

Town of Morden

Candidates Orientation Session

September 1, 2010 – 7:00 p.m.

Presented by Ernie Epp, CMMA
Chief Administrative Officer

Welcome

Introduction to Content

- Terminology
- The Town of Morden
- Legislation Overview
- Roles of Mayor, Council, CAO/Administration
- Council Direction
- Committees
- Time commitments, when meetings take place
- How the Town of Morden operates
- Compensation
- Election Financing
- Questions? Ask as we go along, also at the end

Unfamiliar Terminology?

- Act – legislation (law) that is adopted by the Province of Manitoba
- By-law – legislation passed by a municipality, requires three readings to be adopted
- In Camera – a meeting held behind closed doors where the general public is not permitted
- Member – a person elected or appointed to Council
- Municipality – can be a city, town, or rural municipality
- Resolution – a motion made at a Council meeting that is voted on by Council

The Town of Morden

- Became a place in 1882, became a municipality in 1895
- Current population approximately 7,500, 9th largest urban centre in Manitoba
- Assessment roll shows value of property in Morden exceeds \$544,000,000
- Town of Morden has a \$11,000,000 budget and \$36,000,000 in assets
- Approaching 60 full time employees, numerous part time

Legislation Overview

- Municipal Act
 - Authorizes the existence of municipal government
 - Council can only do what it is authorized to do by legislation, most authority comes from The Municipal Act but some authority comes from other Acts
 - Spheres of jurisdiction outlined in the Act
 - The Act ensures the municipality operates in an open fashion so information is open to the public with the exception of in camera items

Legislation Overview (cont'd)

- Municipal Act (cont'd)
 - Role of Council (includes Mayor)
 - To develop and evaluate the policies and programs of the Municipality
 - To ensure that the powers, duties and functions of the Municipality are properly carried out
 - To carry out the powers, duties and functions expressly given to the Council by legislation

Legislation Overview (cont'd)

- Municipal Act (cont'd)
 - Role of Mayor
 - All the duties of a Council member
 - Chairs Council meetings
 - Provides leadership
 - Other duties assigned to him by Council or in legislation

Legislation Overview (cont'd)

- Municipal Act (cont'd)
 - Role of Chief Administrative Officer
 - Administrative head of Municipality
 - Responsible for ensuring policies are carried out
 - Responsible for informing Council on operations and affairs
 - Responsible for employees of Municipality unless Council determines otherwise
 - Book keeper and minute keeper
 - May delegate duties to other employees unless prohibited by Council to do so

Legislation Overview (cont'd)

- **Municipal Assessment Act**
 - Provides authority for assessing property for the purpose of taxation
 - Assessment services provided by Province for annual fee
 - Council must appoint a Board of Revision on an annual basis to hear assessment appeals from property owners

Legislation Overview (cont'd)

- Planning Act
 - Provides authority for how municipalities address development
 - Overriding document is the Development Plan, adopted by the Planning District (MSTW) where Municipality (Morden) is a member, Development Plan lays foundation for development
 - Municipality adopts zoning by-law, more specific than the Development Plan, outlines areas of residential, commercial, industrial zonings as well as detailed restrictions in each zoning
 - Any proposed subdivisions must receive Council approval
 - Council is also the decision making authority for any conditional use and variation applications

Legislation Overview (cont'd)

- Municipal Council Conflict of Interest Act
 - Members required to disclose assets and interests each year by the end of November, doesn't need to state actual dollar amounts, this information is available for public inspection
 - Whenever an issue is to be discussed at Council or Committee meeting where member or dependent of member may gain financially, the member must declare conflict and remove self from discussion of and decision on the issue
 - Member in conflict is not to speak to other members of Council about the issue at any time

George B. Cuff

- Local government guru, very well respected across Canada
- Years as a municipal employee including a Director
- 12 years as an elected official including Mayor
- Over 30 years of consulting
- Has reviewed operations of over 300 municipalities in Canada including major cities
- His views on sound municipal governance in place in Morden
- Next few pages are mainly for background information and won't be presented in detail

Roles of Council & Administration

- George B. Cuff
 - Council and the administration should serve as a team, each with distinct roles, yet working together in the interests of the public.
 - The biggest issue confronting municipalities is that of role clarity due to a number of factors, including:
 - Lack of understanding as to what governance is really all about;
 - Overly aggressive and/or inquisitive members of council resulting in ongoing interference in the day-to-day management of the administration.
 - It is absolutely imperative that both council and the administration be aware of the roles that each is expected to play. Where such an understanding is lacking, the organization suffers.

Role of Council

- George B. Cuff
 - Council's Leadership Role
 - “Leadership,” denotes direction and authority. To define where it is that the organization is going, and how it will proceed.
 - Leaders occupy the positions they do because they are constantly looking for ways to improve upon the present situation. Most leaders are not status quo people.
 - Real leadership is exercised by those who understand the principle of accountability. This necessitates the delegation of realistic levels of responsibility in municipal organizations through by-laws, policies and job descriptions.

Role of Council (cont'd)

- George B. Cuff
 - Council's Leadership Role (cont'd)
 - Quality leadership requires:
 - Ability to clearly discern issues and principles at stake;
 - Willingness to take a personal stand based on what is morally right;
 - Understanding of what would appear to constitute the public will;
 - Strength to resist the naysayers of the issue, based on a defensible position; and
 - Foresight to see the longer term impacts of the issue, and thus the willingness to stick with the decision in light of an alternative that would be immediately more acceptable, but an unwise choice in the future.

Role of Council (cont'd)

- George B. Cuff
 - “Governance,” the process of exercising corporate leadership by the policy-making authority (i.e. council) on behalf of the public to the organization as a whole, in terms of its purpose, control and future and overseeing the organization to ensure that its mandate is achieved.
 - Governing is an ongoing process that begins when a democratically-established body is brought into being, and when a group of people are elected (or appointed) to represent the views of those being served.
 - The concept of governance requires the vision to know “what is to be done.”

Role of Mayor

- George B. Cuff
 - The mayor is elected as a political leader and as a representative of the people. He or she is not expected to have any training as a municipal administrator. The mayor needs to be able to understand community issues and concerns, and to be able to lead council toward a successful resolution of the key issues.
 - One of the keys to effective leadership as a mayor is the ability to ensure that council as a whole is well-briefed at all times with regard to the information that the mayor becomes party to as a result of his office.
 - The mayor, like all members of council, needs to defer to the CAO on staff issues, or run the risk of severely damaging and undermining that office.

Role of Administration

- George B. Cuff
 - The supporting role of the administration must also be stated with clarity, and be based on principles that guard their professionalism and independence.
 - The authority of council to set policy should be outlined. The role of council (and any standing committees) and the administration to advise (or decide) on those policies and to carry them out should also be conveyed clearly. Key areas requiring definition include:
 - Power to hire or release management employees;
 - Power to require work to be done and policies and resolutions to be carried out;
 - Power to delegate;
 - Power to approve expenditures and to what levels;
 - Power to over-ride a council-approved budget or reassign monies therein;
 - Power to appoint people to boards and committees; and
 - Power to change the reporting relationships of departments, etc.

Role of Administration (cont'd)

- George B. Cuff
 - Councillors are expected to be the eyes and ears of the public – not an appendage of the administration.
 - Council members need to be reminded that their formal power must be exercised within the parameters of a council meeting. Pretending to be powerful and in charge of the day-to-day affairs of the administration is both dangerous and corrupt.
 - The council member has the authority only to inquire as to the nature of the problem or question, and then commit to getting back to the individual. Any further commitment would likely be inappropriate or beyond the powers and authority of an individual member of council.

Role of CAO

- George B. Cuff
 - Council deals with the organization through one employee – the Chief Administrative Officer (CAO). Any other course of action in attempting to guide the work of the administration should not be tolerated.
 - Communication – this requires both council and senior management to commit to keeping each other regularly informed on all key issues.

Role of CAO (cont'd)

- George B. Cuff

- The relationship of council and its standing committees (if any) to the CAO is critical to how well the system is run overall. This relationship must reflect:
 - Respect for the mandate and authority of each other;
 - Trust in commitments made;
 - Confidence in the word of each other, including the ability to handle confidential information appropriately;
 - Desire to help council achieve its mandate;
 - Willingness to implement decisions of council, even when those decisions do not reflect the advice of the administration;
 - Recognition by council of the professionalism of the administration, and its ability to get the job done;
 - Full disclosure of necessary information; and
 - Non-interference in allowing the CAO to get the job done.

Council Direction

- Direction is determined by decisions made as full Council, done by resolution
- Resolutions can be a one time decision, or can be to adopt a by-law or policy which sets longer term direction
- Policy-making enables those in authority to guide the organization in accordance with their view of what is right in those circumstances.
- Policies enable those administering the organization to respond quickly, confidently and intelligently to the demands of the public.

Council Direction (cont'd)

- By-laws, Policies, Resolutions
 - All three are approved by Council, provide authority for administration to carry out actions
 - Administration required to comply with Council direction, where opposing directions the direction carrying most weight is followed
 - By-law strongest, policy next, resolution third
 - Where Council wants to create direction contrary to a by-law, the by-law will have to be changed as a resolution won't overrule a by-law

Council Direction (cont'd)

- Policies and Procedures
 - Policies adopted by Council, procedures approved by administration
 - Generally policies outline what outcomes Council expects, may or may not outline the specific action to be taken to reach the outcome
 - Procedures outline the steps taken to reach the outcome
 - Currently there are about 150 policies and procedures in the Town binder

Committees

- Current organizational by-law has three committees of Council (Finance & Administration, Works & Operations, Community Services)
- For the past few months the Town has operated using a Committee of the Whole format, meaning all of Council present
- Will be recommending continuing with Committee of the Whole format for the following reasons
 - Inclusion of all Council members at the discussion level
 - Reduced number of meetings
 - Helps ensure Council members don't get dragged in to administration
 - Generally faster response to the public to documents received

Time Commitments

- After election
 - Two full days of orientation, scheduled for November 10 and 12
 - New Council normally commits to a couple of days for strategic planning within a few months of the election
 - New members will receive a significant amount of information to go through to help bring them 'up to speed' with current direction, recent decisions, and ongoing issues

Time Commitments (cont'd)

- Committee of the Whole Meetings
 - Take place the week before Council meetings at 9 am, can be up to 3 hours in length
 - Agenda package sent out electronically the Friday before, normally over 50 pages of background material to review
- Council meetings
 - Normally second and fourth Monday of each month starting at 7 pm, adjusted as needed for holidays and other conflicts
 - Usually complete within one hour
 - Agenda package sent out electronically the Friday before, only new information normally for conditional use or variation hearings
- In Camera Meetings
 - Regularly held as part of Committee meetings to deal with items not for public information (personnel, legal, preliminary negotiation, offers to purchase, etc.)

Time Commitments (cont'd)

- Other Council Related
 - Special meetings average 2 or 3 a month, sometimes 10 minutes long, sometimes a couple of hours, vary as to time of day
 - Financial plan review/approval by Council takes up 4 or 5 full days
 - Attendance at meetings with Provincial government reps about once a month, sometimes held in Winnipeg, normally day time
 - Council rep required at official events, normally one or two events a month with members sharing this responsibility
 - Association of Manitoba Municipalities (AMM) Convention in November for 4 full days, in 2010 takes place 22nd to 25th
 - AMM also has Municipal Officials Seminar for 2 days in April and a one day district meeting in June
 - Federation of Canadian Municipalities has conference early June, 4 full days in length over an extended weekend, Mayor eligible to attend each year, Councillors once every 3 or 4 years

Time Commitments (cont'd)

- Regional
 - Council members split up representation on regional organizations such as MSTW Planning District, SWAMP, Pembina Valley Water Co-op, Pembina Valley Conservation District (PVCD), South Central Regional Library, Pembina Valley Development Corporation (PVDC)
 - Most organizations meet once a month, some are in the morning, most are in the evening
 - Morden, Stanley, and Winkler Councils meet together once or twice a year normally in the evening
 - Morden also meets separately with Stanley or with Winkler to discuss common issues, maximum would be one meeting per month, held at varying times of the day, does not always include all of Council

How the Town Operates

- Decisions
 - Written request or concern received
 - Request forwarded to department responsible for issue
 - Director prepares report which includes recommendation and forwards to CAO for review and cosigning
 - Where issue expected to recur and recommendation would always be the same, a policy on this may also be proposed
 - Report and background information placed on next Committee of the Whole agenda for consideration
 - Committee recommendation goes to Council as a resolution for final consideration
 - Administration carries out direction of Council

How the Town Operates (cont'd)

- Day to Day Operations
 - Administration operates based on policy direction of Council and to a lesser degree to past practise
 - Where Director unsure the CAO will be consulted
 - If Director considers current policy no longer applicable, proposed amendment forwarded through CAO to Committee of the Whole for consideration
 - Resident who believes current policy should be changed can propose so in writing, results in report to Committee of the Whole with recommendation, if current policy already recently reviewed for same reason it may result in a letter to resident without it going to Committee of the Whole

Compensation

- Annual Indemnities
 - Mayor - \$21,414
 - Deputy - \$15,250
 - Councillor - \$14,276
- Daily Indemnity for attending conferences, etc.
 - \$150 for full day, \$75 for half day
- The above rates are two thirds taxable and one third considered allowance
- Travel allowance for use of vehicle - \$.42/km
- Meals while in travel status– Breakfast \$10, Lunch \$15, Dinner \$30, higher rates for out of Province

Election Financing

- The Province has legislated new requirements regarding finances for candidates for municipal election
- Need to register before spending any money on the election
- Information package outlining the full requirements is available at the Town office

Summary

- Intent of this presentation was not to scare anyone off, it was meant to provide potential candidates with some understanding of the role of a member of Council and the commitment necessary
- Province's Candidates Guidebook also available at Town office
- Being a member of Council is a huge commitment, at times it can be a very thankless job, at other times it is very rewarding to be a part of steering your community
- I admire those who let their name stand



Questions?