precipitated the request for the review, is interpersonal dynamics among members of council which were described as everything ranging from "a distraction" to "bullying". This inward focus has meant that council has not been able to concentrate solely on its governance role.

Though there is room for improvement; the City of Fort Saskatchewan has the tools it needs to provide good governance to the citizens and businesses that it serves.

City elected officials and staff were very cooperative throughout the review process and provided a significant amount of information. Interviewees noted the strengths of their city's service delivery, but also provided significant concerns, primarily with disagreements between members of council that have been growing during the course of the 2013-2017 council's term.

A series of recommendations for the city are identified throughout this report and collated in Appendix 2. Implementation of these recommendations is intended to assist the city to strengthen governance processes and move focus to where it best benefits citizens, staff and businesses.

Most importantly, increased respect amongst and between elected officials, with a clear understanding of roles and responsibilities is needed to create a model for future councils.

2 SCOPE OF GOVERNANCE REVIEW

2.1 Legislative Basis for a Governance Review

The term 'governance review' does not appear in Alberta's provincial legislation, neither does it appear in the city's bylaws or policies. That said, governance reviews are conducted from time to time in Alberta municipalities, with the scope and focus set by the municipality itself.

The closest terminology to 'governance review' appears as part of a typical Municipal Inspection process that is occasionally ordered by the Minister of Alberta Municipal Affairs in accordance with the Municipal Government Act (MGA) s. 571. For this reason, the governance review process in Fort Saskatchewan has been modeled on the portion of the municipal inspection process that relates to the governance of Alberta Municipalities.

Strategic Steps, and associates have conducted, or are currently conducting, eight Municipal Inspections in the past three years for the Minister of Municipal Affairs. The company is well aware of the requirements of this process and has applied similar rigour to the Fort Saskatchewan governance review.

2.2 Mandate and Governance Review Process

City elected officials reached out to Strategic Steps to ask about the governance review process in spring 2017. That process was refined to the point that a notice of motion was presented to city council at its April 11, 2017 Regular Meeting.

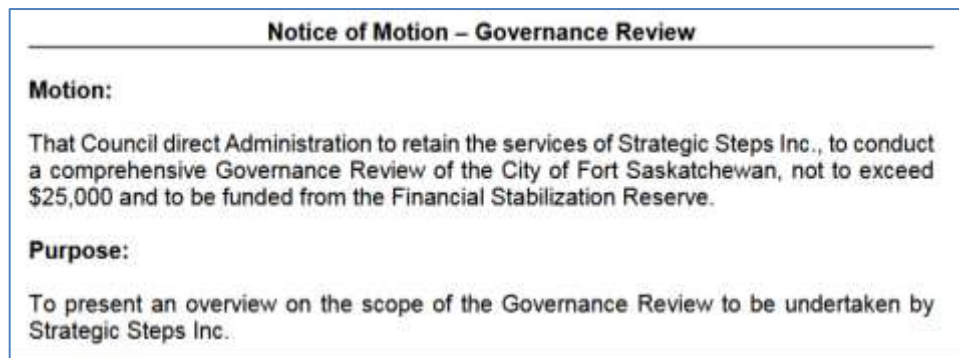


Figure 1 - Notice of Motion, April 11, 2017 Council Meeting

Subsequently, the motion was debated and approved as Resolution R74-17 in a 4-3 recorded vote at city council's April 25, 2017 Regular Meeting.

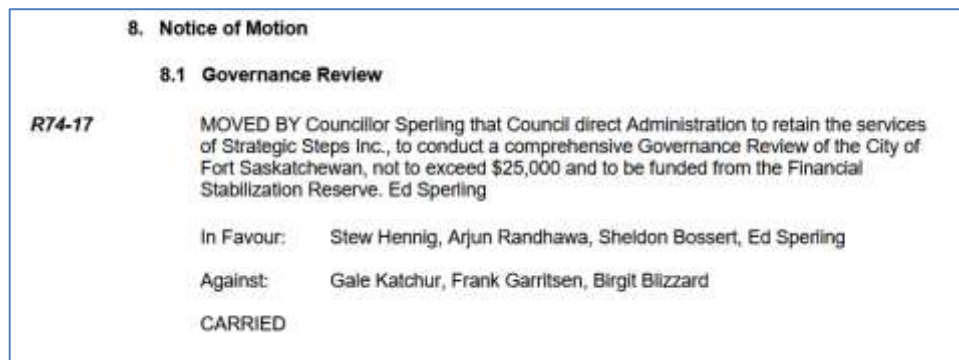


Figure 2 - Governance Review Resolution, April 25, 2017

Research, interviews and data collection occurred primarily during April and May 2017. Local issues were followed and further information and clarification from stakeholders was obtained until the final report was submitted to city council in early July 2017. The governance review process included the following tasks:

1. Review and evaluate:
 - Council-specific bylaws (specifically the *Meeting Procedures Bylaw* and *Council Code of Conduct Bylaw*) and key policies for adequacy, relevancy, consistency, and conformity with legislation;
 - process and procedures used to prepare for Council meetings;
 - Council's understanding of their role and responsibilities;
 - Council's leadership and effectiveness in working together;
 - Council's understanding of disclosing confidential information;
 - Council's understanding of and alignment to City strategic priorities; and
 - the process for preparing and approving Council meeting minutes and a review of recent minutes;
2. Main tasks would include:
 - interviews with all members of Council;
 - interview with the City Manager and Director of Legislative Services;
 - request and review any other relevant documentation; and
 - attendance at least one Council meeting, including an in camera portion if scheduled.

Figure 3 – Excerpt, April 25 Notice of Motion Support Document

More specifically, following the approval of the resolution, the governance review was further refined to include:

1. Conduct stakeholder interviews, including:
 - Elected officials (current)
 - City Manager (Chief Administrative Officer (CAO))
 - Various senior staff members (current and former)
2. Research, review, and evaluate municipal records and processes, including:
 - Bylaws and policies
 - Council committees
 - Process and procedures used to prepare for council meetings
 - Council's understanding of their role and responsibilities
 - A review and evaluation of council's leadership and effectiveness in working together
 - The CAO's understanding of their role and responsibilities
 - Attendance at and evaluation of the conduct of a council meeting
 - A review of recent minutes
3. Prepare a written report to city council on the review findings.
4. Present the review report to city council at a public meeting.

- Any items that emerge related to topics covered by FOIP exceptions to disclosure¹ will be provided to city council in a closed meeting (in camera).

2.3 Public Profile

Following the April 25, 2017 council meeting at which this governance review was debated, *FortSaskOnline* reporter Tim Evans wrote, in part:

Harsh accusations were flying in Fort Saskatchewan council chambers.

Last night (April 25), a packed audience voiced their displeasure with the local government.

The speaking public members hurled accusations of fighting, double standards and bullying within council.

It was all in response to councillor Ed Sperling bringing forward a motion to begin a governance review, essentially a report card on council and administration.

Numerous residents pointed out that there's a sense of "lost faith in leadership" within the community, doubled with a culture that was called destructive enough to cause numerous staff to leave, disguising it as a "retirement."

A former councillor, John Mather, said it's imperative such a review be done. He added that some councillors wore pink shirts on anti-bullying day, then went back to bullying fellow councillors and staff the very next day.

John Zabiuk addressed council saying the accusations are "a black mark on the good people of Fort Saskatchewan," adding, "people have lost faith in council as it sits."

A common theme among resident opinions was a vote in favour for the governance review and a vote for transparency. A vote against meant some councillors had something to hide.

Figure 4 - Excerpt, Accusations of Bullying, Intimidation Fly at City Council

What is written in this article is reflective of comments that emerged during the review. The word 'bullying' that is used is something that must be taken seriously and the conduct of council is discussed throughout this report.

The article also seems to identify a theme that voting against this governance review "meant some councillors had something to hide." This sentiment is not accurate as

¹ FOIP Exceptions to Disclosure can be found at
<https://www.servicealberta.ca/foip/documents/chapter4.pdf>

there are reasons to vote against the review other than lack of transparency. Legitimate reasons for a 'no' vote emerged during the council debate.

2.4 Governance Review Interviews

The review process included a series of approximately 12 interviews, all of which were with current elected officials and current and former city staff. Interviewees were asked consistent questions and the data provided was used to assess and summarize information themes. Occasionally, follow-up interviews were conducted to give individuals a chance to hear and respond to items about which they may have additional knowledge.

2.5 Municipal Profile Information

The City of Fort Saskatchewan was incorporated as a village on March 15, 1889, a town on June 15, 1904 and as a city on June 14, 1986. The city, on the east bank of the North Saskatchewan River is surrounded by Strathcona County, Sturgeon County and it abuts the City of Edmonton. The city is roughly bisected by provincial Highway 21.

The current municipal profile² provides the following statistics based on the most current available data from 2015 unless otherwise noted:

- 7 Member council
- 191 Full-time staff positions
- 24,569 Population (2016)
- 10,244 Dwelling units
- 4829.5 Hectare land base
- 170.50 Kilometers of local maintained roads
- \$58,763,285 Total financial assets
- \$382,793,329 Equity in tangible capital assets
- \$3,364,611,939 Residential assessment (2016)
- \$1,016,663,946 Non-residential assessment (2016)

² http://www.municipalaffairs.alberta.ca/mc_municipal_profiles

- \$103,975,290 Non-residential linear assessment (2016)
- \$41,331,223 Long term debt
- \$102,981,335 Debt limit
- 40.1% of debt limit used

GOVERNANCE REVIEW FINDINGS

3 REVIEW OF GOVERNANCE

Alberta municipalities are established under provincial authority and are required to follow provincial and federal legislation. The Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 (MGA) is a primary piece of provincial legislation that provides order, authority and direction to municipalities. The MGA is very specific on many governance aspects, including the basic purposes of a municipality, as follows:

Municipal purposes

3 The purposes of a municipality are

- (a) to provide good government,*
- (b) to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality, and*
- (c) to develop and maintain safe and viable communities.*

Other key aspects of the legislative provisions in the MGA are that it:

- Specifies the powers, duties and functions of a municipality (s. 5);
- Gives a municipality natural person powers (s. 6);
- Gives a council general jurisdiction to pass bylaws affecting public safety, regulating services, setting fees, enforcement and other matters (s. 7); and
- Gives broad bylaw passing authority to councils to govern municipalities in whatever way the councils consider appropriate within the jurisdiction given to them (s. 9).

3.1 Broad Authority to Govern

The MGA gives broad authority to municipalities to govern their respective jurisdictions. The MGA also specifies the roles, responsibilities and limitations of councils in carrying out governance activities, such as:

- Each municipality is governed by a council, as a continuing body (s. 142);
- General duties of the chief elected official (mayor) (s. 154) to preside at council meetings in addition to performing the duties of a councillor;

- General duties of councillors (s. 153) are to:
 - Consider the welfare and interest of the municipality as a whole;
 - Participate generally in developing and evaluating policies and programs;
 - Participate in council and council committee meetings;
 - Obtain information about the municipality from the CAO; and
 - Keep in confidence matters discussed in private at council or committee meetings;
- A council may act only by resolution or bylaw (s. 180);
- Councils and council committees must conduct their meetings in public, subject to limited exceptions (s. 197);
- Councillors are required to vote on matters at a council meeting at which they are present (s. 183);
- Councillors are required to disclose pecuniary interests, abstain from voting and leave the room until discussion and voting on matters of pecuniary interests are concluded (s. 172);
- A council must adopt operating and capital budgets for each calendar year (s. 242, 245);
- A council must appoint an auditor to provide a report to council on the annual financial statements (s. 280-281);
- A council must pass a land use bylaw that may prohibit or regulate and control the use and development of land and buildings in a municipality (s. 639-640);
- A council must appoint a chief administrative officer (CAO) (s. 205) and provide the CAO with an annual written performance evaluation (s. 205.1); and
- A council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the CAO or a designated officer (s. 201).

3.2 Council Structure

The City of Fort Saskatchewan is governed by a seven-member council elected at large by a vote of the electors of the whole municipality in accordance with the MGA s. 147. Regular council meetings are typically held twice per month, and special meetings are called as needed. The city's Procedure Bylaw C1-16 states:

5. **REGULAR COUNCIL MEETING**
- 5.1 The regular meetings of Council shall be established by resolution at the annual organizational meeting, or at a regular meeting of Council following the organizational meeting as required.

Figure 5 – Excerpt, Procedure Bylaw C1-16, Regular Meetings

At the October 25, 2016 Organizational Meeting, council set the regular meeting schedule by resolution as follows:

4. Council Meeting Dates and Time

MOVED BY Councillor Hennig that Council approve regular Council Meetings for the City of Fort Saskatchewan to be held on the second and fourth Tuesday of each month in Council Chambers at City Hall, 10005 – 102 Street, Fort Saskatchewan, commencing at 6:00 p.m.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa, Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

Figure 6 – Excerpt, 2016 Organizational Meeting

The chief elected official (mayor) was appointed at large by a vote of the electors in accordance with the MGA s. 150. A mayor is often described as the 'first among equals' on the municipal council, and has no individual powers beyond those of other members of council.

Alberta's local government system uses a 'weak mayor' form where "a mayor's powers of policy-making and administration are subordinate to the council."³

³ <http://www.merriam-webster.com/dictionary/weak%20mayor>

Council also appointed a deputy chief elected official (deputy mayor) by council resolution in accordance with the MGA s. 152.

3. Appointment of Deputy Mayors		
MOVED BY Councillor Blizzard that Council approve the Deputy Mayor appointments as noted below:		
November and December	2016	Councillor Hennig
January and February	2017	Councillor Blizzard
March and April	2017	Councillor Sperling
May and June	2017	Councillor Garritsen
July and August	2017	Councillor Randhawa
September and October	2017	Councillor Bossert
In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa, Birgit Blizzard, Sheldon Bossert, Ed Sperling		
CARRIED UNANIMOUSLY		

Figure 7 - Deputy Mayor Schedule 2016-2017

Fort Saskatchewan moves the deputy mayor role through all members of council on a two-month rotating basis, with all six council members (excepting the mayor) serving in the role once a year, or four times over the course of a council term. A two-month rotating cycle may be too short for deputy mayors to gain any deep knowledge of the role and may be administratively onerous.

The city may want to review and extend its duration for the deputy mayor role so long as each councillor is provided equal time as deputy mayor by the end of the four-year term. With six members of council eligible to serve as deputy mayor, alternate arrangements could include:

- Three-month rotation – each councillor serves three times as deputy mayor through a four-year term.
- Four-month rotation – each councillor serves twice as deputy mayor through a four-year term.
- Eight-month rotation – each councillor serves once as deputy mayor through a four-year term.

During the course of the review, some interviewees noted that the deputy mayor is not often called upon because the mayor is able to attend most function at which the presence of the mayor is required or requested.

Other interviewees noted that the deputy mayor schedule often does not work with a council member's full-time work commitment. According to one elected official, if the scheduled deputy mayor can not represent the city, the next person in line on the deputy mayor schedule is called upon, until someone is able to fill the role for a particular event. If nobody can be found, the city sends its regrets.

It was suggested that the deputy mayor is a "succession planning" role to build capacity and expertise in members of council.

While that is often the case in practice; in legislation (MGA s152.2), the deputy mayor "*must act as the chief elected official*" only "*(a) when the chief elected official is unable to perform the duties of the chief elected official, or (b) if the office of chief elected official is vacant*". Whether the mayor is stretched too thin to perform all required duties is up to the mayor and the rest of council to decide.

RECOMMENDATION FOR DEPUTY MAYOR CYCLE-LENGTH REVIEW: That council review the frequency of deputy mayor changes with an eye to providing experience and efficiency to the role.

3.3 Council Orientation

Council orientation is an extremely valuable educational component for council members to learn or reinforce roles and responsibilities at the start of each council term, or following by-elections.

According to several interviewees, Fort Saskatchewan's formal orientation session following the 2013 municipal election was not adequately thorough, particularly for new members of council. The orientation that council members did receive at the beginning of the 2013-2017 term was provided largely using internal resources.

Officials have stated that the council orientation for the 2017-2021 council will be significantly more thorough than in the past, with an estimate of four days' orientation to occur. Providing this orientation all at once, or over a very short span, may result in a lower than optimal retention of information for members of council. The city may want to consider a 'triage' method of orientation, whereby elected officials receive information as it is required over the first portion of their term. The first topics may include an orientation to the office and city government, and an orientation to strategic planning and the budget process since those are the first major topics for the new council to consider.

Orientation continues through the term as elected officials learn more about their roles and the nuance of what makes effective local government. A significant part of this is ongoing professional education. One member of council noted that *"each person (council member) has a training budget. It's used more for conferences than courses."* Using the allotted budget for both conference and training would be wise for members of council to consider.

RECOMMENDATION FOR COUNCIL ORIENTATION: That council members participate in ongoing governance-focused orientation training at the beginning of their term, starting in October/November 2017 in alignment with requirements outlined in the updated Municipal Government Act.

RECOMMENDATION FOR COUNCIL PROFESSIONAL DEVELOPMENT: That council members plan for, budget for, and participate in, ongoing professional development throughout their term of office.

3.4 Code of Conduct

Diversity of opinion among and between individual council members is a fundamental tenet of good local government. Municipal council members are elected individually, required to vote individually and to participate individually, as part of a collective whole rooted in democratic principles of majority-rule. Respectful debate and disagreements are expected at a local council table since diversity is built into the local governance process.

Fort Saskatchewan approved Council Code of Conduct bylaw (C6-16) on April 12, 2016. Schedule A 'Council Code of Conduct' to this 1.5-page bylaw contains three sections; a Governing Principle, a Code of Conduct, and Compliance. A robust code of conduct bylaw can be quite valuable and important as a guiding document for councillor conduct and it establishes steps for managing real or perceived breaches of the bylaw.

In Fort Saskatchewan's case, the bylaw's purpose is to establish professional, courteous conduct and ethical behaviour as illustrated in the bylaw's governing principle.

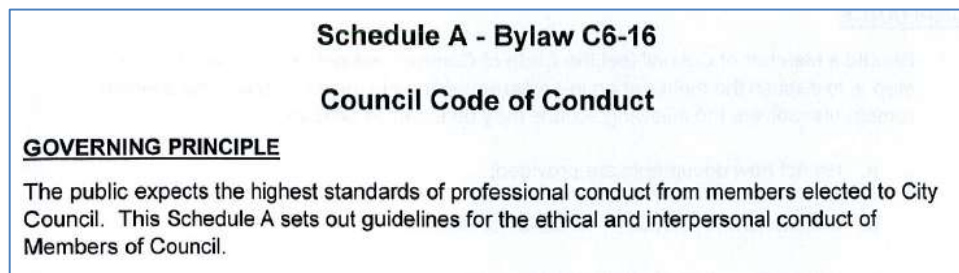


Figure 8 - Governing Principle for Council Code of Conduct

As the updated MGA comes into force, it is anticipated that a formal code of conduct will need to be created and adopted by all municipal councils. This will likely require Fort Saskatchewan council to update its own bylaw to meet the requirements of the province's pending Code of Conduct Regulation.

Several interviewees noted that council had a choice in options for its code of conduct bylaw in 2016. The choices were between a bylaw that "had teeth" and the bylaw that council ultimately enacted. Interviewees noted that the current version of the bylaw does not allow for appropriate levels or types of action to be taken in response to breaches of the bylaw. One interviewee bluntly stated "*I think it is a waste of paper. No teeth in it.*"

A procedure for applying one or more of 10 types of sanctions, excluding removing a council member from office, is provided in the schedule to the bylaw. Applying, or

consideration of application, of these sanctions has become more common in recent months.

A negative effect of interpersonal conflict on council in recent months was identified by one interviewee as *"we have been spending a lot of time on meeting procedures, code of conduct, sanctions, we have been spending a lot of time, when we could be doing other things"*.

RECOMMENDATION FOR UPDATED COUNCIL CODE OF CONDUCT BYLAW: That council create a robust Council Code of Conduct bylaw as required in the updated Municipal Government Act and Code of Conduct Regulation, once proclaimed.

3.4.1 Alleged Breaches of Code of Conduct

In the months preceding the governance review, several high-profile public actions were described as breaches of council's code of conduct. The specific activity associated with each of these occurrences is based on allegations and falls beyond the scope of a governance review; however, the manner in which these items were dealt with by city council has been reviewed. Should council desire to delve more deeply into any of these alleged breaches, it can refer to Step F of its Council Code of Conduct Procedure (GOV-01-C).

The spirit of city council's code of conduct bylaw as expressed in its governing principle noted above is that members of council expect the 'highest standards' of conduct from each other. In some cases, over the course of this council's term, those highest standards have not been reached. This is illustrated in the following examples.

3.4.1.1 Parking Lot Confrontation

Security camera footage (without audio) shows an alleged confrontation between councillors Randhawa and Garritson in the parking lot of Fort Saskatchewan City Hall. In the video, it appears that Councillor Garritson backed up his vehicle beside Councillor Randhawa's and then, what has been described as a 'confrontation'

occurred. According to several interviewees, this exchange was apparently heated. Shortly thereafter, Councillor Garritson drove away. A short time later Councillor Randhawa also left the parking lot.

Councillor Randhawa provided additional comment that referenced a subsequent council discussion in which Councillor Garritson apparently admitted to Councillor Blizzard that he had confronted Councillor Randhawa in the parking lot. Councillor Randhawa also suggested that Councillor Garritson attempted to "*apologize to me at a later date, once Council started to explore a review.*"

Various versions of what transpired during and after this occurrence insinuate that the behaviour of at least one of the council members may not correspond with several sections of Schedule A of the city's Council Code of Conduct Bylaw, specifically clause 10 "*maintain a high level of respectful dialog with other Members of City Council...*"

As of the time of submission of this report, no further action on this issue appears to have taken place, though comments provided during interviews indicate that the council members do not seem to have resolved their differences.

3.4.1.2 Vehicle Purchase Referral

The Fort Saskatchewan Public Library purchased a vehicle from Sherwood Kia. The purchase was aided by a referral from Councillor Bossert and he received a \$200 referral fee from the dealership for that transaction. Councillor Bossert maintains that he provided the funds to the library in the form of a donation. Library personnel confirmed that a cheque to that effect had been provided.

A Facebook post provided by Councillor Bossert notes that the cheque from Kia was dated December 14, 2017, was deposited December 23 and a cheque issued to the library also dated December 23.

In March, Councillor Garritson requested and received a copy of the personal referral cheque from the dealership. That a copy of the personal cheque was

requested of, and provided by, the dealership to a third party was likely also inappropriate.

Though not proven, in a case such as this, the Code of Conduct may have been breached by both Council members through possible contraventions clauses 8 and 10 of the Code of Conduct.

3.4.1.3 Overlapping Expenses

Media reports have provided articles about duplicate expense claims submitted by Councillor Bossert who was then employed with Alberta Education as well as serving as a Fort Saskatchewan City Councillor. For example, on January 26, 2017, the *Fort Saskatchewan Record* noted:

Upon his review, he (Bossert) determined there were three instances where he accidentally made duplicate expense reports. He says he over-expensed the city, but his expenses filed with Alberta Education were correct. He says at that time he advised the city manager of his errors, but was told the expense payments were valid. Regardless, Bossert repaid the city \$1,197.18⁴.

Councillor Bossert provided comment that through the process, the city reviewed the expenses and determined they were in alignment with city policy and that the issue was provincial. The same article from the *Fort Saskatchewan Record* referenced above quoted the interim city manager and stated “Primarily what we concern ourselves with is are his expenses valid under our policies and bylaws that apply to council? At this point we believe that they are.”⁵

This issue led to a notice of motion by Councillor Garritson on April 25, 2016 to sanction Councillor Bossert and apply actions allowed under the Code of Conduct Bylaw. The notice was removed from the agenda through a unanimous vote at the

⁴ Retrieved from <http://www.fortsaskatchewanrecord.com/2017/01/26/councillor-fired-over-alleged-double-dipping>

⁵ Ibid

beginning of the May 9, 2017 regular meeting at which it was to have been debated.

A review of actions shows that duplicate expenses were submitted, acknowledged, and the alleged error was corrected by Councillor Bossert.

As noted at the beginning of this section of the report, proof of allegations of 'double-dipping' by members of council falls outside the scope of this review.

3.4.1.4 Public Discussion of In Camera

Through the review, several individuals noted that confidential documents and discussions had appeared in public. Knowingly or unknowingly, it appears that individuals may be providing information that was intended to remain in camera to people who were not part of the discussion.

Council's code of conduct speaks to this directly in Clause 3 "communicate confidential information only when authorized to do so". The unauthorized distribution of in camera material by a member of council is a contravention of the code of conduct and could lead to sanctions.

Several interviewees alleged that Councillor Sperling spoke to a local radio station about finance-related information that had been provided at an in camera meeting of council members and that had not been authorized for release. Councillor Sperling was not physically present at the meeting; however, he had telephoned in to the meeting as allowed under Section 9 of the Procedure Bylaw.

In response to the allegations of releasing in camera information, councillor Sperling offered that the data he spoke about was not confidential because it was obtained in separate discussions with city officials outside the meeting process, and that a budget surplus would not be considered confidential.

3.4.1.5 Communicating with the Gallery During Council Meetings

The growth of communications technology has made it easier to interact with members of the 'gallery' during council meetings even if those members are not

physically present in council chambers. Several interviewees noted that they saw members of council using their phones during meetings, and assumed they were texting with other individuals. As one member of council noted “*you can’t debate a text.*”

Council’s Procedure Bylaw states that the public is to address council during meetings in the following manner:

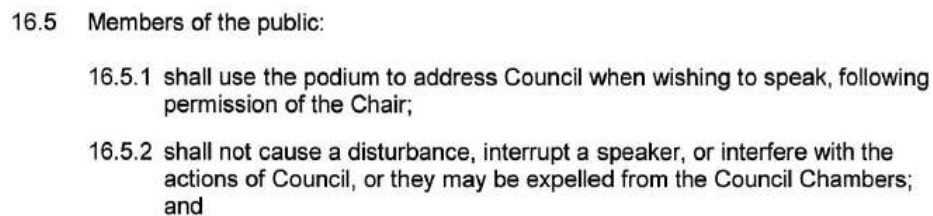
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- 16.5 Members of the public:
- 16.5.1 shall use the podium to address Council when wishing to speak, following permission of the Chair;
 - 16.5.2 shall not cause a disturbance, interrupt a speaker, or interfere with the actions of Council, or they may be expelled from the Council Chambers; and

Figure 9 – Excerpt, Procedure Bylaw C1-16

Though the situation of communicating with the gallery (whether verbally or electronically) during a council meeting is not specifically noted in the city’s Code of Conduct bylaw, the action could be seen as being a contravention of the city’s Procedure Bylaw, which itself would be a contravention of the Code of Conduct.

Of relevance, the City of St. Albert has a clause in its own Council Members Code of Conduct Policy (C-CG-08⁶) that does identify the general prohibition on the use of ‘electronic devices’ during council meetings.

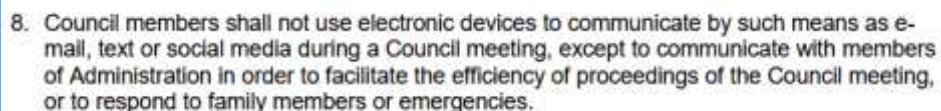
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8. Council members shall not use electronic devices to communicate by such means as e-mail, text or social media during a Council meeting, except to communicate with members of Administration in order to facilitate the efficiency of proceedings of the Council meeting, or to respond to family members or emergencies.

Figure 10 – Excerpt, City of St. Albert Code of Conduct

3.4.1.6 Acting as a Team

A general comment about this section is that council is not appearing to act as a team working together for the betterment of the City of Fort Saskatchewan. Policies

⁶ Retrieved from https://stalbert.ca/uploads/legislative/C-CG-08_Council-Members-Code-of-Conduct.pdf

and rules may be in place to guide good governance and deal with inappropriate behaviour, but goodwill on the part of elected officials is also necessary. This is difficult to mandate, but it is likely expected by the city's citizens of their elected officials.

One interviewee noted that *"we had attempted to hold an annual retreat for council however they were nothing but controversial"* with challenges by council members about others being bullies. *"and that was pretty much the end of the meeting."* This type of atmosphere is toxic, anathema to good governance, and bullying, however it is perceived, needs to stop.

An internet search reveals there are lots of examples of intra-council acrimony in municipalities across Canada, with some observers noting that it is becoming more prevalent over time. The examples noted above may be specific to Fort Saskatchewan, but they directionally similar to occurrences elsewhere in Canada. This is a wicked problem because legislative tools are limited and solutions rely on individuals working together.

RECOMMENDATION FOR ABIDING BY CODE OF CONDUCT: That council members understand and follow their Council Code of Conduct in both spirit and letter.

RECOMMENDATION FOR TEAM BUILDING: That council engage in team building functions, potentially included within council retreats, throughout their term

3.5 Council Performing Administrative Duties

The MGA s. 201(2) states that a council must not perform administrative duties, as follows:

(2) A council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or a designated officer.

The MGA s. 153(1) also requires council members to obtain information from the CAO, as follows:

(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;

The MGA provides clear direction for councils to remain focused at a strategic leadership level and consider broad policies rather than the minutiae of municipal operations. By and large, council members appeared to comply with this requirement.

3.5.1 Variance Reporting

One of the responsibilities of an elected official in an Alberta municipality is “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” (MGA s.153 (d)). This responsibility applies to information about the financial condition of the municipality.

In recent months, council has directed administration to provide a more comprehensive quarterly fiscal update than has historically been provided. Through various iterations, some interviewees noted they would like more information, while others noted that their governance role dictates that a high-level overview is all that is required.

The desired outcome of this variance report appears to be a strategic request on the part of elected officials to understand the progress toward whether the city will have a surplus or deficit at year-end, and how that can be incorporated into budget planning for the following year. Of particular relevance to this being an issue now is that the city had a year-end surplus of approximately five million dollars for 2016.

The disagreement appears to be in the level of detail – how much administrative information – is required to make the strategic decision about budget allocations for future years.

To illustrate the dichotomy, one member of council noted that *"the finance variance report is too much information. we should get a one-pager that is by department and an over/under by X%. That's the level of detail council needs to know."* Another elected official identified the need for more information as *"getting this should be a no brainer. But it's like pulling teeth. We would get less surprised if we had quarterly reporting of variances."*

How much information is the 'right' amount of information without venturing into administration's bailiwick is the crux of this debate. This is an area that is spoken to by the MGA reference at the start of this sub-section.

Under the MGA, council does have the authority to require the CAO to provide a comparison of actual expenditures with estimates "as often as council directs" as noted below in the excerpt from section 208 of the Act.

Performance of major administrative duties

208(1) The chief administrative officer must ensure that

(k) the actual revenues and expenditures of the municipality compared with the estimates in the operating or capital budget approved by council are reported to council as often as council directs;

RECOMMENDATION FOR COUNCIL TO AVOID ADMINISTRATIVE FUNCTIONS: That council members refrain from performing administrative duties, in accordance with the provisions in the MGA s. 201(2).

RECOMMENDATION FOR FINANCIAL REPORTING POLICY: That council create or update a financial reporting policy in accordance with MGA s 208 (k).

3.6 Strategic Planning

Strategic planning is one of the key ways in which a municipal council identifies its priorities for the future with short- to mid-range goals that lead toward achieving the municipality's vision. A homegrown strategic plan is a necessary component to centralize and communicate council direction. This level of planning provides clarity to administration on council's priorities for the community and should lead to a

logical alignment of resources with strategic priorities through the budgeting process.

At its October 14, 2014 council meeting, the City of Fort Saskatchewan adopted its 2014-2017 Strategic Plan (R174-14). This plan identifies:

- Vision
- Mission
- Core Values
- Guiding Principles
- Community Sustainability Priorities
- Four Corporate Strategic Goals
 - Position for Growth
 - Strong, Diverse Economy
 - Vibrant and Thriving Community
 - Excellence in Government

A more detailed plan, the Community Sustainability Plan (CSP) was last updated in 2014, also at the October 14 meeting (R173-14). This plan is more detailed than the Strategic Plan and appears to build on the set of five Sustainability Priorities from the Strategic Plan. Each priority includes targets and the 'Top 5 Actions'.

Reviewing both the Strategic Plan and the CSP reveals a comprehensive list of governance-focused strategies. What is not apparent is whether the priority list is reviewed by council regularly and updated as the environment shifts and priorities change. One interviewee noted *"priorities were set at the beginning of the term. The new council will review the new plan"*. Related to this, another interviewee noted *"we are 'flying by the seat of our pants'. We don't really set priorities."*

A review of regular council meeting agendas between July 2016 and June 2018 identifies one agenda item for a review of priorities of the strategic plan (July 12, 2016), yet more than one interviewee noted that the plan is reviewed 'a couple of times a year'. It is possible that these items were also reviewed at a council workshop or a city manager's briefing session; however, such updates would not have been done in public.

The July 2016 review of the plan identified progress on each of the four goals, with next steps noted as:

Work on these and other projects will continue to progress for the remainder of the term of the 2014-2017 Strategic Plan. Activities to renew this Plan will commence in 2017, as we prepare to undertake our consultation process to support development of a 2018-2021 Strategic Plan⁷.

A wise practice is a review of progress towards achieving council's priorities on a regular basis, at least semi-annually. Re-setting or re-confirming priorities on an annual basis provides a renewed focus for both council and administration.

Strong communication with residents is a key attribute for council to ensure legitimacy in establishing specific priorities for the community. Strategic-level plans deserve broadcasting and should be promoted and be publicly accessible. As an example of this, the city conducted a resident survey, an online survey and public engagement sessions in coordination with setting the 2014 Strategic Plan. As council considers either updating their strategic planning documents or replacing them with new ones, reviewing the documentation from 2014 would be a useful tool for benchmarking and as a look-back about which issues identified in 2014 have been addressed.

Closing the loop to communicate performance results back to the public in a manner that is easily understood using tools like an 'annual report to the community' would also assist with municipal transparency.

On the surface, Fort Saskatchewan is to be commended preparing robust strategic plans, but the city could refer to the plans in more meaningful ways.

RECOMMENDATION FOR PRIORITY SETTING: That council review priorities on a regular basis to celebrate accomplishments, adapt to changing environments, and set new priorities where necessary and where capacity allows.

⁷ Text is from RFD, July 2016 'Progress Report 2014-2017 Strategic Plan'

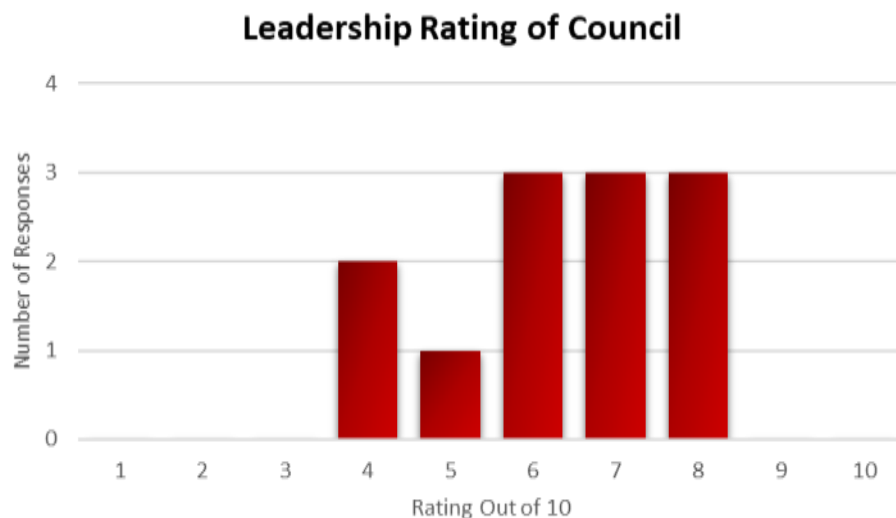
RECOMMENDATION FOR TARGET PROGRESS REPORTS: That administration develop and present council with a quarterly or semi-annual report on progress toward achieving targets in the Strategic Plan and Community Sustainability Plan.

RECOMMENDATION FOR UPDATING STRATEGIC PLANS: That council update its strategic plans and identify priorities soon after the 2017 municipal election.

3.7 Council Leadership

3.7.1 Leadership Rating

During the review interviews, all interviewees were asked to rate the recent leadership shown by the current city council. The results illustrated in the chart below show that respondents thought that this council's leadership is in the average range, with no individuals choosing very high or very low ratings.



← Weak – Average – Strong →

Municipal council leadership serves as a central force to accomplish municipal purposes such as to develop and maintain safe and viable communities, and to provide services, facilities or other things that, in the opinion of council, are necessary or desirable (MGA, s.3).

The local government system is designed to provide grassroots leadership with local elected representatives serving the community. Local leaders have, or are expected to quickly acquire, great awareness and sensitivity to the physical, environmental, social, cultural and historical attributes of the community. A council, acting collectively can be seen as an enabler of progress by accomplishing

strategic objectives that serve local needs and build a vibrant, sustainable community.

Council members appeared to know that they are each other's 'first team', knowing that they had been elected to work together for the betterment of the community even if they do not agree on all issues.

Based on the review rating above, in their own estimation, council could be providing better leadership and good governance to their community.

3.7.2 Council Voting Patterns

According to interviewees and a review of voting patterns, city council seems to consist of two relatively consistent groups, with the other council member appearing to be more independent from the groups. The groups comprise Mayor Katchur, Councillor Blizzard and Councillor Garritson; and Councillors Bossert, Randhawa and Sperling. Councillor Hennig does not appear to be closely aligned with either of the groups in terms of voting.

A review of voting for regular meetings in between July 2016 and June 2017 does show a weak alignment in voting patterns with the two groups noted above, however the vast majority of the time (~75%), council voted unanimously in favour of resolutions. It must be noted that many of the resolutions are procedural in nature (i.e. approvals of agendas, minutes) and are therefore typically not contentious. Of the non-unanimous votes, 30% of those reflected the same 3-3 group-based votes cast, with the seventh vote not being cast consistently with one or the other of the groups.

That the impression of 'voting blocs' as several interviewees called them, is present is problematic because it provides the impression that individual members of council may be voting for or against a resolution because other members are likely to vote in a certain way. The risk is that community benefit comes second to achieving a voting 'win'.

It is not unexpected for individual members of council who share similar views to vote in similar ways. This may be the case in Fort Saskatchewan; however, the impression among interviewees is that voting blocs exist.

RECOMMENDATION ON VOTING ON MERIT: That city council members vote on resolutions based on the members' values, principles and beliefs of what will be best for the City of Fort Saskatchewan.

3.7.3 Mayoral Leadership Requirement

As the first among equals, the mayor of any community is expected to provide guidance and support to other members of council. That support extends to 'fair' treatment of all members of council as perceived by those members, by city officials, and by the wider community.

There was near universal recognition of Mayor Katchur's ability to be visible and present in the community, as identified by several members of council who noted that the deputy mayor is not often called upon to represent the community at community events because the mayor is typically already present. Mayor Katchur noted that *"I made a commitment when I became the mayor – if my calendar is open and you want me there, I'll go. It's become an expectation with people now"*.

Where lower leadership ratings appeared was in meeting procedures and strategic guidance. Observers were split on the mayor's control over the meeting process, with some individuals noting that the mayor appears to be well briefed and well versed in meeting procedures, while others made comments that the mayor appears to favour some members of council over others, and that some individuals may not receive as much time to speak as others do.

As the 'first among equals' referenced above, one of the mayor's roles is to foster a team environment among elected officials. This team environment does not seem to be present in Fort Saskatchewan, and several interviewees noted that this has degraded over time. This issue not solely the responsibility of the person in the

mayor's chair; however, as the leader of council, it is incumbent on the mayor to build a cohesive unit from seven individuals.

Another possible point of contention is whether the mayor provides direction to city staff outside council meetings. Only council can direct staff, and even then, council can only direct the city manager. Whether in a council meeting or not, the mayor of a community has inherent authority that comes with the role. Care must be taken that casual comments to city staff are not perceived as direction being given to staff.

RECOMMENDATION FOR MAYOR LEADERSHIP That the mayor be conscious of being 'first among equals' in the council meeting process and that the mayor provide as equal time as possible to all members of council within the constraints of the city's Procedure Bylaw.

3.8 Organizational Meetings

A council must hold an organizational meeting each year, in accordance with the MGA s. 192(2) which reads as follows:

Organizational meetings

- 192(1) Except in a summer village, a council must hold an organizational meeting annually not later than 2 weeks after the 3rd Monday in October.*
- (2) The council of a summer village must hold an organizational meeting annually not later than August 31.*

Records show that the City of Fort Saskatchewan council held annual organizational meetings within the timeframe legislated by the MGA over the term of the current council. Organizational meetings occurred on:

- 2016: October 25
- 2015: October 27
- 2014: October 28
- 2013: October 29

Organizational meetings are expected to be limited to the following agenda items according to standard practices and guidelines⁸ provided by Alberta Municipal Affairs:

The CAO shall set the time and place for the Organizational Meeting; the business of the meeting shall be limited to:

(a) The appointments of members to Committees which Council is entitled to make;

(b) Establishing a roster of Deputy Mayors for the following year;

(c) Any other business required by the MGA, or which Council or the CAO may direct.

Appointments of Council members to committees shall be for a term of one year, unless otherwise specified and reviewed at the Organizational Meeting.

A review of organizational meeting minutes from the current council term (2013-2016) appears to indicate that these meetings have been conducted separate and apart from regular council meetings, as evidenced by the lack of regular meeting agenda items on the same agenda as the organizational meeting.

These meeting agendas properly comprise setting the council meeting schedule, the deputy mayor rotation, and the appointment of council members to boards, committees and commissions.

3.9 Meetings of Council

Municipal councils are expected to display formality and respect in interactions during public meetings. City of Fort Saskatchewan council members are guided by the city's Procedure Bylaw C1-16 "to regulate meeting procedures."

During attendance at a council meeting and review of webcasts of other meetings, city council appeared to work together in a professional manner. The mayor was recognized as the meeting chair by council members. There was a certain amount of informality with members addressing each other and members of administration

⁸ Alberta Municipal Affairs. (2013) Municipal Procedural Bylaw containing standard organizational meeting content accessed from: http://www.municipalaffairs.alberta.ca/documents/ms/Basic_Principles_of_Bylaws_2013.pdf

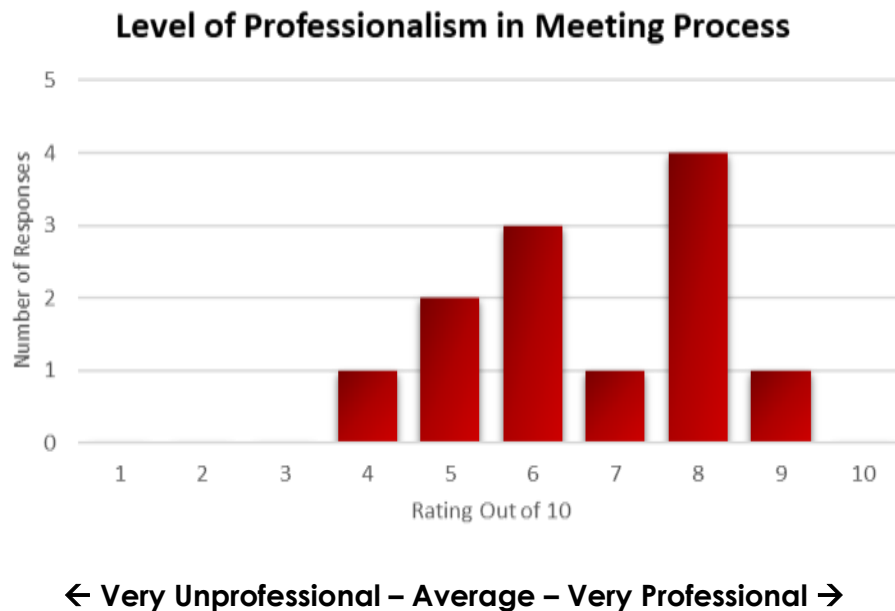
directly rather than through the chair. While this was not consistently done, it could be improved with additional rigour.

During the meeting attended by Strategic Steps, both the public in the gallery and council were observed to generally conduct themselves in a professional fashion, however the atmosphere in the meeting room felt tense, perhaps because of the topics on the agenda.

The following general comments were noted while observing council meetings:

Notice	Appropriate notice was provided for the meetings.
Decorum/formality	Generally respectful and professional.
Agendas	<p>Agenda content is posted online prior to meetings and appears to be thorough.</p> <p>No detailed information about the in camera portion of meetings is provided beyond the topic and FOIP exception to disclosure reference.</p>
Public participation	Was managed appropriately.
Delegations	<p>Delegations are typically heard early in each regular council meeting within these constraints noted on the agenda</p> <p><i>Those individuals in attendance at the meeting will be provided with an opportunity to address Council regarding an item on the agenda, with the exception of those items for which a Public Hearing is required or has been held. Each individual will be allowed a maximum of five (5) minutes.</i></p> <p>Further comment on delegations is provided later in this report.</p>
Chair	The mayor was observed to chair the meetings in a respectful and professional manner.
Administration participation	The interim city manager and other members of administration participated where appropriate and appeared to have the respect of council.

Throughout the review process, stakeholders who had attended council meetings in the past two years were asked to rate the level of professionalism observed in the council meeting process. Most respondents indicated that the council meeting process was slightly higher than the average that could be expected, and the average rating of professionalism in the council meeting process was of 6.7/10, as shown in the following chart:



3.9.1 Council Meeting Agendas and Agenda Packages

Agenda preparation is regulated under the Section 10 of the Procedure Bylaw C1-16 as follows:

10. **AGENDA**

10.1 The agenda for each Council meeting is established by the City Manager in consultation with the Mayor and Director, Legislative Services.

10.2 Agendas shall be delivered to Members by the Director, Legislative Services at least five days before each meeting.

10.3 The Director, Legislative Services shall make copies of the agenda available to the public after distribution to Members.

10.4 The order of business for each meeting shall be determined by the Chair.

10.5 The addition or deletion of agenda items at a Council meeting requires a motion by Council.

Figure 11 - Excerpt, Procedure Bylaw C1-16

City staff confirmed that every effort is made to ensure that the full agenda package is available to council at least five days prior to any Tuesday council meeting, but that there are times when the information is not yet available to them. In these cases, where possible, the information is provided to council as early as possible.

A review of council minutes showed that agenda items are infrequently added to the agenda at the start of council meetings. In the first six months of 2017, additions to the agenda were made twice, during the meetings of March 28 and April 25.

3.9.2 Council Meeting Minutes

The review found that approved minutes are available signed on the city's website.

Before being considered approved, draft minutes are presented to council for approval in accordance with MGA s. 208(1) which reads as follows:

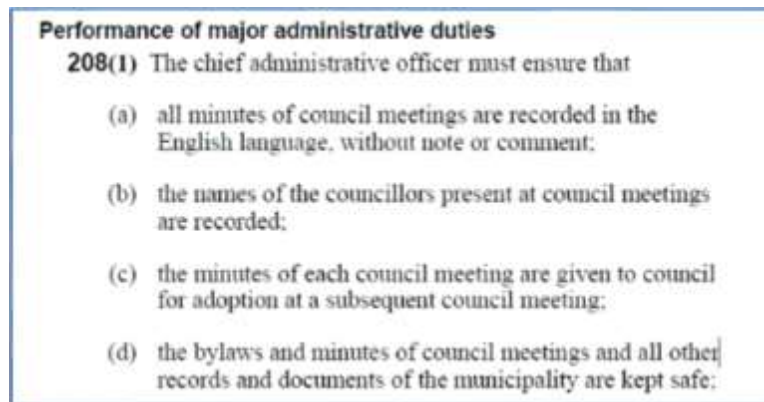


Figure 12 - MGA s.208(1)

The MGA requires that the minutes of council meetings are recorded in English, without note or comment. The review concluded that the city is compliant and allows the reader to understand what was discussed. The description should be brief and without comment, but should be descriptive enough to allow the reader to understand what was being discussed.

For example, when delegations were heard regarding the 2017 property tax bylaw the meeting on April 25, 2017, the minutes noted who spoke, whether they were in favour or opposed to the bylaw, and generally what they spoke about.

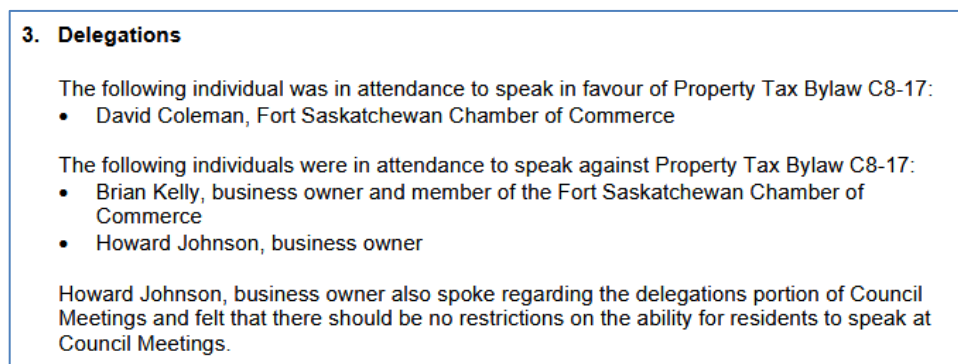


Figure 13 – Excerpt, April 25, 2017 Council Minutes

Meeting minutes were found to contain an appropriate record of decisions as illustrated in the two example resolutions in the April 12, 2016 regular council meeting that are seen below.

8.1 Harbour Pool Swimming Lesson Registration	
R58-16	MOVED BY Councillor Randhawa that Council direct Administration to bring back a report by June 1, 2016 with policy proposals outlining the possibility of aiding in aquatic program subscription issues by looking at an advance registration period for residents.
In Favour:	Stew Hennig, Arjun Randhawa, Birgit Blizzard, Ed Sperling
Against:	Gale Katchur, Frank Garritsen, Sheldon Bossert
CARRIED	
8.2 2017 Employee Position Allocations	
R5916	MOVED BY Councillor Sperling that Council implement a hiring freeze at the City of Fort Saskatchewan due to the current economic conditions within Alberta. All positions are to be managed within the City's current position allocations and salary budgets, and further that the hiring freeze be reviewed after December 31, 2017.
In Favour:	Stew Hennig, Arjun Randhawa, Ed Sperling
Against:	Gale Katchur, Frank Garritsen, Birgit Blizzard, Sheldon Bossert
DEFEATED	

Figure 14 - Excerpt, April 12, 2016 Council Minutes

Best practices for meeting minute preparation are to record the *actions* (resolutions) of the council. Best practices also show that “*discussion or personal opinion*” should not be recorded in the minutes, according to Robert's Rules of Order. Additional detailed resources are available through Alberta Municipal Affairs, such as [A Guide to the Preparation of Council Meeting Minutes](#).

The review found that council meeting minutes were presented to council for approval in accordance with MGA s. 208(1) which reads as follows:

(c) the minutes of each council meeting are given to council for adoption at a subsequent council meeting;

Council meeting minutes are available electronically on the municipal website. Draft council meeting minutes become available with the posting of the agenda package for the meeting at which the draft minutes are to be considered.

The municipality followed a best practice in applying a unique, chronological numbering system to council resolutions for ease of reference and clarity. An example of this can be seen in the figure above from the April 12, 2016 Special Meeting.

3.9.3 Council Acting by Bylaw or Resolution

The MGA is very specific on the *Council Proceedings Requirements for Valid Action* where a council may only act by resolution or bylaw in a public meeting with a quorum present, as follows:

Methods in which council may act

180(1) A council may act only by resolution or bylaw.

Requirements for valid bylaw or resolution

181(1) A bylaw or resolution of council is not valid unless passed at a council meeting held in public at which there is a quorum present.

Some stakeholders indicated that city council occasionally engaged in informal debate and provided perceived guidance to administration outside of council meetings through council workshops and the city manager briefing sessions. Both are discussed later in this section of the report.

The primacy of the council needs to be respected where council discussion and debate is reserved for official council meetings, and where the public has a right to be present in accordance with legislative requirements for the decision-making process.

Fort Saskatchewan uses electronic voting during council meetings and part of that includes the projection of the proposed resolution on a screen. Best practices in this area result in council and members of the gallery being able to view proposed resolutions and amendments in real time before the vote is taken.

In this way, all members of council and the gallery can see the same proposed wording. This promotes clarity for council voting and for administration in recording the minutes.

Administration assists council by drafting proposed resolutions for each council agenda item, within a comprehensive Request for Decision (RFD)-type document, a portion of an example RFD appears below. This is from the June 27, 2017 Regular Council meeting:

<p style="text-align: center;">CITY OF FORT SASKATCHEWAN</p> <hr/> <p style="text-align: center;">Council Remuneration & Expense Procedure</p> <p>Motions:</p> <ol style="list-style-type: none">1. That Council adopt Council Remuneration & Expenses Procedure GOV-009-C.2. That Council repeal the City Council Remuneration Policy GOV-009-C.3. That Council repeal the City Council Remuneration Procedure GOV-009-C.4. That Council repeal the Travel and Expense Claims Policy FIN-012-C. <p>Purpose:</p> <p>That Council be presented with information on the impacts of removing any timeline references relating to the payment of remuneration and expenses.</p>
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Figure 15 - Example of Request for Decision, June 27, 2017

These RFDs typically contain all or most of the sections for Motions, Purpose, Background, Plans, Next Steps, Recommendations and Attachments. A tie between the RFD and council's strategic priorities would be helpful, as would a link back to the relevant agenda item.

Council's decision-making process is public. With few exceptions such as those noted in FOIP's exceptions to disclosure, the public has the ability to see the same information that is provided to council.

RECOMMENDATION TO REVIEW RFD PROCESS: That administration review the Request for Decision document to ensure it meets the needs of council and administration, and that it ties requested decisions to council's strategic priorities where possible.

3.9.3.1 Requests and Information by Email or Text

While not identifying specific actions, several interviewees noted that dozens, if not hundreds of text messages and emails circulate among elected officials between council meetings, asking questions or making requests of elected officials or members of administration. Council is reminded that may only act in public and by resolution or bylaw.

While different individuals choose to communicate using different channels, some council members identified that they felt inundated with text messages and emails

to the point where the messages are now sometimes ignored. These text messages and emails also likely constitute city records.

RECOMMENDATION ON ELECTRONIC COMMUNICATION: That council receive training in effective and appropriate electronic communication, either through a specific training session or in conjunction with the 2017 council orientation process.

3.9.4 Requirement to Vote and Abstentions

The MGA requires clarity and transparency for councillor actions by requiring them to state the reasons for abstentions from voting as follows:

Requirement to vote and abstentions

183(1) A councillor attending a council meeting must vote on a matter put to a vote at the meeting unless the councillor is required or permitted to abstain from voting under this or any other enactment.

(2) The council must ensure that each abstention and the reasons for the abstention are recorded in the minutes of the meeting.

Council meeting minutes show that council members followed proper processes for voting or abstaining on matters, in accordance with the MGA. This is illustrated in the section of the review on pecuniary interest that follows this section.

In accordance with the MGA and the city's Procedure Bylaw, if a council member does have a pecuniary interest requiring an abstention from voting, it is necessary that they state reasons and leave the room prior to discussion and voting.

Voting on council decisions is a fundamental duty of council members, and if council members refuse to vote on a matter when they are present at the meeting, and when they have no pecuniary interest, the consequence may be a disqualification from council in accordance with the MGA s. 174(1)(f). The consequence for improperly abstaining from voting on a matter put to a vote is significant because otherwise a council member could strategically abstain from voting as a tactic to control or influence the outcome of a council decision.

3.9.5 FOIP Exceptions to Disclosure and Confidentiality

Best practices require municipal councils to show greater disclosure on the reason for closing the meeting, and specifically state applicable *Freedom of Information and Protection of Privacy Act* (FOIP) exceptions to disclosure. Exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act* are listed below:

Division 2

Exceptions to Disclosure

- 16 Disclosure harmful to business interests of a third party*
- 17 Disclosure harmful to personal privacy*
- 18 Disclosure harmful to individual or public safety*
- 19 Confidential evaluations*
- 20 Disclosure harmful to law enforcement*
- 21 Disclosure harmful to intergovernmental relations*
- 22 Cabinet and Treasury Board confidences*
- 23 Local public body confidences*
- 24 Advice from officials*
- 25 Disclosure harmful to economic and other interests of a public body*
- 26 Testing procedures, tests and audits*
- 27 Privileged information*
- 28 Disclosure harmful to the conservation of heritage sites, etc.*
- 29 Information that is or will be available to the public.*

Agenda items that do not fall within the above FOIP Exceptions to Disclosure are to be discussed by council during the open portion of public council meetings.

Items which do fall within the above FOIP Exceptions to Disclosure are to be kept in strict confidence. Keeping matters in confidence was identified as a concern by some interviewees. Council members are reminded of their responsibility to keep matters in confidence, according to the MGA s. 153(e), as follows:

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

As noted elsewhere in this report, members of council need to ensure that confidential matters are discussed in a closed meeting and remain private until a proper time.

RECOMMENDATION FOR IN CAMERA AGENDA ITEMS: That council members comply with the MGA s. 197 when closing any part of a meeting to the public, and that council members keep matters in confidence as required by the MGA s. 153.

3.9.6 Pecuniary Interest

According to the MGA, council members have a pecuniary interest if a decision of council could monetarily affect a councillor or a councillor's employer, as follows:

Pecuniary interest

170(1) Subject to subsection (3), a councillor has a pecuniary interest in a matter if

- (a) the matter could monetarily affect the councillor or an employer of the councillor, or*
- (b) the councillor knows or should know that the matter could monetarily affect the councillor's family.*
- (2) For the purposes of subsection (1), a person is monetarily affected by a matter if the matter monetarily affects*
 - (a) the person directly,*
 - (b) a corporation, other than a distributing corporation, in which the person is a shareholder, director or officer,*
 - (c) a distributing corporation in which the person beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the person is a director or officer, or*
 - (d) a partnership or firm of which the person is a member.*

Council members are also citizens, with rights to conduct business with the municipality. Alberta's local government system emphasizes transparency and the MGA gives clear directions to council members so they can conduct themselves properly when they encounter pecuniary interest situations, as follows:

Disclosure of pecuniary interest

- 172(1) When a councillor has a pecuniary interest in a matter before the council, a council committee or any other body to which the councillor is appointed as a representative of the council, the councillor must, if present,
- (a) **disclose the general nature** of the pecuniary interest prior to any discussion of the matter,
 - (b) **abstain from voting** on any question relating to the matter,
 - (c) subject to subsection (3), **abstain from any discussion** of the matter, and
 - (d) subject to subsections (2) and (3), **leave the room** in which the meeting is being held until discussion and voting on the matter are concluded.
- (2) If the matter with respect to which the councillor has a pecuniary interest is the payment of an account for which funds have previously been committed, it is not necessary for the councillor to leave the room.
- (3) If the matter with respect to which the councillor has a pecuniary interest is a question on which, under this Act or another enactment, the councillor as a taxpayer, an elector or an owner has a right to be heard by the council,
- (a) it is not necessary for the councillor to leave the room, and
 - (b) the councillor may exercise a right to be heard in the same manner as a person who is not a councillor.
- (4) If a councillor is temporarily absent from a meeting when a matter in which the councillor has a pecuniary interest arises, the councillor must immediately on returning to the meeting, or as soon as the councillor becomes aware that the matter has been considered, disclose the general nature of the councillor's interest in the matter.
- (5) The abstention of a councillor under subsection (1) and the disclosure of a councillor's interest under subsection (1) or (4) must be recorded in the minutes of the meeting.
- (6) If a councillor has disclosed a pecuniary interest at a council committee meeting and council considers a report of the committee in respect of which the councillor disclosed a pecuniary interest, the councillor must disclose the pecuniary interest at the council meeting and subsection (1) applies to the councillor.

According to the MGA s. 170(3) a pecuniary interest does not exist when voting on council remuneration, as follows:

(3) A councillor does not have a pecuniary interest by reason only of any interest

- (a) that the councillor, an employer of the councillor or a member of the councillor's family may have as an elector, taxpayer or utility customer of the municipality,
- (b) that the councillor or a member of the councillor's family may have by reason of being appointed by the council as a director of a company incorporated for the

- purpose of carrying on business for and on behalf of the municipality or by reason of being appointed as the representative of the council on another body,*
- (c) that the councillor or member of the councillor's family may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor or member of the councillor's family may be entitled by being appointed by the council to a position described in clause (b),*
- (d) that the councillor may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor may be entitled by being a councillor,*
- (h) that the councillor or member of the councillor's family may have*
- (i) by being appointed as the volunteer chief or other volunteer officer of a fire or ambulance service or emergency measures organization or other volunteer organization or service, or*
- (ii) by reason of remuneration received as a volunteer member of any of those voluntary organizations or services,*

It is appropriate for council members to seek legal counsel prior to voting or abstaining from voting on matters if they are unclear on a potential pecuniary interest matter. Legal counsel can consider the situation and advise a council member whether or not they have a pecuniary interest, or if they are required to vote on an agenda item.

The pecuniary interest provisions in the MGA refer to the monetary effect of a council decision, which could be either positive or negative. Issues which have non-monetary impact on the councillor are NOT considered pecuniary and therefore require the councillors' participation. It is also noted that the MGA does not reference 'conflict of interest' wording even though that term is in the common vernacular, but rather the term 'pecuniary interest' is used. It is important that municipalities use wording in bylaws and resolutions that is consistent with the MGA wherever possible.

According to city administration and a review of council meeting minutes, the last time a pecuniary interest was declared was at the April 12, 2016 regular council meeting. Correspondence received during the governance review stated that "Councillor Sperling declared a conflict of interest and vacated the Council Chambers when Council was dealing with funding for a Habitat for Humanity

project. Councillor Sperling advised that his employer, ATB Financial, manages the Move-Up Program funding and excused himself from all discussions." The relevant portion of the meeting minutes records the appropriate actions associated with this matter as shown below:

5.1 Habitat for Humanity Site Selection Process
Presented by: Troy Fleming, General Manager, Infrastructure & Community Services

Councillor Sperling declared a "conflict of interest" regarding Agenda item 5.1 – Habitat for Humanity Site Selection Process as his employer, ATB Financial, manages the Move-up Program funding. Councillor Sperling left the Council Chambers at 6:15 p.m.

R47-16 MOVED BY Councillor Garritsen that Council provide the balance of the Provincial Affordable Housing Grant (\$692,903 as of January 2016) to Habitat for Humanity for the purpose of purchasing land within the City of Fort Saskatchewan in order to construct 8 duplex lots (16 total units) for the Habitat for Humanity Program.

In Favour: Gale Katchur, Frank Garritsen, Arjun Randhawa, Birgit Blizzard, Sheldon Bossert

Against: Stew Hennig

Abstained: Ed Sperling

CARRIED

Councillor Sperling re-entered the Council Chambers at 6:45 p.m.

Figure 16 - April 12, 2016, Action Associated with Pecuniary Interest

The city's Procedure Bylaw identifies required actions in cases of pecuniary interest. Council minutes above reflect that the required actions were taken.

Bylaw C1-16
Page 17

24. VOTING - PECUNIARY INTEREST (CONFLICT)
24.1 Members who believe that they have a pecuniary interest in any matter before Council, or any Committee or Board to which they are appointed as a representative of Council, shall:
24.1.1 declare and disclose the general nature of the pecuniary interest prior to any discussion of the matter;
24.1.2 abstain from discussions or voting on any question relating to the matter; and
24.1.3 remove themselves from the room until the matter is concluded.
24.2 The minutes shall indicate the Member's declaration, the nature of the pecuniary interest, the time at which the Member left the room, and the time which the Member returned.

Figure 17 – Excerpt, Procedure Bylaw Regarding Pecuniary Interest

3.9.7 In Camera Portions of Meetings

The MGA s. 197 allows a council to close all or part of a meeting to the public as follows:

Public presence at meetings

197 (1) Councils and council committees must conduct their meetings in public unless subsection (2) or (2.1) applies.

*(2) Councils and council committees **may close all or part of their meetings to the public** if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act.*

(2.1) A municipal planning commission, subdivision authority, development authority or subdivision and development appeal board established under Part 17 may deliberate and make its decisions in meetings closed to the public.

(3) When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting held in public.

Fort Saskatchewan council meeting agendas appear to appropriately note when in camera sessions are being used, what the topic is, and for which FOIP exception to disclosure that the item is not being presented in a public session.

<u>2. In-Camera Session</u>	
<u>Growth Study Update</u> <u>FOIP, Section 21(1), Harmful to Intergovernmental Relations</u>	Troy Fleming (verbal)

Figure 18 – Excerpt, May 9, 2017 Council Agenda

The record of council meetings in 2017 shows that three of 10 regular meetings have had an in camera portion and all of these items included a FOIP Exception to Disclosure statement. Minutes show that no motions were made in camera, with the exception of the motion to revert to open session. This is appropriate under the MGA.

3.9.8 Council Workshops

A fundamental principle of governance Alberta municipalities is that, with few exceptions, councils must conduct their meetings in public. Section 197 of the MGA, cited in the previous section, requires that *"councils and council committees must conduct their meetings in public unless..."*

Some weeks when council does not meet, a non-mandatory meeting of members of council and senior administration is held. This appears to be approximately once a month. An interviewee stated that these gatherings, called workshops, *"are used as an educational tool for the Mayor and Councillors. While attendance is not mandatory, it is beneficial to have all members participate."* There is obvious benefit to these gatherings because members of council and administration are able to explore topics in depth and provide feedback to administration prior to decisions being required in council meetings.

There is no city policy regarding the workshops and they are not identified in the Procedure Bylaw. The workshops do have agendas and are chaired by the mayor. Two recent workshop agendas (January 17 and April 18, 2017) were reviewed during this governance review.

One interviewee noted that *"workshops are not public;"* however, there are agendas and the workshops *"have always been treated like in camera, but there are no minutes taken"*.

The MGA 167(2) states that quorum for a council meeting is *"the majority of all the councillors that comprise the council under section 143"*. Since there were no vacancies on council during the 2013-2017 term, quorum for the purposes of a meeting is four members. Under this definition, the workshops may comprise a council meeting, and if that is the case, the workshops would therefore be public unless otherwise closed under sections 197 or 198 of the MGA.

RECOMMENDATION FOR COUNCIL WORKSHOPS: That Council Workshops be formalized by bylaw and that a legal opinion be sought to determine whether workshops are considered to be public meetings, except for topics which are anticipated in FOIP Exceptions to Disclosure.

RECOMMENDATION FOR PROCEDURE BYLAW DEFINITION: That the City of Fort Saskatchewan Procedure Bylaw C1-16 be updated to add a definition for 'Council Meeting.'

3.9.9 City Manager Briefings

In advance of each regular council meeting, members of council and senior management gather for approximately an hour for a session called City Manager Briefings, or colloquially 'chat sessions'. The public is not invited to these meetings; however, the meetings do not appear to be in camera either.

The intention of this time is for the city manager to provide information of interest to members of council. Interviewees describe this as a time that council members are made aware of upcoming potential issues about which they may be queried – topics like the tax notices are being mailed, or there are issues with a service.

The agenda for the meetings is the city manager's. Following the completion of the briefing, council typically moves into chambers and the public meeting begins.

There were conflicting comments about whether decisions are made at the briefing. There are no formal votes, but interviewees noted that 'straw polls' or nodding of heads is sometimes used. While not an overt request for administration to act, the non-decisions do provide insights into how council is likely to react to a particular topic.

Records provided during this review could be interpreted to indicate that council members' opinions on topics that emerged at the briefing may have altered recommendations on subsequent council meeting Requests for Decision in at least one instance.

The MGA does not anticipate meetings such as the City Manager's Briefing occurring in a non-public meeting of members of council if the meeting is in fact a 'council meeting'.

RECOMMENDATION FOR CITY MANAGER'S BRIEFING: That a legal opinion be sought to determine whether City Manager's Briefing sessions are considered to be public meetings, except for topics which are anticipated in FOIP Exceptions to Disclosure.

3.9.10 Public Presence During Meetings

Members of the public have the right to be present in the gallery to attend council and committee meetings, in accordance with the MGA s. 198, as follows:

Right of public to be present

198 *Everyone has a right to be present at council meetings and council committee meetings conducted in public unless the person chairing the meeting expels a person for improper conduct.*

Transparent decision-making is a fundamental tenet of local government. There is an expectation that a city council will deliberate matters of local concern in a public setting with respectful, professional meeting procedures.

Fort Saskatchewan's council chambers provide an adequate meeting space, though some interviewees expressed that they were unable to hear some of the quieter members of council and administration during the course of the meeting. While not related to the ability to hear properly, one member of administration noted that the administration team all face council and are not able to see the gallery, meaning they are not able to gauge the mood or body language present in the gallery.

The open portion of city council meetings is live webcast and subsequently archived to the city's website, making it easier for individuals to watch the proceedings remotely or at a time of their choosing.

At the time of the review the city is contemplating upgrading its webcasting technology, in part because the current system does not allow council meeting webcasts to be viewed on most common internet browsers.

Though there is a visual record of each council meeting, the approved meeting minutes remain the official record of the meeting. Having a visual record of the open portion of the meeting allows citizens or staff to get an idea of the non-verbal aspects of the debate and the context of council's decisions.

3.9.11 Public Delegations

Ongoing reciprocal consultative dialogue between citizens and their elected officials can add legitimacy to decision-making and lead to a greater understanding of the potential impact of local issues. There are appropriate means for citizens to address elected officials informally before or after council meetings; or formally as a delegation to council.

The public generally conducted themselves appropriately during the meetings that Strategic Steps attended or watched, though this was not always the case. Occasional cheering, clapping or other verbal participation in the meeting was heard or seen. In situations like this, the mayor rightfully called for decorum to be restored.

The beginning of each regular council meeting agenda has allocated time for delegations from the public to speak on any topic that is on the evening's agenda. Delegations are only allowed to speak on topics not on the agenda if they have made a request to be a delegation through Legislative Services. Members of the public are also able to make a presentation to council to provide information or request a decision.

While published timelines indicate that it may take up to six weeks to appear on a council agenda, city administration noted that the timeline is usually much shorter.

The mayor has been noted to restrict presentations and delegations if they appear to stray from pre-provided information about the text of the speaker's comments.

An example of this occurred at the March 28, 2017 regular council meeting, where early in the council meeting, Councillor Bossert requested that a presentation from the Fort Saskatchewan Public Library board be added to the meeting agenda. This was unusual because presentations typically have to be added to the agendas prior to the agenda being published.

According to the meeting minutes, the presentation was "to provide an update on the Kia car purchase for the Fort Saskatchewan Public Library." Several interviewees noted that the presenter, the library board chair, had provided an overview of her intended comments, but strayed from them. At that point, the mayor intervened to bring the presentation back to the topic being discussed.

Whether this item was urgent or emergent enough for council to add it to their agenda without the proper notice period being invoked is within council's discretion; however, it does show that circumventing the typical process can provide a problematic result.

Several interviewees noted that members of the gallery and the wider community have suggested that they think the requirement to only comment on items on that meeting's agenda is too restrictive and that they should be allowed to speak on any topic. In response to this, several internal interviewees noted that city administrators may not be ready to respond in a fulsome manner to unanticipated questions or comments that arise during the open session.

There are Capital Region examples of similar practices of receiving input from the public. The municipality and name of the procedural process appear below.

Municipality	Procedural Process	Speak To
City of Leduc	Public Commentary at Council Meetings	Any Matter
City of Spruce Grove	Public Question and Answer Period at Council Meetings	Any Matter
City of St. Albert	Public Appointments at Council Meetings	Any Matter
Strathcona County	Priorities Committee	Any Matter

Should council choose, it could amend its Procedure Bylaw to allow for more delegations to appear at one or more meetings of council members (not necessarily at a 'council meeting') per month.

RECOMMENDATION FOR PUBLIC TO RESPECT COUNCIL: That individuals present in the gallery of the Fort Saskatchewan council chambers are respectful of council, and respect the right of council abide by its rules of procedure.

RECOMMENDATION FOR PRESENTATIONS TO COUNCIL: That council only approve last-minute presentation additions to the council meeting agendas if the item is urgent or emergent.

RECOMMENDATION FOR HEARING FROM CITIZENS: That council review options for hearing from citizens on topics of their choosing on a regular basis within the context of formalized meetings.

3.9.12 Council Meeting Dates, Times and Locations

Regular council meeting dates, times and locations are set by council in accordance with the City of Fort Saskatchewan Procedure Bylaw and as provided in the MGA:

Regular council meetings

193(1) A council may decide at a council meeting at which all the councillors are present to hold regularly scheduled council meetings on specified dates, times and places.

The City of Fort Saskatchewan Procedure Bylaw C1-16 notes that a schedule for regular meetings will be established by resolution during the organizational meeting as follows:

5. **REGULAR COUNCIL MEETING**
- 5.1 The regular meetings of Council shall be established by resolution at the annual organizational meeting, or at a regular meeting of Council following the organizational meeting as required.
- 5.2 Notice of regular meetings of Council is not required.

Figure 19 – Excerpt, Meeting Procedure Bylaw

From the October 25, 2016 Organizational Meeting, regular council meetings are set for the second and fourth Tuesday of each month as outlined by Resolution 162-16.

- 4. Council Meeting Dates and Time**
- R162-16** MOVED BY Councillor Hennig that Council approve regular Council Meetings for the City of Fort Saskatchewan to be held on the second and fourth Tuesday of each month in Council Chambers at City Hall, 10005 – 102 Street, Fort Saskatchewan, commencing at 6:00 p.m.
- In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa, Birgit Blizzard, Sheldon Bossert, Ed Sperling
- CARRIED UNANIMOUSLY**

Figure 20 – Excerpt, October 25, 2016 Organizational Meeting

Meeting agendas, minutes and support documents are all posted on the city's website for public review.

Conducting the regular business of the city during regularly scheduled meetings, and reserving special council meetings only for issues which are truly urgent, builds trust and confidence in stakeholders, and allows them to schedule their time in advance to attend meetings.

3.10 Bylaws

The MGA provides clear direction on how municipal bylaws are to be properly passed in accordance with the provisions of the MGA s. 187 as follows:

Bylaw readings

187 (1) Every proposed bylaw must have 3 distinct and separate readings.

(2) Each councillor present at the meeting at which first reading is to take place must be given or have had the opportunity to review the full text of the proposed bylaw before the bylaw receives first reading.

(3) Each councillor present at the meeting at which third reading is to take place must, before the proposed bylaw receives third reading, be given or have had the opportunity to review the full text of the proposed bylaw and of any amendments that were passed after first reading.

(4) A proposed bylaw must not have more than 2 readings at a council meeting unless the councillors present unanimously agree to consider third reading.

(5) Only the title or identifying number has to be read at each reading of the bylaw.

The MGA s. 189 states that bylaws need to be signed in order to be passed, as follows:

Passing of bylaw

189 A bylaw is passed when it receives third reading and it is signed in accordance with section 213.

The review included a review of how council managed the process for adding or updating municipal bylaws. A review of meeting minutes illustrates that bylaws were passed appropriately, using three readings, and when all three readings were to be held in the same meeting, a resolution for unanimous consent to proceed with third reading was also provided as in the example below. Bylaws have logical titles and follow a sequential, non-repeating, numbering format.

7. Bylaws	
7.1 Bylaw C3-17 – Repeal Bylaw 1903 - Family & Community Support Services (FCSS) Advisory Board Transition – 3 readings	
Presented by: Tammy Lautner, Director, Family & Community Support Services	
R7-17	<p>MOVED BY Councillor Garritsen that Council give first reading to Bylaw C3-17, which repeals Bylaw 1903 to establish a Family & Community Support Services Advisory Board.</p> <p>In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa, Birgit Blizzard, Sheldon Bossert, Ed Sperling</p> <p>CARRIED UNANIMOUSLY</p>
R8-17	<p>MOVED BY Councillor Garritsen that Council give second reading to Bylaw C3-17, which repeals Bylaw 1903 to establish a Family & Community Support Services Advisory Board.</p> <p>In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa, Birgit Blizzard, Sheldon Bossert, Ed Sperling</p> <p>CARRIED UNANIMOUSLY</p>
R9-17	<p>MOVED BY Councillor Garritsen that Council provide unanimous consent to proceed with third and final reading to Bylaw C3-17, which repeals Bylaw 1903 to establish a Family & Community Support Services Advisory Board.</p> <p>In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa, Birgit Blizzard, Sheldon Bossert, Ed Sperling</p> <p>CARRIED UNANIMOUSLY</p>
R10-17	<p>MOVED BY Councillor Garritsen that Council give third reading to Bylaw C3-17, which repeals Bylaw 1903 to establish a Family & Community Support Services Advisory Board.</p> <p>In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa, Birgit Blizzard, Sheldon Bossert, Ed Sperling</p> <p>CARRIED UNANIMOUSLY</p>

Figure 21 – Excerpt, Jan. 24, 2017 Council Minutes

During the review, some interviewees noted that approved bylaws occasionally come back for review or reconsideration. This is appropriate if circumstances warrant and as permitted through the Procedures Bylaw.

At the time of the review, a set of 22 bylaws was available electronically in Adobe Acrobat format on the city's website. This list appears to reflect commonly requested bylaws and is listed alphabetically.

3.11 Policies

Policies are very important governance tools used to provide clear direction to staff in order to consistently implement repetitive service functions. Governance policies

are passed by a resolution of council to impose a duty or standard practice, and prevent administration from having to 'ask' council to make decisions on routine items.

The presence of policies also provides advance understanding of how the municipal government will react to various situations. In this way, policies provide guidance.

Besides the specific subject-matter content, Fort Saskatchewan's policies have several items noted on them that help reviewers understand their context. The Procurement Policy example below was passed unanimously by council resolution R64-17 at the regular council meeting on April 11, 2017. This policy provides a unique, identifier (FIN-020-C), as well as a name, the date it was issued, the date of revision and the date for the next review by council.

COUNCIL POLICY	 CITY OF FORT SASKATCHEWAN	FIN-020-C
PROCUREMENT		
Date Issued: April 11, 2017	Mandated by: City Council	
Current Revision: April 11, 2017	Cross Reference: <ul style="list-style-type: none">• Business Licence Bylaw C9-16	
Next Review: April 11, 2020	Responsibility: Chief Financial Officer	

Figure 22 - Example of Council Policy

Ideally, council should review all governance policies on a regular and rotating basis. By identifying a 'next review' date, the city has increased the likeliness of this review occurring – by April 11, 2020 in the case of the Procurement policy.

Unlike bylaws, the city's governance policies are not present in a collated manner on the city's website, so it is difficult for an individual to see or review them without contacting the city.

The common policy-related comment that emerged over the governance review was that policies are only useful if they are followed and that they get tested in times of stress. One interviewee said; *"when things break down, then you have to go back to the rules."* Policies are those rules.

During the course of the interviews associated with the governance review, several individuals noted areas of perceived policy gaps. These ideas are included here for council's consideration:

- **Advocacy:** The city needs policy around advocacy with other orders of government. Top advocacy priorities need to be identified and a communication protocol and policy developed.
- **Auditor Tender:** Create a policy about the selection of the city's external auditor going to tender every five years
- **Council Code of Conduct:** This policy "needs some enhancement; it's too generic. Ours is a pretty one-pager." Almost all interviewees said this policy 'needs more teeth'.
- **Communications:** Identify whether it is appropriate for council members to include political content in weekly newspaper columns.
- **Financial Reporting:** Council has to identify, in policy, what it wants to see and review.
- **Fiscal Reserves:** This policy may be in draft process now.
- **Fiscal Variance Reporting:** Identify the appropriate level for fiscal review for a council to remain a governance body.
- **Grants to Organizations:** Identify criteria for which organizations may receive grants and what types of organizations may be excluded.
- **Year-End Surplus:** Identify what to do in situations when the city has a year-end surplus.

RECOMMENDATION ON POLICY REVIEW That council identify and fill policy gaps, and that policies that are no longer required are removed.

3.12 Council Committee Structure

The MGA provides specific direction that a council may pass bylaws to establish council committees and the conduct of members of council committees as follows:

Bylaws - council and council committees

145 A council may pass bylaws in relation to the following:

- (a) the establishment and functions of council committees and other bodies;*
- (b) the procedure and conduct of council, council committees and other bodies established by the council, the conduct of councillors and the conduct of members of council committees and other bodies established by the council.*

Composition of council committees

146 A council committee may consist

- (a) entirely of councillors,*
- (b) of a combination of councillors and other persons, or*
- (c) subject to section 154(2), entirely of persons who are not councillors.*

Fort Saskatchewan City Council members participate in 21 internal, external, and intermunicipal agencies, boards and committees. Council committee involvement has a strong regional focus. The following list of organizations had city council members appointed to them at the October 25, 2016 organizational meeting:

- Alberta Capital Region Wastewater Commission
- Alberta's Industrial Heartland Association
- Assessment Review Board
- Athabasca Landing Trail Steering Committee
- Board/Committee Application Review Committee
- Capital Region Assessment Services Commission
- Capital Region Board
- Capital Region Northeast Regional Water Services Commission
- Capital Region Waste Minimization Advisory Committee
- City Manager's Evaluation Committee
- Community Grants Committee
- Fort Air Partnership

- Fort Saskatchewan Policing Committee
- Fort Saskatchewan Public Library Board
- Heartland Housing Foundation
- Intermunicipal Relations Committee – City of Fort Saskatchewan / Strathcona County
- North Saskatchewan Watershed Alliance
- NR CAER Board
- River Valley Alliance
- Special Transportation Services Society
- Subdivision and Development Appeal Board

Members of council were appointed to these organizations by Resolution 165-16 at the organizational meeting noted above. An example of the appointment format appears below.



Figure 23 – Excerpt - October 25, 2016 Organizational Meeting

Council policy GOV-007-C *Advisory Boards/Committees/Commissions* governs the establishment, mandate and dissolution of various types of council-sponsored bodies within the structure of the City of Fort Saskatchewan. The city recognizes a series of benefits from the use of city advisory boards, committees and commissions as indicated below.

<p>POLICY</p> <p>The City recognizes and values the use of advisory boards/committees/commissions to aid the process of effective, responsible and efficient government.</p> <p>GUIDELINES</p> <p>1. Advisory boards/committees/commissions:</p> <ul style="list-style-type: none">(a) expand the base of citizen involvement and collaboration in the process of local government with the City;(b) provide more available forums for dialogue and public consultation allowing for citizen input in the overall decision making process;(c) recruit and utilize the resources of expertise and experience available in the community to complement the judgment of Council and professional staff; and(d) provide mechanisms appropriate for the ascertainment of facts and the discernment of views.
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Figure 24 - Excerpt, Policy GOV-007-C

As required in the MGA s. 155, city council appears to establish formal internal groups through the use of bylaws, as noted with the city's *Assessment Review Boards (ARB) Bylaw C14-10* that was provided with one reading on May 11, 2010 and the final two readings on May 25, 2010.

Various council committees and other bodies may contain some historical remnants of past practices. It is useful to conduct a 'refresh' and review all council appointments to ensure appropriateness due to the passage of time and application of best practices.

According to comment by a city official a "*major review (was) completed in September 2012, which resulted in the dissolving of numerous boards and committees*". Further to that, the Family and Community Support Services (FCSS) board was disbanded with three readings and unanimous consent (Resolutions R7-17 to R10 -17) at the January 24, 2017 council meeting, indicating that a review process is ongoing as needed.

Council has a fiduciary duty to ensure accountability of public funds managed by or acquired through committee functions. It also has the responsibility to ensure that all city committees are appropriately established.

RECOMMENDATION FOR COUNCIL COMMITTEES AND OTHER BODIES: That council complete regular reviews of council committees and other bodies to ensure that all council committees and/or other bodies continue to provide value to the City of Fort Saskatchewan.

3.13 City Manager

A Chief Administrative Officer (CAO) known as a city manager in Fort Saskatchewan, is responsible for the overall operations of the municipality, works closely with the council to provide advice, and ensures that local objectives are accomplished and legislation is followed. As the administrative head of the municipality, the city manager is also known as a council's one and only employee. The MGA clearly outlines the city manager's responsibilities in s. 207 as follows:

Chief administrative officer's responsibilities

207 The chief administrative officer

- a) is the administrative head of the municipality;*
- b) ensures that the policies and programs of the municipality are implemented;*
- c) advises and informs the council on the operation and affairs of the municipality;*
- d) performs the duties and functions and exercises the powers assigned to a chief administrative officer by this and other enactments or assigned by council.*

Fort Saskatchewan's interim City Manager, Troy Fleming, and all other city staff were obliging and willing to provide information upon request throughout the review process.

The MGA provides specific direction on the performance of administrative duties for a city manager:

Performance of major administrative duties

208(1) The chief administrative officer must ensure that

- (a) all minutes of council meetings are recorded in the English language, without note or comment;*
- (b) the names of the councillors present at council meetings are recorded;*

- (c) the minutes of each council meeting are given to council for adoption at a subsequent council meeting;*
 - (d) the bylaws and minutes of council meetings and all other records and documents of the municipality are kept safe;*
 - (e) the Minister is sent a list of the councillors and any other information the Minister requires within 5 days after the term of the councillors begins;*
 - (f) the corporate seal, if any, is kept in the custody of the chief administrative officer;*
 - (g) the revenues of the municipality are collected and controlled and receipts are issued in the manner directed by council;*
 - (h) all money belonging to or held by the municipality is deposited in a bank, credit union, loan corporation, treasury branch or trust corporation designated by council;*
 - (i) the accounts for authorized expenditures referred to in section 248 are paid;*
 - (j) accurate records and accounts are kept of the financial affairs of the municipality, including the things on which a municipality's debt limit is based and the things included in the definition of debt for that municipality;*
 - (k) the actual revenues and expenditures of the municipality compared with the estimates in the operating or capital budget approved by council are reported to council as often as council directs;*
 - (l) money invested by the municipality is invested in accordance with section 250;*
 - (m) assessments, assessment rolls and tax rolls for the purposes of Parts 9 and 10 are prepared;*
 - (n) public auctions held to recover taxes are carried out in accordance with Part 10;*
 - (o) the council is advised in writing of its legislative responsibilities under this Act.*
- (2) Subsection (1)(a) to (d) and (o) apply to the chief administrative officer in respect of council committees that are carrying out powers, duties or functions delegated to them by the council.*

Based on comments from interviewees, the interim city manager is well respected by members of council and staff.

3.13.1 City Manager Performance Evaluation

The MGA requires a council to conduct a formal evaluation of the performance of the CAO (city manager) each year, as follows:

Performance evaluation

205.1 A council must provide the chief administrative officer with an annual written performance evaluation of the results the chief administrative officer has achieved with respect to fulfilling the chief administrative officer's responsibilities under section 207.

Interviewees have provided assertion that the city manager is provided with evaluations on the schedule required by the MGA,

In providing an evaluation of the city manager, council would be expected to review goals from the past year, and set new goals for coming year in alignment with relevant clauses in the city manager's contract with the city.

Being elected to a municipal council does not require members to become *de facto* experts in municipal management. Rather, council members should do their part through policy and budget allocations to attract and retain well qualified staff.

4 CONCLUSION

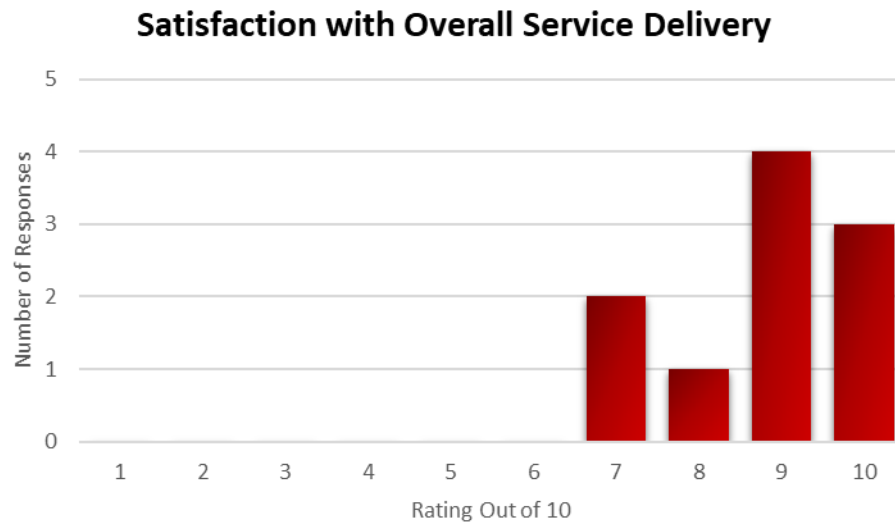
The municipal government in the City of Fort Saskatchewan appears to have the procedural and regulatory tools that are required for a well-operating municipality. The issue appears to be in the application of the 'rules' by members of council. This affects the smooth operation of good governance; however, it appears to have limited impact on the provision of service to the citizens and businesses of Fort Saskatchewan.

The overall test of this council was expressed well by one interviewee: *"If you step back, the last two years, (council has) implemented a transit program, made decision on waste, budgets, and infrastructure. We have slowly moved forward on future land needs". "The legacy of this council is positive and has made a difference."*

The city has a lot of strengths in bylaws and policies, and the city maintains high service levels. As in any review of this scope, Strategic Steps found that the city government can operate better as it continues to learn and adapt to a changing environment.

While the review found areas for improvement, as identified through the list of recommendations that appear in this report and as Appendix 2 below, the city by and large appears to operate well.

A question about rating the level of satisfaction was asked of all interviewees who live in the city and are therefore recipients of city services. All respondents felt that, despite any governance related issues, the city is still able to provide very high-quality services to citizens and businesses.



← Very Dissatisfied – Average – Very Satisfied→

The primary conflict in Fort Saskatchewan's situation appears to stem from a series of disagreements between council members rather than legislative or procedural weaknesses.

This report recommends adherence to existing policy and bylaws, and updating other documents. It also identifies some areas such as council's code of conduct, bylaws and policies that should be strengthened. A foremost recommendation is that even though council members were elected separate and distinct from one another, they comprise Fort Saskatchewan's single governance team.

Ultimately, council must choose to work together for the betterment of all who live in Fort Saskatchewan.

5 APPENDICES

Appendix 1: Table of Figures

Figure 1 - Notice of Motion, April 11, 2017 Council Meeting	5
Figure 2 - Governance Review Resolution, April 25, 2017	5
Figure 3 – Excerpt, April 25 Notice of Motion Support Document	6
Figure 4 - Excerpt, Accusations of Bullying, Intimidation Fly at City Council	7
Figure 5 – Excerpt, Procedure Bylaw C1-16, Regular Meetings	13
Figure 6 – Excerpt, 2016 Organizational Meeting	13
Figure 7 - Deputy Mayor Schedule 2016-2017	14
Figure 8 - Governing Principle for Council Code of Conduct.....	17
Figure 9 – Excerpt, Procedure Bylaw C1-16	22
Figure 10 – Excerpt, City of St. Albert Code of Conduct	22
Figure 11 - Excerpt, Procedure Bylaw C1-16.....	37
Figure 12 - MGA s .208(1)	38
Figure 13 – Excerpt, April 25, 2017 Council Minutes	38
Figure 14 - Excerpt, April 12, 2016 Council Minutes.....	39
Figure 15 - Example of Request for Decision, June 27, 2017	41
Figure 16 - April 12, 2016, Action Associated with Pecuniary Interest	47
Figure 17 – Excerpt, Procedure Bylaw Regarding Pecuniary Interest	47
Figure 18 – Excerpt, May 9. 2017 Council Agenda	48
Figure 19 – Excerpt, Meeting Procedure Bylaw.....	55
Figure 20 – Excerpt, October 25, 2016 Organizational Meeting	55
Figure 21 – Excerpt, Jan. 24, 2017 Council Minutes	57
Figure 22 - Example of Council Policy.....	58
Figure 23 – Excerpt - October 25, 2016 Organizational Meeting	62
Figure 24 - Excerpt, Policy GOV-007-C	63

Appendix 2: Recommendations Summary

Recommendations are found throughout the governance report and a complete list of recommendations is summarized below. The context for each recommendation can be found in the associated section of the report that is referenced by the page number.

#	Governance (G) Recommendation	Page
G1	RECOMMENDATION FOR DEPUTY MAYOR CYCLE-LENGTH REVIEW: That council review the frequency of deputy mayor changes with an eye to providing experience and efficiency to the role.	15
G2	RECOMMENDATION FOR COUNCIL ORIENTATION: That council members participate in ongoing governance-focused orientation training at the beginning of their term, starting in October/November 2017 in alignment with requirements outlined in the updated Municipal Government Act	16
G3	RECOMMENDATION FOR COUNCIL PROFESSIONAL DEVELOPMENT: That council members plan for, budget for, and participate in, ongoing professional development throughout their term of office.	18
G4	RECOMMENDATION FOR UPDATED COUNCIL CODE OF CONDUCT BYLAW: That council create a robust Council Code of Conduct bylaw as required in the updated Municipal Government Act and Code of Conduct Regulation, once proclaimed	18
G5	RECOMMENDATION FOR ABIDING BY CODE OF CONDUCT: That council members understand and follow their Council Code of Conduct in both spirit and letter	23
G6	RECOMMENDATION FOR TEAM BUILDING: That council engage in team building functions, potentially included within council retreats, throughout their term	23
G7	RECOMMENDATION FOR COUNCIL TO AVOID ADMINISTRATIVE FUNCTIONS: That council members refrain from performing administrative duties, in accordance with the provisions in the MGA s. 201(2).	25

#	Governance (G) Recommendation	Page
G8	RECOMMENDATION FOR FINANCIAL REPORTING POLICY: That council create or update a financial reporting policy in accordance with MGAs 208 (k).	25
G9	RECOMMENDATION FOR PRIORITY SETTING: That council review priorities on a regular basis to celebrate accomplishments, adapt to changing environments, and set new priorities where necessary and where capacity allows.	28
G10	RECOMMENDATION FOR TARGET PROGRESS REPORTS: That administration develop and present council with a quarterly or semi-annual report on progress toward achieving targets in the Strategic Plan and Community Sustainability Plan.	29
G11	RECOMMENDATION FOR UPDATING STRATEGIC PLANS: That council update its strategic plans and identify priorities soon after the 2017 municipal election.	29
G12	RECOMMENDATION ON VOTING ON MERIT: That city council members vote on resolutions based on the members' values, principles and beliefs of what will be best for the City of Fort Saskatchewan.	32
G13	RECOMMENDATION FOR MAYOR LEADERSHIP That the mayor be conscious of being 'first among equals' in the council meeting process and that the mayor provide as equal time as possible to all members of council within the constraints of the city's Procedure Bylaw.	33
G14	RECOMMENDATION TO REVIEW RFD PROCESS: That administration review the Request for Decision document to ensure it meets the needs of council and administration, and that it ties requested decisions to council's strategic priorities where possible.	41

#	Governance (G) Recommendation	Page
G15	RECOMMENDATION ON ELECTRONIC COMMUNICATION: That council receive training in effective and appropriate electronic communication, either through a specific training session or in conjunction with the 2017 council orientation process.	42
G16	RECOMMENDATION FOR IN CAMERA AGENDA ITEMS: That council members comply with the MGA s. 197 when closing any part of a meeting to the public, and that council members keep matters in confidence as required by the MGA s. 153.	44
G17	RECOMMENDATION FOR COUNCIL WORKSHOPS: That Council Workshops be formalized by bylaw and that a legal opinion be sought to determine whether workshops are considered to be public meetings, except for topics which are anticipated in FOIP Exceptions to Disclosure.	50
G18	RECOMMENDATION FOR PROCEDURE BYLAW DEFINITION: That the City of Fort Saskatchewan Procedure Bylaw C1-16 be updated to add a definition for 'Council Meeting.'	50
G19	RECOMMENDATION FOR CITY MANAGER'S BRIEFING: That a legal opinion be sought to determine whether City Manager's Briefing sessions are considered to be public meetings, except for topics which are anticipated in FOIP Exceptions to Disclosure.	51
G20	RECOMMENDATION FOR PUBLIC TO RESPECT COUNCIL: That individuals present in the gallery of the Fort Saskatchewan council chambers are respectful of council, and respect the right of council abide by its rules of procedure	54
G21	RECOMMENDATION FOR PRESENTATIONS TO COUNCIL: That council only approve last-minute presentation additions to the council meeting agendas if the item is urgent or emergent	54

#	Governance (G) Recommendation	Page
G22	RECOMMENDATION FOR HEARING FROM CITIZENS: That council review options for hearing from citizens on topics of their choosing on a regular basis within the context of formalized meetings.	54
G23	RECOMMENDATION ON POLICY REVIEW That council identify and fill policy gaps, and that policies that are no longer required are removed.	60
G24	RECOMMENDATION FOR COUNCIL COMMITTEES AND OTHER BODIES: That council complete regular reviews of council committees and other bodies to ensure that all council committees and/or other bodies continue to provide value to the City of Fort Saskatchewan	64