Agenda – Council – November 16, 2016

Report – Executive Policy Committee – November 9, 2016

Item No. 2 Civic Governance and Operational Review and Performance Assessment

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2016, the Executive Policy Committee submitted the following to Council:

1. That the Council Motion of October 26, 2016 be laid over for 120 days.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2016, the Executive Policy Committee laid over the Council Motion of October 26, 2016 for 120 days, and submitted the matter to Council.

COUNCIL DECISION:

On October 26, 2016, Council referred the following motion to the Executive Policy Committee:

Moved by Councillor Wyatt,
Seconded by Councillor Eadie,

WHEREAS it has nearly been 20 years since the last time the City of Winnipeg conducted a comprehensive review of its governance structure, resulting in the George B. Cuff – Organizational Review and performance Assessment Report of October, 1997;

AND WHEREAS prior to 1997, compressive reviews of City of Winnipeg Governance were undertaken in the 1976 Taraska Report and the 1986 Cherniak Report, therefore ensuring substantial reviews to affect progressive change approximately every 10 years;

AND WHEREAS since the adoption of the "Cuff Report', multiple ad hoc changes have been made to the organizational structure, including the decision to delegate extensive powers to the CAO, which has now directly facilitated changes announced by the CAO on Monday, September 26, 2016;

AND WHEREAS unlike Winnipeg, in most cities in Manitoba and in English Canada, the powers given to the office the Mayor/CAO have not been concentrated to the same extent;

AND WHEREAS the failure of the existing system has been recognized recently, namely with: the adoption by Council in June of 2014 a motion that formally requested of the Province to amend the City of Winnipeg Charter to allow for the direct election of three members of the EPC by City Council and; the 2014 election campaign promise by the present Mayor to have all of the EPC elected directly by Council and; the latest motion moved by Councillor Dobson for improved accountability at the Standing Policy Committees, just to name a few examples;

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

AND WHEREAS the latest announcement made by the CAO on Monday, September 26, 2016, represents a major departure from the original intent of the last review (Cuff Report), and is best illustrated when comparing the organizational chart adopted by Council in 1997 (Appendix A) to the organizational chart that now exists (Appendix B), fully recognizing that the existing chart has evolved dramatically since 1997 via many ad hoc changes implemented by more than one CAO and/or Council;

AND WHEREAS with the power of the Mayor to appoint the EPC, including his/her ability to then informally influence the election of Speaker and Deputy Speaker, this has promoted a growing sense that the existing governance system can exclude up to 50% of Council in the process of public policy development and decision making;

AND WHEREAS the Office of the Mayor, via the Report Information System, has authority to control all agenda management of the Executive Policy Committee and of every Standing Policy Committee;

AND WHEREAS democracy and accountability seems to have been negatively affected in many areas with the adoption of the Strong Mayor/Strong CAO Model that originated in 1997;

THEREFORE BE IT RESOLVED that the City Organizational By-law be amended to allow Council to:

1) Conduct a full, comprehensive and independent civic governance and operational review and performance assessment that will set as its goal an improved civic government in terms of democratic reforms, transparency, openness, and accountability, by directly taking steps to reduce administrative red tape and costs and restore the balance of power between the Office of the Mayor, Councillors and the Public Service via structural changes that will permanently empower the elected Council and the Standing Policy Committees, including but not limited to the following process:

    a) To review the adopted George B. Cuff – Organizational Review and Performance Assessment Report of October, 1997, including an analysis of its strengths and weaknesses

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

b) To review all revisions made to the Organization By-law, including changes to the administrative and political structures since the adoption of the George B. Cuff – Organizational Review and Performance Assessment Report of October, 1997, including an analysis of all strengths and weaknesses

c) To review the powers, roles, responsibilities, budgetary costs/resources and reporting relationships of the:

   i) CAO/City Manager model and the senior management team (See Organization Chart, Appendix B), including an analysis of the advantages/strengths, disadvantages/weaknesses, and the best practices with Manitoba Cities and Canadian Cities in English Canada;
   ii) Office of the Mayor/Strong Mayor Model, including an analysis of its advantages/strengths, disadvantages/weaknesses, and the best practices with Manitoba Cities and Canadian Cities in English Canada
   iii) Executive Policy Committee and that of informal/planning Executive Policy Committee, its legality under existing legislation, and its ability to conduct priority setting/strategic planning and budget formulation and delivery, including an analysis of its advantages/strengths and disadvantages/weaknesses and the best practices with Manitoba Cities and Canadian Cities in English Canada
   iv) Office of the City Councillor and Council in general, including an analysis of its advantages/strengths, disadvantages/weaknesses, and the best practices with Manitoba Cities and Canadian Cites in English Canada
   v) Standing Policy Committees, including an analysis of its advantages/strengths, disadvantages/weaknesses, the number of Standing Policy Committees and their alignment and the best practices with Manitoba Cities and Canadian Cities in English Canada
   vi) Administrative departments, including an analysis of its advantages/strengths, disadvantages/weaknesses, the number of departments and their alignment and the best practices with Manitoba Cities and Canadian Cities in English Canada

d) An analysis of the potential benefits of a Treasury Board or Board of Control within the Civic Government and how this may be applied to ensure the oversight and the effective use of resources for both operational program spending and capital budget project spending

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

2) Council shall oversee and approve the Terms of Reference, the tendering, hiring, public consultation and reviews of draft and final reports of the full and independent civic governance and operational review and performance assessment, with said final report being submitted to Council for consideration and approval, as outlined in clause 1), within six months as of the approval of this motion.

3) The said final report shall, as outlined in Clause 1 and Clause 2 provide comprehensive recommendations including, but not limited to, all necessary steps that will provide for the systematic structural changes required for the democratic reforms and mandate outlined in all Council By-laws, Procedures, informal or not, Council Policies, Administrative Directives and Provincial Legislation required for the democratic reform of civic governance and to be reported with the said timeline stated in Clause 2

4) A temporary suspension, effective 4:00 p.m., Friday, September 23, 2016 of the CAO's powers to reorganize the administrative structure/organization, and said suspension of said delegated powers shall be in effect until such time as determined by Council.

AND BE IT FURTHER RESOLVED that resources for said independent civic governance and operational review and performance assessment shall be found from within the existing administrative budgets and that appropriate officers of the Public Service do all things necessary to implement the foregoing.