

District of Sechelt
Governance Audit
“Executive Summary”
April-June 2024

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June 25th 2024

Mayor John Henderson & Councillors

District of Sechelt

P.O. Box 129, 5797 Cowrie Street

Sechelt, BC V0N 3A0

Dear Mayor Henderson & Councillors:

We are pleased to provide the Executive Summary of our Report on the Governance Audit for the District of Sechelt. This Governance Audit has focused on the agreed upon terms of reference and also on those issues which came to our attention during the course of our involvement with the District.

While this is a Summary, we have retained the essence of the main issues and have included a summary of our recommendations. Given that there are numerous references in the main Report to specific individuals, that Report has been filed as a recommended private and confidential document with Council.

We are appreciative of the assistance so capably provided by your Director of Corporate & Community Services and Executive Assistant. Their work in tracking documents as requested and establishing the interviews has been of considerable benefit in ensuring a solid understanding of the issues and background.

This Audit has been quite extensive and has resulted in a number of recommendations for Council to consider. These are largely interdependent and thus should be reviewed in their totality.

Thank you for inviting our firm to provide an experienced and independent voice on these matters.

Yours very truly,



George B Cuff, FCMC, President

1.0 The Request

We were initially contacted by the Director of Corporate and Community Services of the District of Sechelt on February 2nd, 2024 to conduct what we term a “Governance Audit”. The Governance Audit was described as:

“a streamlined mechanism of ensuring a reasonably in-depth understanding of your issues and a time-sensitive manner of providing Council with a high-level set of recommendations on how to improve/correct the system. These recommendations will be addressed to the key issues which we discern and will be pointed at accomplishing results.”

2.0 Summary Comments

The District requested this independent assessment because it recognized that changes had to be made if it was to govern and manage more effectively. This is a positive; without such recognition, the problems and issues will simply become more manifest over the time which remains until the next election. The challenge is two-fold: it requires the recognition of the problems which have faced the District Council since the outset of its term, and which have become more entrenched with time; and it necessitates a commitment to change in approach by both the elected body (Council) and senior management (including the CAO) as well as a sincere effort to overcome the hurdles created through misunderstood roles and Mayoral authority.

The changes we note herein require sincere commitment by the Mayor and CAO (and not a reliance on the other party) or this Audit and assistance will go unheeded. The apex of municipal leadership rests on the shoulders of these principal positions/people: the Mayor (from a legislative perspective) and the CAO (from an administrative perspective). Our observations and recommendations will only have real meaning and bring about desired change if neither looks to the other but at themselves and addresses the question, “what am I prepared to do to change my approach in order to benefit the District?”

We also observe that the relationships and expectations within Council are unsettled and that this has contributed to the overall current dysfunction. Each member of Council needs to be an active and willing participant in the governance of the District.

3.0 The Legislative Umbrella & Its Impact

The BC Community Charter outlines the legislative background to local government and its purposes. These sections are very important as they attempt to provide the appropriate context

to the “business” that a local government is in and the purposes for which municipalities have been created.

Municipal purposes

s.7 The purposes of a municipality include

- (a) providing for good government of its community,*
- (b) providing for services, laws and other matters for community benefit,*
- (c) providing for stewardship of the public assets of its community, and*
- (d) fostering the economic, social and environmental well-being of its community.*

Responsibilities of council members

s.115 Every council member has the following responsibilities:

- (a) to consider the well-being and interests of the municipality and its community*
- (b) to contribute to the development and evaluation of the policies and programs of the municipality respecting its services and other activities*
- (c) to participate in council meetings, committee meetings and meetings of other bodies to which the member is appointed*
- (d) to carry out other duties assigned by the council*
- (e) to carry out other duties assigned under this or any other Act.*

Summary of Legislation

While it is somewhat foolhardy to try to distill legislation, which has been carefully crafted over time, the following is intended to simply summarize the obvious:

1. Municipalities (local governments) are an order of government (in British Columbia) which have been granted certain powers to properly govern their communities and all who reside therein.
2. Municipalities have (or should have) access to the fiscal resources necessary to deliver services. This obviously requires that the District budget carefully for those services which it has determined to offer and which the community supports.
3. The elected Council is THE governing body in a municipality. This responsibility is that of the elected body as a whole and its authority to approve policies and programs is to be considered sacrosanct by those elected to govern.

4. There are certain prescribed purposes of a municipality; these are to be fulfilled. Without delivering on these purposes, not much good would happen in a municipality.
5. The Council has the clout and authority to do what the legislation says that it can. Anything beyond these powers is likely in the bailiwick of the regional district, provincial or federal governments.
6. Individual Councillors have certain obligations which are generally exercised through the powers of a Council.
7. Even the Mayor who has marginally more power must exercise their powers through the Council (i.e., this is not intended as single person rule). The Mayor has, like other members of Council, one vote but also has the power of leadership which if utilized effectively can enable the Mayor to accomplish a lot on behalf of the community. The key to this is the requirement of the Mayor and his colleagues to achieve success as a unit and not as individuals.

4.0 Key Roles

Roles of the Mayor

The legislated roles of the Mayor are cited as follows in the BC Community Charter:

Responsibilities of mayor

“s.116 (1)The mayor is the head and chief executive officer of the municipality.

(2)In addition to the mayor's responsibilities as a member of council, the mayor has the following responsibilities:

(a)to provide leadership to the council, including by recommending bylaws, resolutions and other measures that, in the mayor's opinion, may assist the peace, order and good government of the municipality

(b)to communicate information to the council

(c)to preside at council meetings when in attendance

(d)to provide, on behalf of the council, general direction to municipal officers respecting implementation of municipal policies, programs and other directions of the council

(e)to establish standing committees in accordance with section 141

(f)to suspend municipal officers and employees in accordance with section 151

(g) to reflect the will of council and to carry out other duties on behalf of the council

(h) to carry out other duties assigned under this or any other Act.

In addition to these formal, legislated duties, in a seminar which we delivered to this Council, we described some of the generally accepted roles and responsibilities of a Mayor based on our extensive work with other municipalities across Canada, including here in BC. These are as follows:

- **Community Leader**
 - *Senior elected leader of the community & lead spokesperson on community issues*
 - *Reflects the Mayor's position as being "one of"*
 - *Advocates public concerns; conduit for citizens*
- **Linkage Externally**
 - *Represents the Council & community externally*
 - *Speaks for Council in any speeches or articles to the community*
- **Relationships**
 - *Linkage for Council to the community & the organization*
 - *Monitors relationships within Council; addresses any angst*
 - *Expected to be a consensus/bridge builder*
 - *Will need to hear and respect all voices; needs to be fair to all*
 - *Listens to colleagues but still has own opinion*
- **Leader and Chair of Council**
 - *Identifies possible changes and decisions which may positively impact the District*
 - *Advocate of Council's agenda; leads; supports good ideas*
 - *Chair of Council meetings*
- **Liaison to Management**
 - *Key connection on behalf of Council to the CAO*
 - *Acts as a bridge between Council & management*
- **Information Conduit**
 - *Keeps Council informed*
 - *Acts as principal contact with other levels of government*
- **Support and Adherence to Legislation & Bylaws**

- *Aware of what the Charter says and ensures that it is followed by Council*
- *Respects the intent of Council-approved bylaws*
- **Ceremonial**
 - *Performs ceremonial functions in the District & externally.*

The following statements add some “colour commentary” to these roles:

- **Community Leader**

It is or should be clear that the Mayor is viewed as the leader of the community and of its Council; he (in this instance) holds a very important role as the person chosen through election by the community as Mayor is to represent what is best about the District and to serve as the main spokesperson for the Council.

- **Leader & Chair of Council**

The Mayor speaks not as an individual but as the lead spokesperson for the Council and its decisions. The Mayor is not expected to speak his views as to what he thinks of the decisions made by Council, but rather, what was endorsed by a motion of Council. In doing so, the Mayor is expected to endorse Council’s approved position on any topic. The Mayor is empowered to lead through recommending that action be taken to address the issues confronting the District.

- **Relationship Monitor & Builder**

The Mayor is expected to seek to build bridges on Council and attempt to get all onto the same page. In some instances, his advice in support of this or that position will be persuasive and “win the day” and in other instances, the opinions of a majority on Council prevails. The Mayor will speak the Council position, making no reference to any opinion contrary to that which has been endorsed.

Further, the Mayor has an implied responsibility as the leader of Council to continually monitor relationships between members of Council and speak to individual Councillors who appear to be experiencing some degree of angst in their relations to one or more of their colleagues.

- **Liaison to Management**

The Mayor also has a particular role vis-à-vis the chief administrative officer (CAO). The Mayor and CAO are heads of the legislative and administrative sides of the municipality respectively and are expected to work together for the good of the community. While they ought not to be

encouraged to become friends, they should, out of respect for their roles and each other, be friendly or at least respectful.

- ***Linkage Externally***

The Mayor also has a broad “outward facing” role in terms of not only being visible in the community but also acting as the Council’s primary link to other jurisdictions (i.e., the Sunshine Coast Regional District and the Province of BC). These jurisdictions expect to hear the official position of the District. We highlight these words given that neither jurisdiction is looking for the counsel or positions taken by the Mayor.

- ***Information Conduit***

Whereas the Mayor may expect that he should have unfettered access to pertinent Council and public-related information, Council also anticipates that the Mayor will immediately upon access to such information (i.e., that which pertains to the business of the District), also pass along this to his colleagues on Council and to the CAO so as to ensure that all are always in the loop.

- ***Support and Adherence to Legislation***

The Mayor is the head of the legislative branch of the District and as such needs to be aware of what the current legislation says and the impact of its words.

- ***Ceremonial Functions***

There will be occasions wherein the Mayor is asked and/or expected to be present at various events to “carry the District colours”.

Importance of Tone at the Top

Obviously, the Mayor drives a lot of the “tone” at the top by his comments and attendance at various public events. He initiated his term with an opening speech in which he expressed his view that his Council was unlikely to be united although he conveyed “and I think that is a good thing”. It appears that his expectation of not being united was accurate but whether or not that has been a “good thing” is more open to debate.

Roles of a Council

Council has the over-arching authority of community governance. As a body, it is empowered by legislation to make decisions for the community on the basis of what it sees as being in “the public interest”. While Council can delegate certain of its powers, it still understands where

accountability lies. Council approves all bylaws; it approves all governance policies; it approves the operating and capital budget. These are substantial and are generally based on a Council which cherishes its roles as decision-maker, community representative and “servant to all”.

Generic Roles of Council

- Respect the legislation
- Represent the public (the whole community)
- Establish the vision for the future of the municipality
- Assess current policies guiding current vision; adjust policies to fit Council’s vision/priorities/campaigns; set new policies on key issues
- Resolve local issues; arbitrate
- Assess budget proposals; weigh options & potential impact on the District
- Determine best governance approach; assess ABCs; review value added
- Guide, encourage, listen to, assess the CAO
- Maintain a healthy tax base while providing for a sustainable future
- Preserve the safety and security of the residents and local businesses.

Roles of Councillors

In addition to what has been described in the prior section as roles of the Council, the ongoing responsibilities of a Councillor need to be clearly understood as these supplement that which has been articulated above.

Councillors are expected to:

- Represent the views of the public as well as a Councillor is able to discern
- Work collegially with other elected officials in seeking the best for this District
- Collaborate on the key priorities; determine “where to from here?”
- Prepare for all meetings; read; get the questions ready
- Seek to find consensus where that is possible; but not to the extent of sacrificing personal views
- Represent Council to other groups and organizations
- Monitor progress on Council’s goals and priorities
- Seek the best interests for the majority while not leaving the minority voices behind

- Expect and/or seek information from the CAO (and department heads)
- Keep confidential items confidential; respect the need for transparency.

5.0 The Importance of Good Governance

Definition

‘Governance’ is what a Council is elected to do, while ‘administration’ is what the management and staff are appointed to do. Governance for municipal government purposes is defined as: *“The process of exercising corporate leadership, by the governing body, on behalf of its members (the citizens), to the community and organization as a whole , in terms of purpose, control and future, while providing oversight to ensure that the mandate of the municipality is achieved”.*

- **Role Clarity**

Of all the issues which this firm has been asked to assess, review, arbitrate and speak to, none has been more prevalent than these two simple yet profound words, “role clarity”. This lies at the core of a multitude of internal difficulties and handicaps Councils across Canada in being able to deliver upon their mandate in a responsible fashion. The main source of such difficulty appears to be the considerable, pervasive lack of understanding by Council members as to what specific roles are both legislated and those which mature judgment will advise that a Councillor is expected to do.

None of these challenges for a Council is more important than that which confronts a Mayor. The Mayor is expected to lead yet act as “one of”. The Mayor has a vote and yet it is no more meaningful than that which is possessed by his colleagues. And unfortunately, some of the inherent difficulty lies in the legislation itself wherein it speaks to a Mayor as the “chief executive officer” which has one connotation in the private sector and quite another in the world of local government. The role in a local government context requires oversight and feedback, not daily direction.

There are certain keys to ensuring that Council’s involvement with management is appropriate:

- Ensure that direct contact is limited to the CAO and direct reports
- Refrain from any form of supervision/guidance on site; if a Council member wants to stop by, drop off the donuts and carry on!

- Stay out of the weeds; expect advice on the key policy issues and not on the administrivia which curtails quality leadership
- Treat/respect the staff as your key advisors
- Understand the impact of your words; choose them carefully.
- **Governance Model**

How a Council governs and makes decisions is generally described by what is known as its “**governance model**”. This terminology refers to the process utilized by both Council and management in making sure that Council has access to quality information, public comment, advice from a related ABC (committee) and whether or not Council affords itself time to pause and reflect. The Model speaks to whether or not Council utilizes a series of standing committees or only one; a series of external ABCs or few; and/or an internal process which allows Council to take a step back when a major decision is being contemplated.

6.0 CAO Relationships

Mayor-CAO Relationship

This Mayor-CAO relationship is intended to reflect a trusting, hand in glove style wherein the two occupants of these two very different positions develop a high degree of respect for the responsibilities that each holds and signal their willingness to be of mutual support to their challenging roles. Under normal circumstances, the Mayor can be of value in helping the CAO better understand the Council and its expectations and concerns as well as any concerns about progress on the key priorities (as articulated during the strategic planning process). The Mayor cannot purposely misinterpret the views of his Council colleagues knowing that such a stance would result in Council losing faith in their CAO. The Mayor, however, can be helpful in sharing any concerns which he picks up in conversations with the public at various events which he has been asked to attend.

The CAO can also be helpful in energetically implementing the directions of Council as evidenced through their strategic priorities. The CAO can be helpful to the Mayor by providing a “heads up” on any issue which will be of considerable interest to the Council as a whole. And while the CAO

will schedule a briefing for all of Council on key and emerging issues (preferably on at minimum a bi-weekly basis), the Mayor will, out of respect for the position, have been briefed perhaps mere hours or moments before the rest of Council.

Council meetings will flow smoothly because both understand the process and procedures and because respect is regularly shown. Something as simple as ensuring that at the start of each agenda matter, the Mayor will refer the matter to the CAO and inquire if anything further has come to light since the CAO's report was filed (i.e., placed on the agenda).

Could all of this happen or is such thinking well beyond what others in these positions would consider "normal"? Having studied municipalities from coast to coast to coast, we can report that "normal" does happen and when it does, it works. It is unfortunate that the abnormal happens all too frequently.

- **CAO's Respect for the Council**

Respect is a two-way street. It is both given and received. In the main, it needs to be earned and then, through continual attention, be retained. This relationship should be sound, adverse to the slings and arrows from others, and mutually symbiotic as both Council and their CAO see the merits in what each other is doing and how they "earned" their right to play a role. The CAO also needs to respect his Council and seek to serve it in a very professional manner. The CAO shows respect for Council by treating all members the same; by circulating information to each concurrently; by offering advice on an ongoing basis on issues as they arise; by ensuring that requests for action from individual Council members are listened to (or read) but are not responded to unless they are according to a Council bylaw, policy or resolution.

The CAO is also expected to show evidence that he has spent the time necessary to develop a reasonable working relationship with the Mayor. This relationship should be based on mutual respect, which means it takes each to do what is necessary to seek such an accommodation. Working at cross purposes will not be fruitful and will result in the Council as a whole as well as the community suffering. Seeking resolution to any sense of distance between the two is obviously the preferable approach for both parties. This requires both maturity and sincerity.

7.0 Roles of the Chief Administrative Officer (CAO)

There are both legislated roles in provincial legislation and ‘generally accepted’ CAO roles within which the Chief Administrative Officer must operate. As per the community Charter (s.147), the CAO’s bylaw-enabled duties include:

- (a) overall management of the operations of the municipality;*
- (b) ensuring that the policies, programs and other directions of the council are implemented;*
- (c) advising and informing the council on the operation and affairs of the municipality.*

While not stated as such in legislation, the roles of a CAO are referenced in the appointing bylaw and in the position description and CAO employment agreement or contract. These roles include:

- apolitical policy advice to Council
- conduit of Council decisions to administration
- implementer of Council decisions
- quarterback and team leader of the administrative body
- approval authority for administrative actions
- quality control of advice up and action down
- partnership builder; building alliances as appropriate.

The CAO is required (not suggested) to provide, in this instance, **his best advice** on what course the Council should take on various policies and programs. This advice will be a reflection of the education which the CAO has benefited from as well as past related experience. It will also reflect the composite advice of the senior managers (department heads) reporting to the CAO. **The Council, however, is the decision body and is tasked with the choice of “what works best here in Sechelt?”**

How well the administrative organization functions is also part of the mandate and expectations of the CAO. Where the organization seems to be humming along and moving projects and programs forward, the CAO will likely be viewed as being capably “in charge”.

The CAO also has an important role in acting as an advisor to Council and to its leader, the Mayor. While the advice the CAO presents to the Mayor does not change when presenting to

Council, there is, or should be, a genuine recognition that the CAO has an obligation right from the outset to try and develop a courteous relationship to the Mayor.

Roles of a Senior Management Team (i.e., Department Heads)

The roles of management are straight-forward. These senior level administrators are expected to:

- Recommend the appropriate policy and/or solution to the CAO for all matters needing Council approval
- Advise the CAO what needs to be done to ensure that their part of the organization functions effectively
- Oversee all those reporting to the department head (management) such that they are performing their tasks well
- Recruit and hire the best people available for the advertised roles at a rate which is deemed to be appropriate by the District; seek the input of the CAO when necessary
- Assess the performance of their staff on a regular (i.e., annual) basis and provide coaching as needed to enhance skills or ensure that they access training offered elsewhere and through reputable sources
- Ensure that they have the resources and skill sets needed to get their work completed
- Exhibit sound managerial/supervisory practices, and mentor from a position of professionalism
- Treat Council members and other District employees with respect.

Management reports to the CAO, not to the Council, not to the Mayor. That is the way a “one-employee” organization works. Management respects their direct supervisor and provides feedback, as necessary, to keep the “boss” (i.e., the CAO) on the right path. Management does not bad-mouth or pass along gossip or seek to undermine. They are expected to act as professionals.

8.0 Observations: Mayor and Councillors

What Success Looks Like

If this Council was functioning as we would expect to find, based on a late fall 2022 election, then the following would be apparent:

- a) Council would express full confidence in their orientation to the new roles of being a Mayor and Councillor
- b) The Mayor would have reached out on day one or two to the CAO and would have asked for a meeting so as to be brought up to date on what current projects were underway, what ongoing orientation was proposed for his new Council (including himself), how they were going to build a formidable chief elected official-chief administrative officer combination based on respect for the independence of each other
- c) The Mayor and Councillors would have met as a body to discuss their separate objectives in running for office
- d) Each member of Council, including the Mayor, would have expressed their intent to work collegially with the others in order to respect the wishes of their electorate as expressed in their common election
- e) The Mayor would have understood that his role as Mayor is “one of” not “one level above”
- f) All members of Council would have been able to sign a mutual “Covenant” to work towards common objectives, to seek the advice and input of the CAO and members of senior management, and to participate fully in Council debates and votes.

This Council has spent far too much time and nervous energy trying to cope with the internal turmoil which has and will handicap their efforts in moving the needle on anything new that some or even all would like to accomplish. This “turmoil” is the result of the poor relationship between the Mayor and Councillors which began shortly after the election and has continued to this date and the totally inadequate level of respect and trust between the Mayor and CAO.

Tone at the Top

Given that leadership and “tone” start at the top, the responsibility for this state of affairs lands largely at the feet of the Mayor. He is accountable for his motivation (or lack thereof) and efforts to pull all of Council together so that they can function effectively even when they are obviously not on the same page. When he strives to honestly do that, he ought to be commended and any prior wounds should be at least partially buried. In other words, we would expect the members of Council to pay respect to the office of Mayor and recognize (in this instance) his impact on the

District's state of governance and where he has been able to make some progress. Where he has rebuffed any efforts at bringing about reconciliation, that is on him.

In every community across the Province, the Mayor is the face and reputation of the Council and the community. The Mayor is (or should be) the chief champion of the community in their representation to their neighbouring communities, the Regional District, the Province and the Federal Government. The Mayor is (or should be) the official spokesperson. The Mayor is expected to be supported by Council and in turn, the Council is expected to receive quality leadership from the Mayor. The Mayor has an obligation as the protector of the Council from disreputable harm and also provide assurance to the CAO and management/administration that their professionalism and independence will not be under verbal assault. Based on our independent assessment, we do not find these descriptors in evidence in the District of Sechelt. It should be expected that efforts and steps will be immediately taken by the Mayor to undertake a correction in course and deliberate steps to rectify and reverse what has been described previously in this Report. The impasse that we have witnessed will quite likely persist until the Mayor recognizes that any rapprochement with Council needs to begin with his apology and reaching out to see what words, steps, actions the Council as a whole deem adequate. Without such steps, it will fall to the rest of Council to take corrective measures to effectively penalize the Mayor for behaviour which is causing dysfunction in the organization. This would likely necessitate applying whatever sanctions the Code of Conduct permits.

- **Expectations of the Mayor**

In terms of Council leadership, the Mayor:

- will accept that he was not the only leader elected in this past municipal election and thus not the only voice that citizens ought to hear
- will lift up rather than disregard the value that all other elected officials bring to the table, i.e., their opinions and ideas
- "hear" all the voices of his colleagues on Council rather than simply any who support his vision/views

- advise his colleagues as to what direction he feels the District should be pursuing, rather than telling other members of Council what the District is going to do in this or that circumstance
- accept the judgment of Council in all instances.

In terms of the relationship to the CAO/Management, the Mayor will:

- understand that he is not empowered to act as a boss to the CAO
- treat the administrative organization and CAO with respect thereby elevating the potential impact which the position should naturally bring to the organization
- understand that the role of CAO and the person appointed to that role has particular obligations which are not those of the elected officials
- recognize that he is not expected to befriend the CAO but rather, treat the CAO with respect
- enjoy more contact with the CAO than other members of Council but understand that this is based on need and not friendship.

In terms of his external relationships, the Mayor will:

- attempt to arrange meetings with members of the Provincial cabinet with one or more colleagues (and where possible, the CAO) and will present views which align with those of his Council
- speak the opinions/decisions of Council rather than his own where they may not align with the official positions of Council as evidenced by any relevant resolutions
- speak graciously and supportively regarding the input and decisions of his colleagues when in contact with his friends in the community
- advise the public of Council's decisions rather than his own
- agree that in attending seminars and conferences or meetings with individual MLAs or Ministers, that he is to speak the official Council decisions
- understand that where he is appointed as a representative of the District to external boards and committees, that he will speak in support of Council's policies.

In terms of Council's strategic vision, the Mayor will:

- participate in all Council approved strategic planning sessions and will share his views as to what the priorities of the District should be
- accept and respect the fact that the views of his colleagues may be quite different
- understand that these ideas will need to be melded together with those of the Mayor (and the advice of the CAO/administration) into a series of strategic priorities.
- **Council as a Whole**

Current Council members reflect those who are serving their first term on Council, two with the benefit of a prior term, and one with seventeen years as a Councillor. The Mayor previously served the District in the same capacity in 2011-14. All however are new to the 2022-26 term.

To briefly summarize, a Council is expected to act as the **representative voice** of its citizens, conveying to their colleagues what they see as the preferred way of handling key issues. A Council is expected to **hear all sides of an issue** and be capable of discerning what opinions predominate. A Council is expected to **adhere to the legislation** and regardless of the temptation to stray beyond the parameters established, to hold the line so as not to create an expectation in the minds of the public that Council has the authority to act on issues which belong in the RD, Provincial or Federal scope. A Council is expected to **resolve conflict in matters within the realm of a local government between parties to a dispute** and to render judgment based on what appears to be the most sensible outcome. A Council is expected to **set policy so that the management can develop “managerial directives”**.

9.0 Governance Model

What Council’s choice of a Governance Model should achieve:

- a sense of Council ownership of its own Model
- an opportunity for all members of Council to pause and reflect on the key issues
- all of the key players are at the table during the discussion of key issues
- discussion is encouraged; all points of view are honoured
- a more casual atmosphere envelopes the discussions
- respect is shown for the views of everyone
- management’s input is well-received
- the issues are moved forward to a regular meeting of Council to be finally decided.

An Agendas Committee

One of the keys to a useful governance model is what we describe as an Agendas Committee whose mandate will include:

- to ensure that the business of Council is being dealt with fairly and expeditiously
- to review potential agenda items and ensure that these are appropriate for inclusion on a Council and/or the Governance and Priorities Committee agenda
- to advise Council as to why any particular matter should not be brought forward for Council review at the present time.

Governance and Priorities Committee (GPC)

The second key element in this decision-making model is the GPC which is to serve as a discussion forum for Council to seek clarification on the more important issues. During some months, there could be a series of these higher-level issues, whereas other months only one or two might surface. The key here is to enable a fulsome discussion relative to those issues and not be rushed by a loaded Council agenda.

The advantages of this approach follow:

- **Preliminary Briefing:** GPC meetings allow the CAO and subject matter experts to provide a preliminary briefing to all Councillors on complex or key issues before they come to formal Council meetings for direction and/or resolution.
- **Public Input:** GPC meetings contain a commitment to obtain public input **on key issues** of concern to the District through public meetings, surveys and social media.
- **Significant Issues Only:** Only the very significant issues should be placed on the GPC agenda. It is NOT the place to discuss all Council agenda items.
- **No Formal Decisions; Discussion Only:** The GPC committee should operate by consensus; items for decision are to be moved forward to that agenda but not formally approved at a GPC (i.e., that is the mandate of Council).

It is recommended that Council and administration review and discuss this new model with this consultant; try it for a 3-to-6 month trial period; and make adjustments as seems necessary based on your experience.

- **Council's Direction/Priorities**

The community did not elect just one person to determine its future. That role is presumed to be held by all members of Council and that each member will be accorded respect and listened to by their colleagues. While the Mayor's ideas should be articulated and heard by all, and accorded the respect which the office indicates that these deserve, the Mayor like his colleagues must sincerely seek the opinions of all members and hear what is being said. The end result will likely be a combination of ideas which will then be melded into a statement of common priorities.

The practice known as "strategic planning" never really got underway in Sechelt because everyone on Council seemed more focused on role identity. Council had difficulty moving past the inner turmoil which has been their lot since very early in the term and thus the limited degree of focus on "how can we all work together for the good of the District?"

- **Council's Policies**

One of the key responsibilities of a Council is to make policy-based decisions which will serve to guide management's day to day decision-making and their responses to any public inquiries. Such policies ought to cover all of the key governance functions of a Council such that the CAO and his team can develop "managerial directives" which are in alignment with the policies.

The guidance and approval of policy, however, is a Council mandate regardless of the fact that most policies begin at the administrative level where they are crafted and then presented to Council for adoption. Only Council has the authority to approve policy.

- **Code of Conduct**

The District originally established a Code of Conduct (Policy # 1.1.10) (August 1st 2018) by resolution of Council. The Code/Policy was established pursuant to Community Charter s.113.1 which gives permission to a Council to establish the Code. While the Code has been in effect since August 2018, it has not been engaged by members of Council with respect to any concerns regarding the behaviour of one or more members.

The Code of Conduct as written is quite solid with one exception: the Code hardly addresses the possible sanctions to be imposed by Council on any member who is found to have violated the Code. The only section which speaks to this matter is as follows:

5.2 Council may impose sanctions on members and appointees whose conduct does not comply with the District of Sechelt's ethical standards. Council may impose a motion of

censure on a member and may rescind the appointment of an appointee to a committee if he or she is found to have breached the Council Code of Conduct.

In order to carry some degree of clout, the Code should speak to the varying degrees of sanction which the Council could impose including reduction in compensation for a certain period; removal of the member from important boards and committees; public letter of apology on website/social media; removal of Mayor's authority to chair meetings; requirement for the Mayor to have another Council member in attendance at all meetings with the CAO; etc. These should all be incorporated in your Code.

- **Council Communication Principles**

In addition to any Bylaw or Code, it would be useful for Council to adopt a set of principles which it feels underscores the commitment to good governance. We have articulated the following series of principles which this Council would be wise to endorse:

- 1. Decisions of Council**

- a. The decisions of the Council as stated in its resolutions/policies and bylaws constitute the will of Council.
- b. Any decision of a former Council as conveyed by resolutions/policies and bylaws stands as the decision of the Council until such time as it has been revoked by motion of Council.

- 2. The Mayor**

- a. The Mayor, as chief elected official, is the senior spokesperson of the Council and the community.
- b. The office of Mayor is to be respected by all members of Council and administration. The title to be used by all in verbal or electronic communication with the Mayor is, in this instance, "Mr Mayor" or "Your Worship".
- c. The Mayor, like all other members, is entitled to hold a view on any matter which may be contrary to the opinions of other members of Council. Such views on any agenda issue should be expressed during the run-up to a decision by Council.
- d. However, the Mayor will always respect the will of Council on any issue, regardless of how the Mayor voted on that issue(s).

- e. The Mayor is NOT entitled to voice his personal opinions on a matter which has already been decided by a Council resolution if those opinions are contrary to what Council has decided. Such opinions should be expressed before any decision of Council, not afterwards.

3. Respect within Council

- a. The Mayor and members of Council will treat each other with respect. None will knowingly violate the Code of Conduct bylaw by speaking to each other in Chambers or out in a disrespectful manner.
- b. The Mayor and members of Council will support a decision of Council when in attendance at any agency, board or committee (ABC) and will not adopt the stance of the ABC if they know that to be contrary to a policy or bylaw of Council.

4. Respect to the Administration

- a. All members of Council agree that they will speak, text, email or otherwise communicate with the administration through the CAO, unless prior approval has been given to speak directly with a member of SMT.
- b. All such communication will be respectful and will not be crafted in such a way as to demean or undermine the CAO or members of SMT.

5. Respect to the Public

- a. All members of Council will treat the public with respect. Personally offensive/aggressive commentary must not be a part of the discourse of any member of Council. Explaining a Council decision is always acceptable providing that the tone of the Council member's remarks is appropriately respectful.
- b. Council members are not expected to accept threatening, aggressive language from the public and should report same to the next in camera portion of a committee of the whole or Council meeting or to the Mayor privately.

- **Council's Relationship to the Chief Administrative Officer**

If this relationship is "normal", we would expect to find the CAO front and centre relative to Council's decision-making and governance model. The CAO would be careful to hear what his

Council is saying about the key issues and what they may be struggling with in terms of having their agenda completed. **We did not find this to be the case here in the District.**

Based on our interviews, it has been made clear to us that the relationship between Councillors and the CAO has been sound with Councillors expressing their thankfulness for the advice and reports they have received and the evidence they feel they have seen of the administration abiding by the policies and priorities of Council. Most are concerned (to varying degrees) with respect to the Mayor-CAO relationship and have, as a result, attempted to mitigate the downside of any consequences by placing caveats on the Mayor's authority to direct the CAO.

- **Performance Reviews**

Conducting an annual performance assessment of the CAO should be considered one of the "absolutes" in the yearly calendar of every Council. This District is no exception. The issues which have arisen between the Mayor and CAO need to be evaluated during the annual assessment. A review of performance should be considered as both an essential obligation of Council (all members and not just the Mayor) and it should involve the CAO right from the outset. Given the dynamics at play here, we recommend that Council employ an external advisor to guide them through the process. (We will provide a name or two of possible resources in this regard).

- **Council-CAO Covenant**

We suggest the need for a fuller commitment to strengthen relationships between Council and the CAO by establishing a **Council-CAO covenant** which commits both parties to seeking trust in the relationship. Such a model will not resolve all of the outstanding issues (including the rift between the Mayor and CAO) but would, at the very least, give other members of Council a template of what this relationship should be.

We have also appended a **Mayor-CAO Covenant** which, while similar, is intended to strike at the heart of what is currently missing and to commit both parties to a fresh start or a combined conclusion.

10.0

Recommendations

1. Report

- a. We recommend that this Report be approved “in principle” by Council and referred to the CAO and management team for an implementation plan.
- b. We recommend that our Executive Summary (to be forwarded) be made available to the public through whatever means the District uses to publish notices including (but not limited to) placing this on the District’s website for a minimum of 30 days.

2. Commitment to Action

- a. We recommend that the Council and CAO/Senior Management undertake a “reset” relative to roles, responsibilities, style of leadership and governance.
 - i. We recommend that Council approve the Mayor-CAO Covenant (Appendix A) and that it be referred to the Mayor and CAO for their signatures indicating their approval and commitment to following these principles.
 - ii. We recommend that Council approve the Council-CAO Covenant (Appendix B) and that all be requested to sign indicating their approval and commitment to following these principles.
- b. We recommend that Council direct the CAO/SMT to begin now to develop a fresh approach to the orientation of the subsequent Council(s), including the provision within ten days of the next municipal election of an orientation for all members of the new Council (i.e., whether a returning member or not).
- c. We recommend that the Council direct the CAO/SMT to develop a “So You’re Thinking of Running for Office” briefing to be delivered about 30 days prior to the next municipal election.
- d. We recommend that Council endorse the “Council Communication Principles” (Report 9.16) (Appendix C).

3. The Mayor

- a. We recommend that the Mayor issue a public apology for his role in the dysfunction within Council and include in his statement his commitment to a renewed effort in becoming a more effective team player.
- b. We recommend that his statement be publicized via the District’s website, social media and local newspaper.

- c. We recommend that the Mayor establish a regular meeting schedule with the CAO including an agreement to act in a supportive, respectful manner such that the administration can once again function as a professional and respected body.
- d. We recommend that the Mayor provide a verbal and written statement to Council at a regular meeting indicating his acceptance of the need for changes in how he perceives and delivers his important role; his willingness to work with all members of his Council; his willingness to develop respect for the role of CAO and his willingness to expect a reasonable working relationship with the CAO.
- e. We recommend that the Mayor (and Councillors) endorse the “Commitments by the Mayor” (Appendix D).
- f. We recommend that the Mayor accept that his role requires him to support the approved policy decisions of the Council and that any comment which he makes or writes will indicate his support for the position of Council.
- g. We recommend that the Mayor request the approval of Council to visit any Cabinet Minister (or senior official) and that another member of Council be asked to accompany the Mayor, as well as the CAO.

4. Approach to Governance

- a. We recommend that Council adopt a revised Governance Model and begin immediately to employ a Governance & Priorities Committee model (GPC) (see purpose & terms of reference attached) (Appendix E).
- b. We recommend that the Mayor and Councillors request the CAO to develop appropriate guidelines (including the agenda for the first meeting of the GPC) for how the Model will be implemented.
- c. We recommend that the Mayor create a “Standing Committee on Governance Policy Review” for the purpose of reviewing any current governance policies and recommending new policies to the full Council.
- d. We recommend that the CAO and his management team provide assistance to the Standing Committee by reassessing the current “governance policies” and by providing draft policies for its review.

- e. We recommend that the CAO and his management create a new manual of “Managerial Directives” for circulation to the administration. This should be targeted for completion in 60 days.
- f. We recommend that the CAO and management utilize an RFD (request for decision) (Appendix F) on all request for Council’s decision.
- g. We recommend that the Council-Administration Protocols (Report 10.3) (Appendix G) be endorsed “in principle” and referred to the CAO for additional draft Protocol Statements.
- h. We recommend that Council review and approve the role statement for a Councillor serving on one of the District’s ABCs; and that the Corporate Officer review each ABC of Council and prepare a Committee Charter for each for circulation to Council (Appendix H).

5. Strategic Priorities

- a. We recommend that the Council annually set aside time (prior to October of each year) to establish its strategic priorities.
- b. We recommend that the CAO recommend to Council the names of 1-2 experienced municipal strategic planning facilitators.

6. Council Members’ Approach to Itself and its Administration

- a. We recommend that all Council members abide by a protocol to treat each other with respect. This includes:
 - i. Not speaking disparagingly of any member either directly or by innuendo
 - ii. Properly addressing each other in public and particularly in Chambers (i.e., Mr Mayor, Councillor XYZ, CAO Yeates, etc.)
 - iii. Refraining from criticizing the author of any report as opposed to focusing solely on the report’s findings/recommendations
- b. We recommend that all members of Council review and agree to the “Statement of Council Principles” (Appendix I) which have been drafted for this instance. While these Principles may not add much to the legal envelope within which Council

must function, they would be useful to be held up should they be purposely violated by one or more Councillors or the Mayor.

- c. We recommend that Council review their Code of Conduct Bylaw to ensure that all members are made aware of their expectations in the context of the bylaw and also of the consequences of breaching the bylaw.
- d. We recommend that an experienced “code advisor” or legal counsel be engaged as soon as practical and that clear sanctions for any violations be incorporated into the Code.
- e. We (reluctantly) recommend that Council members utilize the Code of Conduct to single out the Mayor or any Councillor in terms of behaviour which is deemed counter-productive, disrespectful, contrary to its principles.
- f. We recommend that Council members share whatever information which they have received from residents on Council issues with the Mayor, other members of Council and the CAO, on a concurrent basis.

7. Meeting Procedures

- a. We recommend that the Council members and Administration discuss and review the matters contained herein with respect to the Procedure Bylaw.
- b. We recommend that Council request the assistance of experienced legal counsel in determining “the rules of procedures” governing in camera meetings.
- c. We recommend that reports from any ABC be circulated first to the CAO/SMT for their review and comments prior to being placed on the next Council agenda.

8. Correspondence

- a. We recommend that any correspondence directed to the attention of the Mayor and Council should immediately be forwarded to them.
- b. We recommend that questions on other matters being received from members of the public and addressed to Council should have the courtesy of a response by Council (i.e., under the signature of the Mayor).

9. CAO/Administration

- a. We recommend that Council pursue a CAO Performance Review within the next 60 days; that the format be as attached to this Report or as sent separately by this consultant; that an independent advisor be retained to assist in coordinating this work.
- b. We recommend that the CAO endorse all “requests for decision” and any other business items going to Council by including his signature on each item.
- c. We recommend that the generic roles of the CAO be endorsed by Council and the CAO; that these be utilized during any subsequent performance assessment of the CAO by Council.
- d. We recommend that the CAO and his administration undertake to endorse the ‘Roles of the Senior Management Team’.
- e. We recommend that the series of “Senior Management Operating Principles” should be reviewed by the CAO and his management team and subsequently recommended to Council for formal endorsement (with or without amendments).
- f. We recommend that any report prepared by the administration for Council, or any report prepared by an external agent or considered to be of interest to Council be made to all members of Council on a concurrent basis.
- g. We recommend that the CAO and Corporate Officer brief the Mayor with respect to the items on the subsequent Council agenda a day or two prior to such meetings, as a courtesy to the Mayor in lieu of his requirement to chair meetings. Such meetings will not be used by the Mayor to make any changes to the agenda.
- h. We recommend that the CAO orchestrate an “Administration Culture” Survey by June 30th 2025 with a summary of the results provided to Council.

Summary

The overall goal is to re-establish respectful dialogue both in and outside of Council Chambers and the District Office and to build relationships which reflect a high standard of behaviour. This will take an adjustment by both Council and the administration (not either or) or these recommendations (and this Report) will be, unfortunately, without much lasting value.

The Final Report has been written in our usual style of clarity, cohesion and comprehension. The recommendations are interdependent, that is, it would not be wise to try to “cherry-pick” these as each one presumes that all are being accepted.

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'G. B. Cuff', with a stylized flourish at the end.

George B Cuff, FCMC