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**SEPARATION AND
BETTER GOVERNMENT:
ADOPTING AN
ADMINISTRATIVE FIREWALL**

BY GERARD LUCYSHYN



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TABLE OF CONTENTS

Executive Summary	4
Introduction	5
History of Local Government in Saskatchewan	5
Current Saskatchewan Legislation	7
The Regina Situation	8
Other Canadian Jurisdictions	10
Alberta	10
Manitoba	10
Ontario	11
Professional Administrators/Managers	12
Umaas (Saskatchewan)	12
Amcto (Ontario)	12
Imca (International)	13
International Practices: England	14
New Zealand	15
Australia	16
United States	17
Montana	17
North Dakota	18
Other Canadian Municipal Research	19
Conclusion	21
Bibliography	23
Endnotes	26

EXECUTIVE SUMMARY

The issue of separation, and the establishment of an administrative firewall between elected officials and the head of administration, is very complex and involves answering the underlying question: Do centralized local government models or decentralized local government models best deliver efficient and cost-effective local government services? By comparing and contrasting the model used in the City of Regina and models used in Canada, United States, England, Australia, and New Zealand this paper identifies four best practices that will improve the efficiency and cost-effectiveness of local government services in the City of Regina.

Each model reviewed, a councillor represents the best interests of the citizens from their district. However, as a member of council, all decisions regarding the type and level of local services are to be made in the best interests of the entire municipality. There is a significant difference between the models regarding where the responsibility rests when determining how delivery, administration, and evaluation of municipal services will occur. Four ideologies exist: the manager, the head of the council, the council, and the councillors. Provincial and state legislatures have the authority to decide which ideology municipalities must use. This leads to an interesting dynamic as the decision on ideology involves consideration of a variety of opinions: residents, councillors, mayors, managers, staff, and provincial/state legislators. Regardless of the model adopted the tradeoff that is made is between administrative efficiency and effective representation.

The City of Regina will improve government efficiency and cost-effectiveness by adopting four best practices: (1) establishing an administrative firewall in the Regina Charter; (2) limit the firewall to the performance of administration; (3) adopt quantifiable performance metrics for the city and city departments; and (4) the council should evaluate and appoint department heads based on the quantifiable performance metrics.

INTRODUCTION

Determining the most appropriate governing structure has been an ongoing problem since the beginning of local governments. As communities grow and expand, and in some cases diminish, adaptation of the local government structure is required. Since Saskatchewan's entrance into Confederation in 1905, its municipalities have experienced substantial population growth that requires the delivery of more complex services, far from the days of *Statute Labour*.¹

This paper examines the issue of — separation — by comparing and contrasting the current governing model used in the City of Regina to other governing models used in Canada, United States, United Kingdom, New Zealand, and Australia. Separation is the practice of establishing a formal administrative firewall between those who are elected to represent the residents and those who are hired to provide the services to the residents.

This paper is divided into six sections beginning with a brief, but essential, history of Saskatchewan's local government. Section 2 reviews the relevant restrictions on local governments currently within the Saskatchewan legislation. Section 3 provides a glimpse into the model used in the City of Regina along with the primary individuals involved. Section 4 reviews the legislative restrictions in Canadian provinces surrounding Saskatchewan and recommended leading practices by three professional management associations. Section 5 compares and contrasts the practices in the United States, United Kingdom, New Zealand, and Australia. Lastly, Section 6 reviews recent municipal research that examines the different models used throughout Canada.

HISTORY OF LOCAL GOVERNMENT IN SASKATCHEWAN

Immediately after entrance into Confederation in 1905, Saskatchewan retained the existing local government structures previously in place under the *Northwest Municipal Ordinance Act 1886*.² Since that time different areas of Saskatchewan have experienced significant fluctuations in population, whether growth or decline, population changes required restructuring the local government model.³ Restructuring naturally occurs throughout history for most geographical areas. This ensures the local government continues to fulfill its primary objective the delivery of efficient and effective services to residents.

The federal government of Canada delegated governing authority to the North West Territories in 1883. The North West Territories Authority had jurisdiction to make laws regarding local governments within the districts of Assiniboia, Saskatchewan, and Athabasca. Shortly after by 1886, the towns of Regina and Moose Jaw along with two local municipalities (Indian Head and South Qu'Appelle) were established. The remaining areas outside of these two-towns and two-municipalities consisted of local improvement districts, statute labour districts, and/or fire districts. The primary purpose of these local organizations was to establish roads and protect against prairie fires.⁴

Fire districts are designated geographical areas that operate independently from the local government and receive its funding from a special tax assessment or property tax. *Statute labour* districts are designated geographical areas requiring each owner or household to supply a specific number of days of labour (or pay someone else) to perform repairs and maintenance on local highways and public works within the area. Local improvement districts are designated geographical regions that raise financing for the purpose of providing local area improvements that benefit the properties and the residents within that designated area.

As communities grow in population additional government services are required such as schools,



Source: Evolution-boundaries-1895. Atlas of Saskatchewan. See <http://www.rootsweb.ancestry.com/~cansk/maps/evolution-boundaries-1895.html>. (Accessed December 19, 2016).

churches, cemeteries, healthcare, etc. These public services require a more complex management structure than local improvement districts, statute labour districts, and fire districts. Usually, the communities convert from a district into a rural or urban municipality. A rural municipality is a designated geographical area with limited local government and is mainly administered by the provincial government. Rural municipalities do not include incorporated cities, towns, and villages.

Urban municipalities began to arise as communities expanded and increased in geographical size and population. Most decisions for rural districts only deal

with roads, fire, and zoning; while urban cities face additional decisions, such as city planning, municipal asset ownership, social welfare, and housing. The most appropriate local government structure needs to be adopted to ensure such decisions are made in an efficient and effective manner. Saskatchewan has grown to include thirteen-cities, 145 towns, 289 villages, thirty-nine-resort villages, one municipal district, 296 rural municipalities, and thirty-five-northern communities.⁵

The City of Regina originated from vacant land held in trust by the Canadian Pacific Railway and Canada Northwest Land Company. Incorporated as a town in 1883 and re-incorporated into a city in 1903 under the Regina Charter.⁶ By 1908, five years after Saskatchewan's entrance into Confederation, the Regina Charter was repealed and replaced by provincial legislation, *An Act Respecting the City of Regina and The City Act*.⁷

CURRENT SASKATCHEWAN LEGISLATION

The *City Act* is the predecessor to current legislation The *Cities Act*. The *Cities Act* sets out the different duties and responsibilities of the elected officials (i.e. councillors and mayor) and municipal officials (i.e. city manager and senior administration) for all cities and urban areas within Saskatchewan. Elected officials' duties and responsibilities are to represent the public and consider the well-being and interests of the city. Elected officials' are to participate in developing and evaluating the policies, services, and programs of the city and ensure there exists administrative procedures that implement the Council's decisions. Elected officials have the legislative duty and responsibility to maintain the financial integrity of the city. In short, elected officials' role is to represent, participate, evaluate, ensure, and maintain.⁸ The mayor's duties and responsibilities are the same as other elected officials with some additions such as, presiding over council meetings and performing any other duties imposed by the Council or assigned by legislation. In short, the mayor's role is to represent, participate, evaluate, ensure, maintain, preside, and perform.⁹

The *Cities Act* imposes a legislative requirement on all councils to establish a city manager position and that the manager is the head of administration. The city manager's (Manager) duties and responsibilities are specified as ". . . perform the duties . . . and functions that are assigned . . . by the *Cities Act* or other acts or by council."¹⁰ Note the legislation does not specify — separation — between the Council and the Manager. The duties, responsibilities, and functions of the Manager are based solely at the discretion of the Council. The only indication under *The Cities Act* that deals with — separation — is section 86. This section prevents any councillor being employed by the city ". . . members of council [shall] prevent . . . any member of council from being appointed as an employee of the city, or of any committee, business improvement district, or controlled corporation of the city in which the member serves as a member of the council."¹¹

The lack of clear — separation — between Council and the Manager forms the basis of this paper and brings up the following question: Does legislative separation or adoption of an administrative firewall between the Council and the Manager lead to better government? While the City of Regina's Charter does not address the issue neither does the provincial legislation. However, other Saskatchewan city charters have addressed the issue and include specific language adopting an administrative firewall, for example, the City of Lloydminster.

Lloydminster incorporated as a city in 2012. Its charter mirrors the duties and responsibilities of elected officials as set out in the *Cities Act*.¹² The Charter clearly defines what type of matters are to be decided by Council, such as: make bylaws; hold public hearings, adopt budgets, establish purchasing policies, appoint Council committees, and appoint, suspend or dismiss a commissioner.¹³

The commissioner (Manager) is the administrative head of the City and is given specific authority and clearly defined roles and responsibilities in the Charter, such as the appointment of a clerk, treasurer, and assessor, along with ensuring that all duties and functions—as defined by the charter—are fulfilled. The Manager also has the legislative authority to delegate any of his/her duties, powers or functions to any other employee of the City.¹⁴

Section 141(2) of the Lloydminster Charter specifies and establishes an administrative firewall between Council and the Manager, "*Council must not exercise a power or perform a duty that, by this Charter, another enactment or a bylaw, is expressly assigned to the commissioner, a designated officer or another officer.*"¹⁵ Lloydminster is not the only local government in Saskatchewan to adopt an administrative firewall, the legislation governing Saskatchewan rural municipalities requires local — rural — governments adopt an administrative firewall.

The Municipalities Act mirrors the duties and responsibilities of elected officials as its urban counterpart *The Cities Act*, in short, represent, participate, evaluate, ensure, and maintain.¹⁶ *The Municipalities Act* requires all councils to establish an

administrative head of the municipality (Manager). The Manager's duties and responsibilities specified in the *Act* include: ensuring the recording of all minutes at council meetings, keeping the corporate seal, safely storing the bylaws and minutes of council, etc. The Manager is required to disburse municipal funds, produce and present the financial statements of the municipality to the Council, and advise the Council on the Council's legislative responsibilities.¹⁷ Note this seems somewhat cyclical in nature, delegating the duty an elected official to know what his/her duties and responsibilities are to the Manager; meanwhile, Council has the duty to oversee the Manager and his/her duties and responsibilities.

One clear distinction between the Lloydminster Charter, *The Cities Act*, and *The Municipalities Act*, is *The Municipalities Act* requires that an administrator (Manager) be certified and qualified as an administrator per either *The Rural Municipal Administrators Act* or *The Urban Municipal Administrators Act*.¹⁸ It is understandable that Managers in smaller or rural local governments have a more hands-on role between service delivery and decision making than perhaps Managers who administer larger cities; but note that the legislation governing rural local governments require separation while the more complex urban local governments do not.

THE REGINA SITUATION

Sworn into office on Nov 7, 2016, Regina's current city council consists of eleven elected officials, ten councillors, and one mayor. The elected officials have a variety of backgrounds and levels of education that bring different experiences and perspectives to the council.¹⁹

Ward 1 Councillor, Barbara Young, is serving her second term as a councillor, she holds a Bachelor of Science degree, Masters of Education, and a Ph.D., Young's former professions were teacher, principal, and a school superintendent.²⁰ Ward 2 Councillor, Bob Hawkins, is serving his first term on council, he holds degrees in law, history, and economics; Hawkins former professions include law professor and the President and Vice-Chancellor of the University of Regina.²¹ Ward 3 Councillor, Andrew Stevens, is serving his first term on council, with a Ph.D. in Business and was formerly an Assistant Professor of Business Administration.²² Ward 4 Councillor, Lori Bresciani, is serving her first term on council and previously worked in the private and public sector and as a community volunteer.²³ Ward 5 Councillor, John Findura, is serving his third term on council. Findura was a service technician and local business owner.²⁴ Ward 6 Councillor, Joel Murray, serving his first term on council and was previously employed as a co-owner of a construction company.²⁵ Ward 7 Councillor Sharron Bryce is serving her fourth term and was formerly a registered nurse.²⁶ Ward 8 Councillor Mike O'Donnell is serving his fourth term and before being elected was a retired school administrator.²⁷ Ward 9 Councillor Jason Mancinelli is serving his first term on Council and was previously a co-owner of a small business.²⁸ Ward 8 Councillor Jerry Flegel is serving his fourth term and employed as a realtor.²⁹

Elected as Mayor in 2012, Michael Fougere previously served five terms as the councillor for Ward 4. Fougere holds a Bachelor of Arts Honours degree from St. Francis Xavier University (Antigonish, Nova Scotia) and a Master of Arts degree from the London School of Economics (London, UK). Fougere has lived and worked in several Canadian provinces as well as in Asia and Europe. Fougere is focused on economic development specifically

in housing, infrastructure, and regional economic development.³⁰ Maintaining an open and direct relationship with Regina residents, Mayor Fougere hosts monthly open door meet-and-greet sessions at city hall. These sessions are open to any Regina resident to come and meet the Mayor and discuss any ideas, concerns, or issues they wish to bring to his attention.³¹

Just eight months before the new council being sworn in, the previous council appointed a new city manager Chris Holden on March 1, 2016. Holden succeeds long term former Manager Glen Davies (2006-2016). Davies was well known for his leadership role in reducing red tape and he focussed on making the City more service-driven, and customer orientated.³²

Before being appointed as the new city manager, Chris Holden, had a thirty-year career with the City of Regina that involved a variety of different roles starting out as a lifeguard and working his way up to the Director of Communications and now the City Manager.³³

Holden describes the role of the city manager as “. . . a leadership role in a complex organization with over 2700 permanent employees that delivers dozens and dozens of services and infrastructure at a level and quality that is sustainable.” He believes that the community’s priorities guide the direction of the City and are identified through community engagement and captured in the Official Community Plan. This plan that lays the foundation for the executive leadership team to implement the 2014-2017 Strategic Plan.³⁴ To ensure satisfactory performance, the City of Regina uses performance metrics established by the Ontario Municipal Benchmarking (OMBI) initiative since 2015.³⁵

A broader definition of the role of the City Manager as described by the Office of the City Manager as “. . . the administrative head of the City of Regina and is directly accountable and responsible to City Council and ensures City operations are maintained and handled efficiently. The Office of the City Manager provides the corporation with the leadership, resources, and processes needed to address corporate initiatives such as the Strategic

Plan (2014-2018),³⁶ Core Services Review,³⁷ and Customer Service Strategy.” The City Manager is to provide the leadership to city employees and leads the implementation of city council priorities, building a sustainable future and meeting the objectives — identified — in council’s vision for Regina. Additional duties of the City Manager include directing, supervising, and evaluating the performance of all divisions. As well as implementing policies, programs and the decisions of City Council, prepare and present operating, and capital budgets inform and make recommendations to City Council and its Committees concerning policies and programs.³⁸ Note that these responsibilities are not specified in legislation and only appear on the Office of the City Manager’s webpage.

The different perspectives and interpretation of the duties and responsibilities set out in the legislation, Regina Charter, the Mayor, the City Manager, and the Office of the City Manager raise some interesting questions. First, given the four-year municipal election cycle, do the decisions of previous Council, and the City Manager captured in the Official Community Plan, the Strategic Plan (2014-2018), Core Services Review, and Customer Service Strategy bind the newly elected officials to the previous council’s objectives and vision? What role does the — newly — elected council play in representing the public and interests of the city, if the function of the city manager is to provide leadership for the delivery of customer-focussed services and service-driven infrastructure at sustainable levels with performance measurements based on OMBI metrics? Lastly, how is the issue of separation dealt with in other jurisdictions?

OTHER CANADIAN JURISDICTIONS

Alberta

The Municipal Act of Alberta specifies the duties and responsibilities of elected officials (Councillors). Councillors are required to consider the welfare and interests of the municipality — as a whole — and to bring to council’s attention anything that would promote the wellbeing or interests of the municipality. They are to participate — generally — in the development and evaluation of policies and programs; request from the chief administration officer (CAO) any information about the operations of the municipality. In short, represent (the whole municipality), participate (generally), evaluate (in general), and obtain information about the operations of the municipality. Alberta legislation makes a very distinct separation between the role of the elected officials (Council) and the chief administration officer (CAO).³⁹

The legislation requires all councils to appoint a CAO and specifies that the role of the CAO is to implement the policy, whereas, the role of Council is to set policy.⁴⁰ Council must provide an annual written performance evaluation of the CAO concerning fulfilling his/her responsibilities under the *Act*. In fact, the only connection between Council and the municipality is through the CAO.

Ensuring local governments understand the integral role of the CAO, the provincial government recommends to local governments that when hiring a CAO, they need to ensure a relationship is built on trust, commitment and an ongoing willingness for communication between Council and CAO. The CAO is the — only employee — of the Council and is to assist Council in making decisions and arranging those decisions to be executed by the municipality’s staff. The provincial government even recommends that councils be aware of the particular style and personality of the CAO as it will inevitably constrain and direct the policies and wishes of Council and the performance of the organization.⁴¹

The role of the CAO is to ensure there exist appropriate decision-making processes and that council is following those processes. The CAO is

also responsible for the municipality’s staff ensuring that they have proper training, receive regular performance reviews, and are involved in setting goals and objectives through a corporate planning process. Also, the CAO is responsible for the overall health and professionalism of the organization and that it runs within Council’s policies and the limits imposed by legislation. The CAO is the — main link — between the citizens and the municipality and must relate directly and indirectly to the public such as not to be in conflict with the aims and objectives of Council.⁴²

Note the difference in the Alberta context, adoption of an administrative firewall establishes the only link between elected officials and the delivery of services to residents, through council’s sole employee the CAO. This practice significantly diminishes involvement of Alberta councils and councillors in the service delivery aspect and places more responsibility on to the CAO, even more so than Saskatchewan rural municipalities.

On December 6, 2016, the Alberta provincial government completed their review of *The Municipal Government Act* and had passed *Modernized Municipal Government Act*. The *Modernized Municipal Government Act* now makes it mandatory that municipalities offer orientation training to each councillor within 90 days after the election. The orientation covers topics, such as the roles and responsibilities of council and councillors and the roles and responsibilities of the chief administrative officer and the staff.⁴³

Manitoba

The Municipal Act assigns the duties and responsibilities of elected officials (Councillors) and the chief administration officer (CAO). Council has the duty and responsibility of developing and evaluating the policies and programs of the municipality and are to ensure that the powers, duties, and functions of the municipality are carried out.⁴⁴ In developing policies and programs Councillors’ are obligated to consider the well-being and interests of the whole municipality and to bring to Council’s attention anything that promotes the wellbeing or interests of the municipality. Councillors are required to participate generally in developing and evaluating the policies and programs of the municipality and participate in council and committee meetings. Council members are required to comply with the Council’s Code of Conduct.⁴⁵

Duties of the head of council (Mayor or Reeve) are similar to those in Saskatchewan and Alberta, that is, to preside over council meetings and to perform any other duties or functions assigned to the head of the council by council or the *Act*.⁴⁶

The Municipal Act sets out the requirements that all municipalities, both rural and urban are required to establish a position of CAO. The CAO is the administrative head of the municipality and has the responsibility to ensure implementation of all policies and programs of the municipality. He/she also has the task of advising and informing the Council on the operational affairs of the municipality. The CAO is also responsible for the management and supervision of all municipal employees.⁴⁷

Unlike the legislation in Alberta, Manitoba provides council with the ability to alter the duties of the CAO at their discretion. Manitoba differs from Saskatchewan and Alberta by placing the responsibility for ensuring the duties responsibilities of the municipality are Council's, and it is Council who determines the role and responsibilities of the CAO, in other words, despite the CAO duties specified in the legislation, those duties are subject to Council's discretion.

Ontario

Ontario reviewed its municipal government approximately ten-years ago. In January 2007, Ontario passed the *Municipal Statute Law Amendment Act, 2006*, which made significant changes to *The Municipal Act, 2001*. Two notable outcomes of Ontario's review is the establishment of a separate municipal statute for Toronto, the *City of Toronto Act, 2006*, and a review was undertaken in consultation with Ontario's municipalities and with the Association of Municipalities of Ontario (AMO).⁴⁸ The difference between a separate municipal statute for Toronto versus the use of a city charter is the statute reduces the prescriptive relationship between the province and the city, providing the city with more independence whereas a charter is modeled after the *Municipal Act* providing more provincial paternalism.⁴⁹

The Municipal Statute Law Amendment Act, 2006, specifies the role of the council is to represent

the public and to consider the well-being and interests of the municipality. Council is to develop and evaluate the policies and programs and is responsible to determine which services the municipality provides and that administrative policies, practices, procedures, controllership policies are in place to implement those services. In addition, Council is responsible to ensure the accountability and transparency of the operations of the municipality, this includes the activities of the senior management and maintaining the financial integrity of the municipality.⁵⁰

The role of the head of council (mayor) is to act as the chief executive officer (CEO) of the municipality and has similar responsibilities as their western counterparts such as presiding over the council meetings and providing leadership to the council. The mayor provides information and recommendations to the council.⁵¹ As the CEO, the mayor promotes public involvement and acts as the representative of the municipality. The mayor is responsible to foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.⁵²

Ontario legislation differs than the prairie provinces, in that, a municipality may appoint a chief administration officer (CAO) who then shall be responsible for exercising general control and management of the affairs of the municipality.⁵³ The role of the officers and employees of the municipality are to implement council's decisions and establish administrative practices and procedures to carry out such decisions. Administration and staff are to provide research and advice to Council on policies and programs of the municipality and perform any other duties required by the *Act* and/or assigned by Council.⁵⁴

Ontario legislation squarely places the responsibility and duty onto the CEO, the mayor, to ensure that decisions of Council are implemented. Appointment of a CAO is to aid the CEO in his/her role. As communities grow and local governments become increasingly more complicated transitioning from rural municipalities that offer simple rudimentary services with few employees to extremely large employers and providing many services the need

for professional administrative management appears to be critical across the different provinces examined. However, the apparent difference is the degree of independence that is afforded to these hired professionals. To give some perspective to the different scale and complexity of operations between urban areas in Canada, Toronto (largest city in Canada) has a public service of 33,600 active employees and Regina has 2,300 employees.⁵⁵

Professional Administrators/Managers

Over the last ten years several municipalities across Canada have reviewed, assessed, and adopted a different governing model to streamline and provide a more efficient and effective local government. One area of this effort has been the push to hire trained administrative professionals.

UMAAS (Saskatchewan)

The Urban Municipal Administrators Association of Saskatchewan (UMAAS) has served as the professional association for administrators since 1957. UMAAS along with the Saskatchewan government has established qualification examinations and a designation for administrators. These professional standards are to increase the proficiency, knowledge and skills of professional administrators in their performance of professional duties.⁵⁶ All urban municipalities with populations greater than 100 persons in Saskatchewan must employ an administrator who possesses a valid certificate from UMAAS. To qualify for the minimum certification, applicants must have completed any — one — of the following: the Local Government Authority Program at the University of Regina; a two-year Public Administration or Business Administration certificate from a college or technical institution; or a degree in commerce, business or public administration from an accredited university. In addition to the education requirements, applicants must have a minimum of 1800 hours (one-year) of work experience in a municipality.⁵⁷

UMAAS currently has 322 members in Saskatchewan. Membership entitlements include guidance in the areas of salary, employment contracts, lobby efforts, and a job bank. UMAAS

has sample contracts and salary grids available to aid its members in employment negotiations with municipal governments. All sample contracts include a job description clause ranging from broad to explicit.⁵⁸

AMCTO (Ontario)

The Association of Municipal Managers, Clerks, and Treasurers of Ontario (AMCTO) provides education, accreditation, leadership, and implementation expertise for Ontario's municipal management professionals. The association has over 2,100 members working in municipalities across Ontario and is Canada's largest professional development organization for municipal administrative staff. The association offers a comprehensive accreditation program for municipal professionals along with the designation of Certified Municipal Officer (CMO).⁵⁹

AMCTO provides research and different publications to the members. One such publication is an article written by David Siegel. He describes the duties of a CMO as going beyond the description provided in the legislation. Siegel believes that the CMO plays a significant role in the success of a municipality and is the essential link between council and administration. When Council is making decisions, the CMO provides advice and must interpret those decisions and direct municipal staff in implementation. Furthermore, Siegel states "CAOs [CMO] can make a mayor or council look exceptionally good (or bad). They can be a source of great pride and motivation among the staff of the municipality (or not). They can be an important conduit in the two-way flow of information between community organizations and the municipality (or not). A tremendous amount hinges on how well a CAO [CMO] carries out her or his responsibilities."⁶⁰

While the legislation specifies that a CAO manages the operations, Siegel suggests that the CAO's do not directly manage operations rather they operate similarly to a head of a holding company with several subsidiaries. It is the CAO that sets the tone and organizational culture for the organization; establishes the vision for the municipality within the boundaries set by council. Despite clearly being the role of Council to set the vision, Siegel's opinion

is that the CAO must take an active part in the creation of that vision. The CAO role is to monitor the performance at a strategic level and stay out of micromanagement. Siegel recommends a successful CAO obtains proper information and uses that information to track and motivate performance.⁶¹

Another article published by AMCTO is by Michael Fenn. He was the chief administrator officer for the City of Burlington and the City of Metrolinx. With several decades of experience as a chief administrative officer, he believes that success or failure of a municipal government hinges on how elected officials interact with the CAO.⁶² Despite the established relationship guideline in legislation that gives full authority over the municipality to council and councillors, Fenn believes it is imperative to keep — politics — out of the day-to-day operations of the municipality.

The principal duties of any municipality are the collection of taxes, procurement of resources, professional policy development, and human resources management. Fenn believes insulating service delivery from political interference. During Fenn's career, the municipal reform movement pushed for the establishment of chief administrative officers, separation, and an administrative firewall. The council/manager model is the direct result of adopting separation and an administrative firewall due to decades of political management in cities and municipalities all across North America.⁶³ Fenn also criticizes the trend in Ontario of centralizing political executive power by making the mayors, the CEO of the municipality and having them play managerial roles.

Fenn argues that while councillors and administration have similar objectives, the success of the municipality, they each serve very different functions. Administration deals with the practical, logistical and budgetary dimensions of the municipality, while elected officials focus on the design of policy, precedence, and community considerations. Fenn suggests that to have good council/staff relations all council members should be equal, there needs to be a formal separation between politics and management, elected officials are to make decisions and provide performance evaluations, and they need to respect the chain of

command and remember they are public figures not staff.⁶⁴

Both Fenn and Siegel agree on the concept of separation and the establishment of an administrative firewall is necessary. This view is consistent with Alberta legislation but not with Manitoba or Saskatchewan. The variation between legislative requirements and professional perspectives across the provinces capture the debate about separation and the adoption of an administrative firewall across Canada. What are the international perspectives on the issue of separation?

IMCA (International)

The International City/Council Management Association (ICMA) mission is to advance professional local government around the world. Believing the creation of excellent local governance is a direct result of developing and fostering professional management, the ICMA identifies the leading practices of local governments and professionals from around the world. The association provides research, publications, data, training and professional development to thousands of management professionals throughout the world.⁶⁵

ICMA is a collaborative effort between ICMA's Center for Management Strategies (CMS), Alliance for Innovation (Alliance), and Arizona State University (ASU). Alliance and ASU perform the majority of the research while CMS helps local government managers identify and implement leading practices that address organizational efficiency and effectiveness.⁶⁶

ICMA uses three basic criteria to define a leading practice: Scalability — the practice must demonstrate that it has worked in local governments of all sizes; Methodology — the practice must have a process that can be followed and replicated; Proven Results — there must be evidence that the practice leads to satisfactory results. Currently, ICMS has identified five core leading practices from around the world. Municipalities are to be managed as high-performance organizations using priority-based budgeting based on civic engagement and on data-driven communities that provide collaborative service delivery.⁶⁷

INTERNATIONAL PRACTICES

England

There are four general types of local government structures used in England: non-metropolitan counties/non-metropolitan districts, unitary authorities, metropolitan counties/metropolitan boroughs, and Greater London/London Boroughs. Non-metropolitan counties/non-metropolitan districts and Greater London/London Boroughs each have upper tier authority and a lower tier authority. The difference between upper and lower tiers is different civic responsibilities, such as upper tier authority is responsible for police and fire while the lower tier authority is responsible for local planning and licensing.

The Local Government Act 2000 sets out the duties and responsibilities the local authority as "Every local authority are to have power to do anything which they consider is likely to achieve any one or more of the following objects — (a) the promotion or improvement of the economic well-being of their area, (b) the promotion or improvement of the social well-being of their area, and (c) the promotion or improvement of the environmental well-being of their area."⁶⁸ In addition the local authority (Council) is free to make specific executive arrangements regarding the responsibilities of the Executive of the local authority.⁶⁹ The Executive of a local authority may take one of the following forms: *Leader and*

*Cabinet Executive, Mayor and Cabinet Executive, Mayor and Council Manager Executive.*⁷⁰

In the *Leader and Cabinet Executive* model, all councillors are individually elected by residents and following election, the councillors elected a Leader from amongst themselves. The Leader proceeds to appoint a deputy leader and two or more additional councillors forming the Executive. All executive power and functions rest on the Leader who ensures council decisions are carried out and has the authority to delegate any role to a member of council, a committee, or an officer of the district (municipality).⁷¹ Essentially, in the Canadian context, the Leader operates as mayor and the chief administrative officer.

In the *Elected Mayor and Cabinet Model*, all councillors and the mayor are individually elected by all residents. The mayor then chooses a cabinet from amongst the elected councillors. The mayor and cabinet are responsible for all executive functions and decide which functions to delegate to which cabinet members and local committees.⁷² This model in the Canadian context would resemble having the administrative responsibility rest with the mayor and his/her appointed cabinet.

In the *Mayor and Council Manager Executive*, all councillors and the mayor are individually elected by the residents. The whole council forms the Executive and appoints a Council Manager.⁷³ The

Table 1		
Local government in England		
Non-metropolitan counties/ Non-metropolitan districts	Upper Tier Authority (police, fire, transport)	Lower Tier Authority (local planning, tax collection)
Unitary authorities	No Tiers	
Metropolitan counties/ Metropolitan districts	No Tiers	
Greater London/ London Boroughs	Upper Tier Authority (police, fire, transport)	Lower Tier Authority (local planning, tax collection)

Source: Evolution-boundaries-1895. Atlas of Saskatchewan. See <http://www.rootsweb.ancestry.com/~cansk/maps/evolution-boundaries-1895.html>. (Accessed December 19, 2016).

Mayor and the Council Manager are responsible for implementing the decisions made by council. The Council Manager decides how to implement the responsibilities or duties assigned by the Council but must heed any advice given by the elected mayor.⁷⁴ This model in the Canadian context would resemble a very dependent CAO who carries out his/her duties relying on the mayor's opinion on how these duties are carried out.

Reviewing the local government in England started in 2006 when the Secretary of State presented the white paper *Strong and Prosperous Communities* to parliament. The white paper recommended changing the way local governments work to enable citizens and communities more involvement in the delivery of local government services. In addition it calls for the use of local partners for more flexibility and greater ability to respond to local needs reducing the top-down control of central government.⁷⁵ The recommendations resulted in the abolishment of the *Mayor and the Council Manager* model.⁷⁶

Currently across England the most popular governing model in use is the *Leader and Cabinet Executive*, with 318 local governments using it while only twelve-local governments are using the *Elected Mayor and Cabinet Model*.⁷⁷

New Zealand

New Zealand divides its local governments into territorial authorities, regional councils, and local boards. Territorial authorities are used for cities, districts, or local boards and must have a governing body (council) and a mayor. The governing body is responsible and democratically accountable for all decision-making of the local government. Similar in Canadian legislation, it is prohibited to be an employee of the local authority while serving on its governing body.

New Zealand has seventy-eight local authorities, eleven regional councils, twelve city councils, fifty-four district councils, and one Auckland council. The Auckland Council, city and district councils are referred to territorial authorities (sixty-seven in total). Six territorial authorities (Auckland, one city and four district councils) have powers of a regional

council, known as unitary authorities. New Zealand has 109 regional councillors, eleven-regional chairs, 708 territorial authority councillors, 146 Auckland local board members and sixty-seven-mayors. Local government employs over 28,000 staff.⁷⁸

The role of the mayor is to provide leadership to the governing body (Council) and to lead the development of the territorial authority's plans (this includes the long-term plan and the annual plan⁷⁹), policies, and budgets for consideration by Council. The mayor has the power to appoint the deputy mayor and establish committees as well as appoint the committee members and the chair of those committees.

Local authorities must appoint a Chief Executive (Manager). The Chief Executive (Manager) is responsible to the local authority for implementing the decisions of the local authority, also to provide advice to councillors and community boards. The Chief Executive (Manager) ensures that all responsibilities, duties, and powers delegated by the local authority are correctly performed or exercised and that systems are in place to enable effective planning and accurate reporting of the financial and service performance to the local authority.

The Chief Executive (Manager) provides leadership for the staff of the local authority and negotiates the terms and conditions of employment of all employees. In the case of a unitary authority for a district that includes one or more local board areas, a chief executive appointed is also responsible to the unitary authority and for implementing the decisions of each local board within the district of the unitary authority and implementing each local board agreement.⁸⁰

The Chief Executive (Manager) provides any administrative and other facilities required for local boards to carry out its function and perform its duties and ensures that the management structure of the local authority reinforces the separation of regulatory responsibilities and decision-making processes.⁸¹

The Local Government Act 2002 in New Zealand requires all councils to take a consistent approach to

their operations and specifies that all business must be done in a clear, transparent and democratic way. When making decisions, councillors are required to take into account the diversity of their communities and make decisions involving commercial transactions according to sound business practices assessing the risks and expected returns. In fact Council is required by legislation to follow five governing principles: (1) the government's role should be clearly understood by elected members and their communities; (2) processes must be open to the public and understandable by them; (3) Council should ensure their responsibility and decision-making processes for regulatory activities are separated from those non-regulatory or operating activities; (4) Council must operate a personnel policy that consist of fair and proper treatment of employees; and (5) clearly understood relationship between elected members and management.

Financial management is one of the most important activities of the council. The legislation imposes three obligations on Council when they make a decision on the financial management of the local authority. Council must act prudently and in a manner that promotes the current and future interests of the community, provide sufficient provisions for expenditures in the annual plan, and all expenses must be covered by a means that the council deems appropriate. Council must also take into account the following when making expenditure decisions the promotion of community outcomes.⁸² Appropriate means "is decided based on the user/beneficiary pays principle, the intergenerational equity principle,⁸³ the exacerbator pays principle,⁸⁴ the costs and benefits of the activity, and the overall impact of the selection of the funding mechanism".

The Local Government Act Amendment Act 2010 encourages councils to focus on core services particularly in regards to the contribution the essential services will make to their community. These core services include: network infrastructure; public transport services; solid waste collection and disposal; the avoidance and mitigation of natural hazards; libraries; museums; reserves; recreational facilities; and other community infrastructure.⁸⁵

Australia

Local government in Australia has its origins dating back to 1840 with the establishment of the City of Adelaide, South Australia. Since then Australia has grown to 560 local governments that represent a diverse range of communities. The majority of local governments are either regional or rural and the roles and responsibilities of each local government and its administration can differ from state to state. South Australia has 68 different local governments regulated by the *Local Government Act 1999*.⁸⁶

The principal role of council is to act as a representative, informed and responsible decision maker that provides and coordinates various public services. Council is to develop community and resources in a socially just and ecologically sustainable manner that improve the quality of life for the community.⁸⁷ Individual councillor's role is to participate in council deliberations and review council's objectives and policies ensuring implementation is efficient and effective. However, "A member of the council has no direct authority over an employee of the council with respect to the way in which the employee performs his or her duties."⁸⁸

Election of the principal member of the council may occur either by the residents, that has to the title of Mayor or appointment by members of the council in which case would be the Chairperson. The principal member of the council (Mayor/Chairperson) fulfills the same duties and responsibilities as other councillors but — if requested — to ". . . provide advice to the chief executive officer between council meetings on the implementation of a decision of the council."⁸⁹

Each council must appoint a chief executive officer (CEO). The CEO ensures implementation of the policies and decisions of the council and is responsible for the day-to-day operations and affairs of the council. Reporting to council and providing human resource management to the staff, the CEO also discharges other functions or duties prescribed by the *Act*. The CEO — must — consult with the Council when determining or changing the organizational structure of staff, any processes,

or the employment terms and conditions of other senior executive officers.⁹⁰

In an ongoing effort to provide most cost-effective local government, local government reform in Australia has primarily focused on council amalgamations; that is merging local governments into larger entities. The bigger-is-better ideology centralizes administration and operational control and diminishes political control, in other words, administration control supersedes effective representation.⁹¹

United States

The tenth amendment of the United States Constitution makes local government a matter of State rather than federal law. As a result, local government structure varies significantly from one state to another. Since 1957, the United States Census Bureau (USCB) has conducted a census of local governments.⁹² The USCB surveys the type of government organization, public employment, and government finances of local governments. There are five types of local governments in the United States: county, municipality, township, school district, and special government.⁹³ For this discussion, the focus will be on municipalities and townships as they are most closely related to the local government structures previously discussed.

Council-manager model of local government includes a city council that oversees the general administration, makes policies, sets budgets and a professional city manager that carries out the day-to-day administrative operations. Usually the council members choose the mayor on a rotating basis. This form of government is most common according to International City/Council Management Association. Between 1996 and 2006 this type of government has increased from 47 per cent to 55 per cent. Examples of this type of local government exist in Phoenix, Arizona, San Francisco, Salt Lake City, Utah and Rockville and Maryland.

In the Mayor-Council model, the election of the mayor is independent from the rest of the councillors. Council maintains all legislative powers and the mayor has significant administrative and

budgetary authority. In some instances, the council will also appoint a professional manager who has limited administrative authority. This type of government is the second most common form of local government in the United States and exists in 34 per cent of the cities. Examples of this type of local government exist in New York, Houston, Topeka, and Minneapolis.⁹⁴

Montana

The State of Montana contains 129 local governments categorized into four categories based on population size: town, first class city, second class city, and third class city.⁹⁵ Montana legislation defines the duties of the county clerk (clerk of the county commissioners) as any “. . . duty imposed by law upon [any] officer . . . must be performed by the county clerk, and any official act performed . . . by the county clerk is as valid . . . as if performed . . . by the clerk of the county commissioners or the recorder.”⁹⁶

The mayor has the authority to nominate and appoint, with the consent of the council, all non-elective officers of the city or town. He or she may also suspend and remove, with the consent of the council, any non-elective officers. The mayor is

Table 2

Local government in the United States

	City Name	State	Form of Government
1.	New York	NY	Mayor-Council
2.	Los Angeles	CA	Mayor-Council
3.	Chicago	IL	Mayor-Council
4.	Houston	TX	Mayor-Council
5.	Philadelphia	PA	Mayor-Council
6.	Phoenix	AZ	Council-Manager
7.	San Antonio	TX	Council-Manager
8.	San Diego	CA	Mayor-Council
9.	Dallas	TX	Council-Manager
10.	San Jose	CA	Council-Manager

Source: 2010 U.S. Census figures — National League of Cities.

responsible for the supervision of all subordinate officers and may examine any officers of a city or town books and papers. In addition, the mayor has the authority to request the governor to call out the militia to aid in the suppression of riots and other disorderly conduct or to enforce laws or ordinances.⁹⁷ The mayor is to provide the city's statement of the affairs to the council along with his/her recommendations.⁹⁸

Council has the power to make all bylaws, ordinances, orders, and resolutions that do not violate the United States Constitution or Montana state law.⁹⁹ Council may demand from any officer at any time a report detailing the transactions in an officer's department.¹⁰⁰ Council along with the Mayor may appoint each officer independently or each officer may be elected by residents. Officers of a first class city that are elected and consist of one mayor, two city councillors from each ward, and one city judge. Council and the Mayor can appoint the following officers of a first class city: one city attorney, one city clerk, one city treasurer, one chief of police, one assessor, one street commissioner, one city jailer, and one city surveyor.¹⁰¹

North Dakota

The State of North Dakota consists of 357 municipal governments, 1,313 township governments, and fifty-three counties. In 1967, the legislation designated all municipal governments cities and cities with a population greater than 100 residents could adopt home rule charters.¹⁰² A governing body of a municipality has jurisdiction over any public property within the designated area belonging to the city and has the power to regulate that property including any navigable streams located within the corporate limits.¹⁰³

Council has the authority to inquire into the conduct of any officer, department, or agency of the city, abolish officer positions and departments. Council may add to or remove duties of officers, departments, and agencies.¹⁰⁴ The city manager (CAO) is accountable to the governing body of the municipality. The CAO is responsible for the proper administration of all affairs of the city. He/she must prepare and submit to the governing

body an annual preliminary budget and administer the final budget. The CAO in consultation with the council is responsible for all law enforcement, the appointment, and removal of all heads of administrative departments and employees of the city. The CAO is to keep Council apprised of the financial condition of the city is responsible for the purchase of all supplies, materials, and equipment for the city.¹⁰⁵

The issue of separation is the most evident in North Dakota out of all the other areas reviewed in that if the powers granted to a city manager ". . . conflict with or . . . opposed to the powers or duties . . . the executive officer [mayor] or governing body [council], the powers or duties . . . the executive officer or the governing body shall be deemed to be suspended for and during the period in which the city manager plan is in force in the city and during the employment of a city manager thereunder."¹⁰⁶

OTHER CANADIAN MUNICIPAL RESEARCH

In April 2015, the Alberta Association of Municipal Districts and Counties (AAMDC) commissioned The Institute of Public Administration of Canada (IPAC) to study the relative merits and drawbacks of different local government models commonly used in Alberta. The study identified eight different municipal models in use in North America, of those eight, the Rural-Urban Segregation/Annexation model is the model the City of Regina uses.¹⁰⁷

The report defines the Rural-Urban Segregation/Annexation model as an urban municipality surrounded by a rural area. This model does not extend the services from the urban area to the rural area without annexation or inter-municipal collaboration. To avoid conflicts in the delivery of services the surrounding rural areas usually contract the private sector to provide those services or from a nearby urban municipality. Governance is simple and focuses on specific planning or cost-sharing initiatives while there is a clear distinction between politics and professional management. This type of structure most often focuses on recruiting professional staff and experts.¹⁰⁸

One interesting model presented by the report that differs from most of the other models discussed is the Regional Contract model. The Regional Contract model has the municipality entering into a contractual agreement with a private-sector service provider for the supply of services that the municipality cannot on its own deliver due to cost or capacity. This model utilizes the private sector to provide municipal services to deliver efficient and cost-effective municipal services. Governance in the Regional Contract model has certain reporting obligations based on customer service standards and performance assurances. Service providers are accountable to the municipality and citizens may express their concerns either directly to the service provider or council. While the monitoring of the contracts can prove to be difficult, administration of the contracts by municipal staff is relatively easy.¹⁰⁹

Table 3

Municipal Models from Elsewhere in North America

Rural - Urban Segregation/Annexation (e.g. Regina, RM of Sherwood) - defined rural/urban boundary, fringe-area policies
Local Rural Consolidation (e.g. rural Ontario) - local rural municipalities
Amalgamation based on self-contained labour areas (e.g. Manitoba) - better aligns with work/residence patterns, relies on a top-down approach
Single - Tier Rural Municipality (e.g. Prince Edward County) - county is single rural municipality, may incorporate suburban or small urban communities
Single - Tier Urban-Rural Merger (e.g. Municipality of Chatham-Kent) - city and county combine into single municipality, special arrangements for urban and rural communities
Regional Planning and Service Board (e.g. New Brunswick) - regional authority/municipal representation, usually concentrated on a single service
Regional Contract (e.g. Lakewood, California and Sandy Springs, Atlanta, Georgia - no examples in Canada) - Limited internal municipal capacity, contracting out services/regionally or private
Municipal Confederation (British Columbia, Municipality of Muskoka, Ontario) - regional-wide scale, local municipalities continue, some are amalgamated, most municipal functions stay local
Municipal Federation (regional municipalities in Ontario) - Region-wide scale, significant functions at upper-tier, most political strength at upper-tier

Source: Institute of Public Administration of Canada and the Alberta Association of Municipal Districts and Counties, *Examining Municipal Government Models from the Alberta Perspective*, April 2015.

Measuring the relative merits and drawbacks of the different types of local government models, IPAC used the following criteria: governance and accountability — measured the success in balancing regional priorities with decisions that protect local interests; and administration — the ability to attract

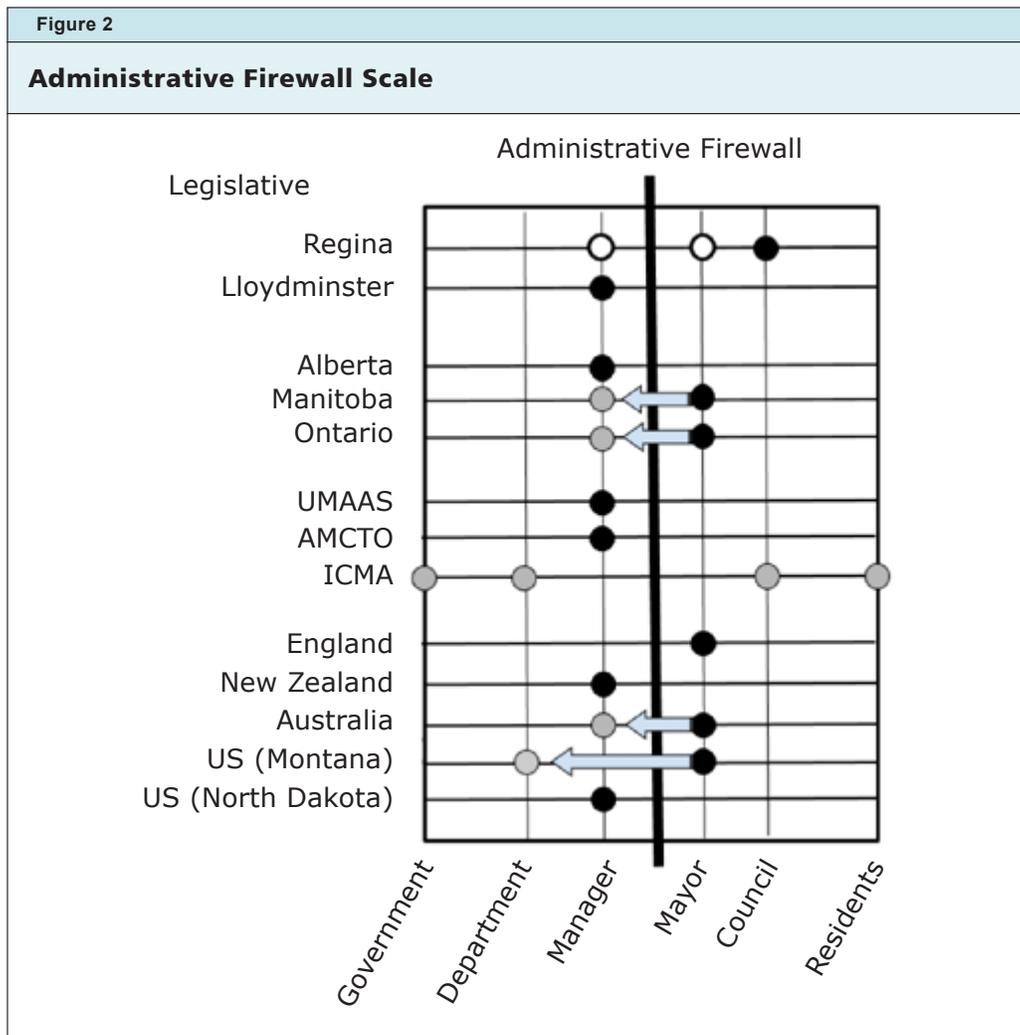
and retain management and professional staff.¹¹⁰ The study found that the Rural-Urban Segregation/Annexation model has a “. . . lack of cooperation and established collaborative processes made conflict inevitable in the Regina . . . case.”¹¹¹

CONCLUSION

The primary objective for local governments is to achieve the delivery of cost-effective and efficient local services. In the North American ideology, achieving cost-effectiveness by moving toward centralization transferring more responsibility towards the Manager, while the European ideology has pushed towards decentralization and maintaining the responsibility of elected officials. Provinces and states have to make a tradeoff between administrative efficiency and effective representation. Overall most provinces and states have pushed towards centralization and administrative efficiency over effective representation, in particular where complex services being provided such as education, health, etc. opposed to simple services such as roads, sewage, and water. One problem that may arise is the detachment between the Manager and residents since there is no direct accountability to

the residents, especially reducing council's role to audit and monitor. On the other hand where the responsibility remains with the council, the running of a complex organization does not run as efficient since most councillors will not be professional managers.

Figure 2 provides a summary of all the contexts examined and shows a scale between legislative centralization and legislative decentralization with an administrative firewall that separates elected officials and hired staff. The Regina situation is interesting as the legislation specifies that the duties and responsibilities rest with the Council, but the Mayor and the Manager view the responsibilities to be within their roles. Alberta, Saskatchewan, North Dakota and New Zealand have clearly defined administrative firewalls within their particular legislation, whereas Manitoba, Ontario, and Australia have defined the role of the Manager but



leaves direct oversight and control in the hands of the mayor, an elected official. The outliers seem to be England and Montana. England maintains the role of the Mayor (elected official) and his/her cabinet having the administrative responsibilities and that they are accountable to the rest of council. Whereas Montana leaves direct oversight of department heads to the Mayor (elected official) and the department heads are in some cases appointed and others circumstances elected.

Examining the local government models used in several different areas within Canada, United States, England, Australia, and New Zealand and comparing those to the model used in Regina, it is recommended that the City of Regina adopt the following four practices:

1. the establishment of an administrative firewall in the Regina Charter allowing expert management to efficiently and effectively provide local government services to residents without the interference by the council;
2. the adoption of standardized performance metrics that enable the council to measure the efficiency and effectiveness of all administration;
3. the administrative firewall pertains only to the implementation of services but does not extend to the type and level of services provided. The vision must remain solely with the current Council and be reviewed and adopted after each election cycle;
4. Council's evaluation of administration and individual departments is on specific performance metrics.

While hiring specialized professional management will lead to greater efficiency and cost-effectiveness, elected representative must play the critical role of control, evaluation, and determination of the type and level of municipal services provided to residents.

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