



Governance Committee

Subject:	Policy Program Update
Date:	June 18, 2024
Presenter:	Micah Nakonechny, Policy Coordinator
Department:	Legislative Services

REPORT SUMMARY

The purpose of this report is to provide the Governance Committee with an update on Rocky View County’s corporate policy program.

The *Municipal Government Act* requires that Council oversee the County’s policies to ensure good governance, accountability, and consistent decision-making, which can protect the County from significant reputational and legal risk. A well-managed program for policy maintenance and development aids in distinguishing between operational and policy decisions, the latter of which may insulate municipalities from legal action.

To complement the effective and efficient delivery of the County’s programs and services, the County’s policies are categorized as Council policies or Administrative policies, with each focusing on matters delegated to Council or the Chief Administrative Officer, respectively.

As the County’s corporate policy program has matured, Administration seeks to highlight some of its challenges and opportunities, while laying the groundwork for regular reporting to the Governance Committee with respect to the program’s outcomes.

ADMINISTRATION’S RECOMMENDATION

THAT the Governance Committee receive the Policy Program Update for information.

BACKGROUND

Sections 153 and 201 of the *Municipal Government Act* (the Act) stipulate that Council is responsible for developing and evaluating the policies and programs of Rocky View County. A robust, well-functioning policy framework is a crucial component of good governance and accountability to County residents. Policies communicate values and expectations for the County’s actions, document and implement best practices, promote fairness and transparency, and help to make decisions that are consistent, uniform, and predictable. When functioning properly, the County’s policies serve to uphold and strengthen its reputation in the eyes of the public, community stakeholders, and other governments.

As a municipality, the County’s actions and decisions are subject to review by the courts. Implementing and maintaining this policy framework is critical to protecting the County from legal risk, particularly in the realm of negligence. In the eyes of the courts, a distinction exists between what is said to be a “policy decision” and an “operational decision”; that is, decisions which can be proven to be based on public policy considerations such as economic, social, and political factors are immune from liability. It must be further proven that such a decision has resulted from a democratic, deliberative process. This highlights the necessity of thoughtful administration and implementation of the County’s policies and emphasizes the need to regularly review policies to ensure consistency with Council priorities, best practices across other similar municipalities, and legislative and legal requirements.

Policy Program Update

To best support Council in ensuring that policies are effectively administered and support the County's strategic direction, the County's policy framework is comprised of two distinct types of policies: Council and Administrative.

Council Policies

In addition to the previously referenced sections of the Act, Council is also guided by *C-700 Policy on Council Policies*.

Council Policies are generally adopted by resolution of Council to:

- guide Council's decision-making in a consistent, transparent manner;
- provide strategic direction to Administration on the delivery of County programs and services;
- establish Council's position on public facing matters of importance to County residents; and
- govern the roles and responsibilities of Council.

Administrative Policies

In accordance with section 207 of the Act, the Chief Administrative Officer (CAO) must ensure that the County's policies and programs are implemented. Further, Rocky View County's *Chief Administrative Officer (CAO) Bylaw* formally delegates to the CAO the authority to establish and implement all administrative policies, procedures, standards, and guidelines for all matters within the powers of the CAO.

To this end, under the direction of the CAO, Administration generally adopts policies that:

- provide specific guidance to Administration on the delivery of County programs and services based on Council's objectives, priorities, and policies;
- focus on the internal workings of the County; and
- primarily impact and address employees and contractors.

History

In 2015, Council directed a comprehensive review of all policies adopted by Council. This was supported by updated templates, guidelines, and training provided to County staff on policy development, and resulted in the creation of a policy governance framework, and tools for tracking quality, efficiency, and compliance of policies.

In 2018, the Policy Review Subcommittee (the Subcommittee) was created by the Governance and Priorities Committee (GPC) to review all the County's policies. The Subcommittee was comprised of four members of Council. The permanent, full-time position of Policy Coordinator was established shortly thereafter in 2019 to support policy review as well as assist managers in updating policies and developing a regular review schedule, marking the inception of the County's corporate policy program.

Since the dissolution of the Policy Review Subcommittee in 2019 and Council's expressed commitment to make policy decisions at regular Council meetings instead of delegating this authority to a Council Committee, the review and development of policies is largely in the realm of Administration, with Council acting as the final deliberator and approval authority for Council policies.

DISCUSSION

The importance of municipal governments ensuring that their policies and programs are well-maintained and adequately governed has become especially apparent in recent months with lessons learned from

Policy Program Update

other municipalities that did not provide their corporate policies with the necessary attention they required. Administration has identified an opportunity to engage with the Governance Committee regarding the status and outlook of the County's corporate policy program.

Administration continues to make best efforts to regularly review and update policies to ensure they are aligned with the County's own best practices and/or that of other comparable municipalities, compliant with the County's own bylaws and policies, provincial and federal legislation, and remain reflective of Council's objectives and priorities. These reviews also serve to mitigate the County's reputational and legal risk.

At present, the County has 63 active Council policies and 31 Administrative policies, with an average age of approximately five years. While Administration has historically made best efforts to have every policy reviewed and/or updated at least once every three years, the County's growth, re-organization, and shifting priorities have made this a challenge on resource capacity.

Administration has been exploring moving to a four-year review cycle to create a more sustainable review schedule. The three-year review cycle has historically been identified as best practice, due to the term length of municipal elected officials in Alberta being three years prior to December 2012, after which amendments to the *Local Authorities Election Act* resulted in a four-year election cycle for municipalities. Most comparable municipalities in Alberta with a documented policy review schedule aim to review their policies within four years. Administration has not identified any significant risks with this approach. Council or Administration may still direct a review and/or update of any Council policy or Administrative policy, respectively, at any time, regardless of the review schedule.

While educational materials and other resources had been developed in 2018 to support staff and Council in the rollout of the corporate policy program, Administration intends to re-visit these resources to ensure they are utilized properly, assist the County in achieving its goals for policy, and remain consistent with the overall spirit, intent, and current direction of the program.

As part of the County's commitment to providing consistent, informative, and transparent information to Council and to the community, Administration has considered including information regarding the corporate policy program as part of the quarterly accountability reports. This will allow Council and members of the public to receive regular updates on the status of the County's policy program.

ALTERNATE DIRECTION

Administration does not have an alternate direction for the Governance Committee's consideration.

ATTACHMENTS

Attachment A: Policy Program Update

Governance Committee

June 18, 2024

Policy Program Update



Policy program overview

- The *Municipal Government Act* requires that Council is responsible for developing and evaluating policies and programs
- Policies:
 - Communicate values and expectations
 - Define best practices
 - Promote fairness and transparency
 - Enable consistent, uniform, and predictable decisions

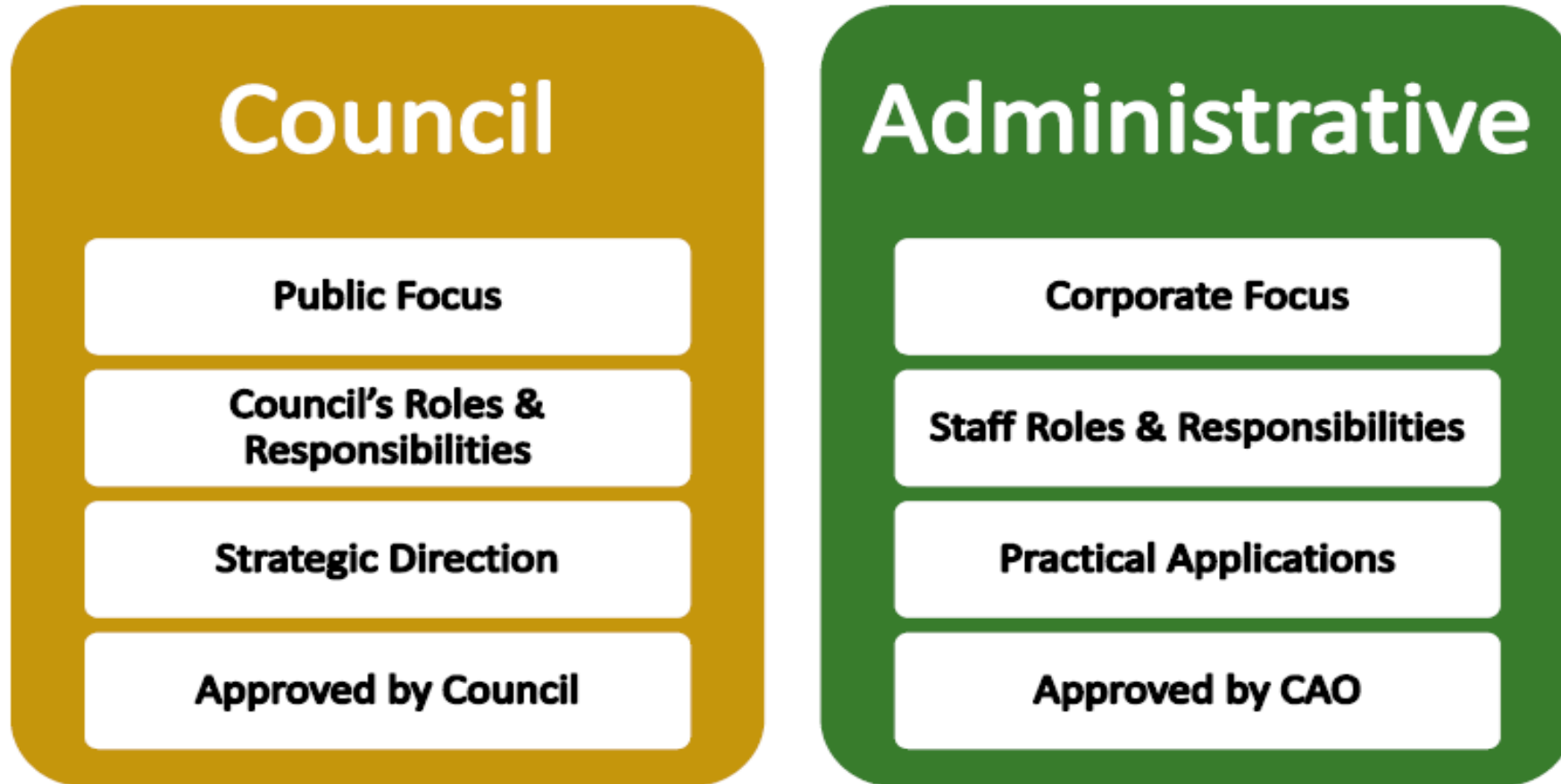


Policy program overview

- Corporate policy program first implemented in 2018
- Policy Coordinator position created in 2019 to manage program and support development and review
- Council Policy decisions are made directly by Council



Policy program overview



Current status

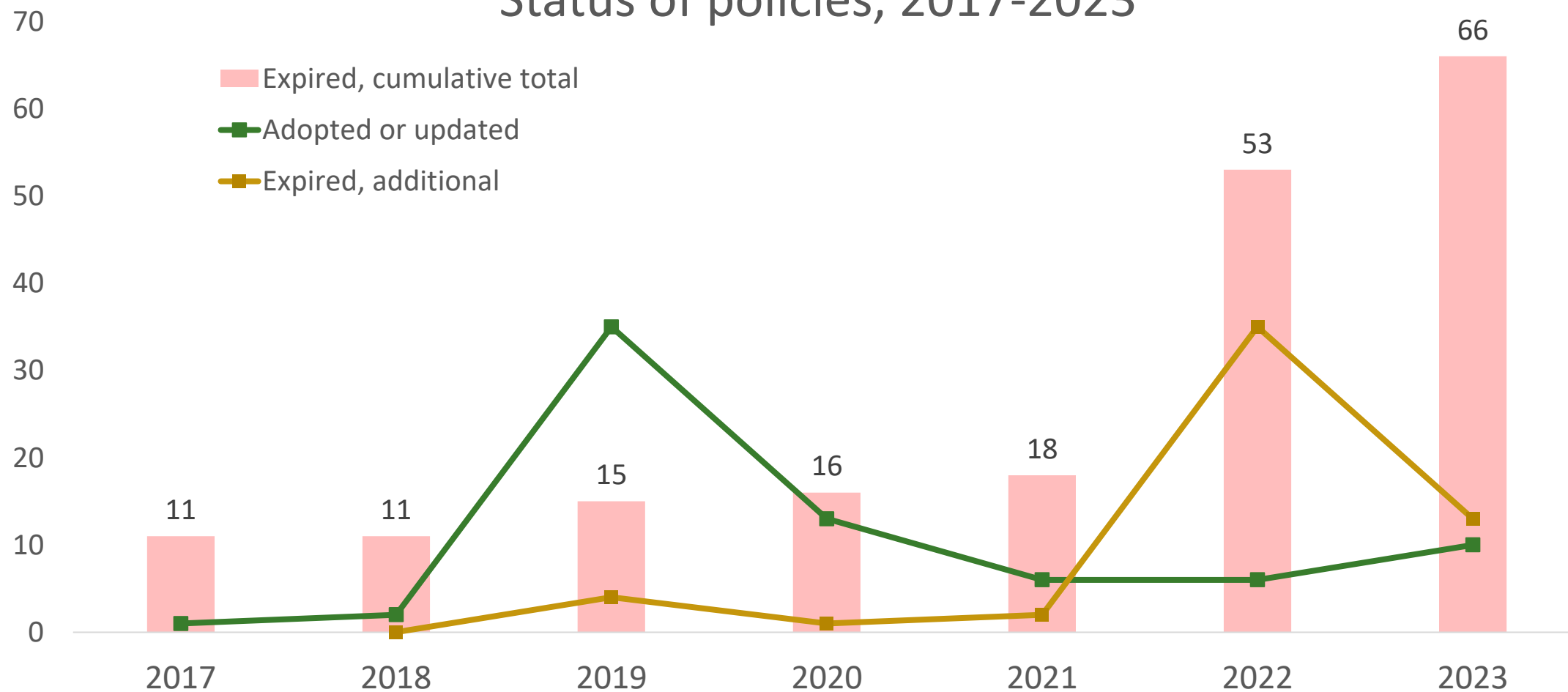
- Administration continues to review policies
- Exploration of four-year review cycle
- Regular policy updates to Governance Committee

Current status



Average age: 5 years

Status of policies, 2017-2023





Questions?