The Evolving Role of City Managers and Chief Administrative Officers

Michael Fenn and David Siegel

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About IMFG

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Abstract

Ontario has benefited from well-functioning municipal government since Confederation, in large part because timely reforms have dealt with emerging problems. In response to recent issues, the Ontario government has decided that council-staff relations are sufficiently important to impose a legal requirement for a governing policy to be implemented in each of its 444 municipal governments. The often hidden, but very important, relationship between the municipal council and the public service is a key determinant of the success of any municipality. This paper explores how that relationship has changed over time with particular emphasis on the relatively recent ascendance in Ontario of the chief administrative officer (CAO) model. We believe that the CAO model performs better than either the council-committee model on which it was superimposed, or the U.S.-style "strong mayor"/political executive format that some favour. But the CAO model in Ontario is still relatively new and continues to evolve. This paper offers some suggestions for positive ways in which the CAO model can develop and warns of some clouds on the horizon that could harm the Canadian municipal government system.

Keywords: local government, council-staff relations, chief administrative officers, city managers

JEL codes: H11, H70, H83

The Evolving Role of City Managers and Chief Administrative Officers

1. Introduction

Discussions of municipal government are usually about the activities of the mayor and councillors. After all, elected officials make the important policy decisions. However, this focus overlooks those who deliver municipal services. A small group of elected officials is supported by a much larger group of professional public servants who advise the mayor and council and engage in the mundane tasks of building and maintaining roads, ensuring a safe and secure water supply, running recreation programs, planning liveable communities and, of course, collecting taxes to ensure that services are funded properly.

The success of a municipality is determined partly by the quality of the mayor and councillors, and partly by the quality of the public servants who serve those elected people. The relationship between the council and staff also affects the success of the municipality. In 2016, in a somewhat modest response to a series of high-profile incidents in both large and small municipalities, the Ontario Government introduced Bill 68/16, requiring that a council-staff relations policy be enacted in each of its 444 municipal governments.[1]

This paper examines the often unnoticed, but nonetheless important relationship between elected councillors and professional staff. In particular, the paper demonstrates how the chief administrative officer (CAO) model has strengthened this relationship. We begin with a discussion of some terminology and the legalities of the council-staff relationship in general. We then explain the components of the CAO model and how it has developed over time. The next sections describe ways to maintain the council-staff relationship in good order, and some threats to the continued development of the model. The paper focuses mainly on Ontario, because this is the terrain with which the authors are most familiar, but lessons learned in Ontario should have value across the country.

2. The Chief Administrative Officer Model

Although modified in Ontario and Canadian practice, the CAO model[2] is based on the century-old civic reform initiative in the United States called the council/

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1. Bill 68 of 2016, *An Act to Amend Various Acts in Relation to Municipalities*. Amendments to subsection 270 (1) of the *Municipal Act, 2001* to require a municipality to adopt and maintain policies with respect to the relationship between members of council and the officers and employees of the municipality. Section 33 of Schedule 1: "Subsection 270 (1) of the Act is amended by adding the following paragraph[s]: 2.1 The relationship between members of council and the officers and employees of the municipality." (See also paragraph 2.1 of Schedule 2 of Bill 68/16, outlining parallel amendments to subsection 212 (1), of the *City of Toronto Act, 2006*.)

2. In practice, there are a number of titles employed for this position such as city, county, town, or township manager, senior administrative officer, or *directeur-général*. The duties of the position, however, tend to be the same.

manager plan. In essence, the council/CAO model creates the position of chief administrative officer and vests in the incumbent full managerial authority for the daily operation of municipal government and for managing its staff, including developing coordinated policy and budgetary recommendations for the municipal council and implementing the policy and budgetary decisions made by council.

Under the council/CAO plan, the position of mayor is first-among-equals on the municipal council, with responsibility for political leadership, but with no managerial responsibilities beyond those associated with good governance. While an effective CAO respects the fact that he or she functions in a democratic political environment, the discharge of executive and professional duties within the municipal corporation is insulated from political control and direction.

The council/CAO plan is founded on the idea that running a municipal organization is a complex and sophisticated undertaking, even in smaller municipalities, requiring professional management. Subject to broad council oversight, the job is best entrusted to those with the professional training and career experience to do it competently.

3. An Overview of the Council-Staff Relationship

Municipal governments in Canada have a head of council, usually but not always called a mayor (regional governments have chairs, counties have wardens, and some small municipalities have reeves). In most cases the head of council is elected by an at-large vote of all voters in the municipality[3]; county wardens, however, are selected by their councils.

In addition to his or her symbolic and ceremonial position, the head of council also has a leadership role, especially if he or she is the only person elected by all residents. The mayor has a formal role in chairing council meetings and a less formal role as the face of the municipality when meeting visiting dignitaries, officiating at community events, and responding to questions from the media.

The head of council has, however, no more legal authority than any other member of council in the council decision-making process. The mayor casts one vote just like every other member of council. The mayor has no authority to make decisions that bind the municipal corporation; only a vote of full council can bind the municipality. And municipal civil servants work for council as a whole; they do not work for the mayor, or committee chairs, or any individual councillor.

This system of government is called the weak-mayor system because the mayor has little formal legislative authority. Some mayors chafe at the seeming slight to their position implicit in the phrase "weak mayor." However, it is a reference to the *structural* aspect of the municipal organization, not a comment on the leadership qualities of the incumbent. For example, Hazel McCallion spent 36 years as a "weak" mayor while building one of the largest cities in Canada and making provincial politicians cower whenever she spoke.

3. Starting in 2018, so will regional chairs (Benzie and Grewal, 2016).

The weak-mayor system common in Canada can be contrasted with the strong-mayor system in many large cities in the United States. In this latter arrangement, the mayor has a number of powers apart from council. For example, in some jurisdictions the mayor can prepare a budget that can be overridden only by a super-majority of councillors. In most such jurisdictions, the public service works for the mayor, and the mayor has the authority to hire, fire, promote, and manage staff.

In Canada, the distinction between the perspective of the mayor and councillors, on the one hand, and that of the CAO and management staff on the other hand plays a major role in policy-making and service delivery.

Table 1: Comparison of Strong-Mayor and Weak-Mayor Systems	
Strong-Mayor System	**Weak-Mayor System**
Mayor elected by all residents voting at large	Mayor elected by all residents voting at large
Mayor has significant legislative authority	Mayor has ceremonial role and can exercise influential leadership
Mayor can speak with confidence as the senior political spokesperson for the city	Mayor is equal to all other members of council, and can function as civic spokesperson only with approval of council
Mayor does not usually chair council meetings, leaving her or him free to take part in debate	Mayor usually chairs council meetings, restricting her or his ability to take part in debate
Mayor can appoint councillors to chair committees and other important roles	Committee appointments are decided by council acting collectively, perhaps on recommendation by the mayor
Mayor prepares budget which can be overridden only by super-majority of council	Budget is approved by majority vote of council, usually based on CAO's proposals
Mayor appoints department heads and manages the public service	Staff members work for council collectively
City manager model is not used because mayor is both political head and senior manager of city staff; political staff members support the mayor's office	CAO reports to council and acts as head of the public service
These statements are generalizations; practices in different cities will vary somewhat.	

The mayor and councillors elected by popular vote are expected to have a commitment to good government or efficient service delivery, but no one expects them to know the details of bridge building or social service administration. The legitimacy of councillors flows from the fact that they must face the electorate to explain and defend their past actions. The verdict on whether they do a good job will be delivered every four years by the civic electorate.

This concern about re-election can be regarded as promoting mere political expediency or as a way to ensure accountability. It means that councillors must keep in touch with attitudes in the local community. Are residents excited enough about the new park to accept a tax increase to pay for it? How strongly are people opposed to the new development on Elm Street? Is it a small vocal group, or a true groundswell of opposition?

The way in which councillors are attuned to the concerns of local residents is the major contribution they make to policy-making and service delivery.

While the CAO and management staff should be aware of local concerns, their relative security of tenure gives them a different perspective. Senior staff members derive their legitimacy from specialized professional expertise. They have attained their current position by moving up through a merit-based bureaucracy, or through career experience in similar organizations. They receive professional training at the beginning of their careers, as well as on-the-job socialization that immerses them further in their professional ethos. This type of career gives them a high level of expertise and a great deal of experience in their specific field.

Table 2 summarizes the different perspectives of councillors and staff.

Table 2: Different Perspectives of Councillors and Staff	
Mayor and Councillors	**CAO and Staff**
Products of the local community	Products of a professional ethos
Concern for re-election	Allegiance to professional principles
Compromise to get groups on side	Rational decision-making
Short-term horizon	Long-term horizon
Sensitivity to local culture	Focus on rational, professional values

Some people assume that councillors and staff exist in a state of constant opposition to one another. While councillors and staff might see a particular issue from different perspectives, this is not a reason for the two sides to be in conflict. In fact, the healthy dynamic between people who see an issue differently can produce desirable outcomes that reflect the positive aspects of both protagonists (Siegel, 2015b).

The best public policy comes about not when one side defeats the other and gets its way, but when a policy resides at the intersection of the two interests (see Figure 1). The mayor and councillors have an obligation to ensure that

Figure 1: Balancing the Political and the Professional

Mayor and Councillors
Reflect popular opinion in the community

CAO and staff
Provide professional managerial advice

The best decisions represent a melding of two perspectives
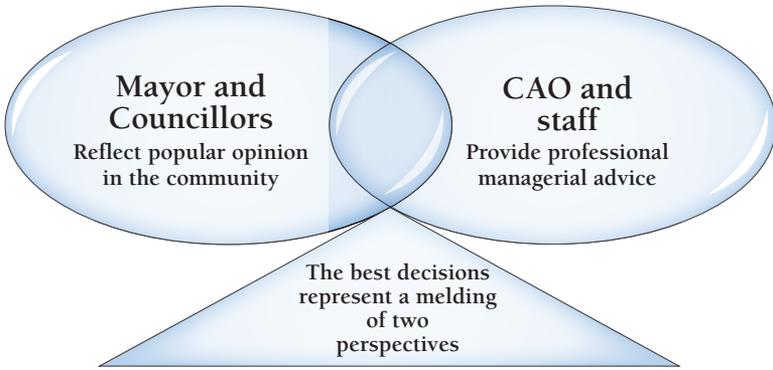
all decisions made by council reflect the prevailing local culture. Ignoring this requirement will cost them their jobs at the next election. Staff members have an obligation to ensure that decisions also take account of rationally determined professional values. The two groups need to find solutions that reflect both the local culture and rational professional values. This will mean that both sides must be willing to accept something less than ideal.

4. The Chief Administrative Officer (CAO) Model

The position of chief administrative officer as the head of the administrative apparatus of the local government is a variant on the city manager model that has been in use in some U.S. cities since the early part of the 20th century.

Figure 2 illustrates the model. The mayor and council sit atop the organization chart as the political heads of the local government unit. Many municipalities divide council into committees to focus on specific areas. The CAO is the sole employee who reports directly to council, and as such, he or she is head of the public service, accountable for the operation of the administrative apparatus of municipal government.

In practice, the model can become more complicated because certain officials, such as the municipal solicitor, sometimes need direct access to council to carry out their duties. The CAO does not interfere with the ability of certain staff members to report directly to council on purely professional matters. However, the CAO still serves as the administrative supervisor of all department heads and is frequently consulted on how to handle the advice provided by specialized officials.

The principle underlying the CAO model is the separation of policy-making (by council) from the development and implementation of the policy (by the

Figure 2: CAO Organizational Model

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                    ┌──────────────┐
                    │  Mayor and   │
                    │   Council    │
                    └──────────────┘

   ┌──────────────┐        ┌──────────────┐
   │   Council    │        │   Council    │
   │  Committee   │        │  Committee   │
   └──────────────┘        └──────────────┘

   ┌──────────────┐        ┌──────────────┐
   │   Council    │        │   Council    │
   │  Committee   │        │  Committee   │
   └──────────────┘        └──────────────┘

                    ┌──────────────┐
                    │     CAO      │
                    └──────────────┘

   ┌──────────────┐        ┌──────────────┐
   │  Department  │        │  Department  │
   │     Head     │        │     Head     │
   └──────────────┘        └──────────────┘

   ┌──────────────┐        ┌──────────────┐
   │  Department  │        │  Department  │
   │     Head     │        │     Head     │
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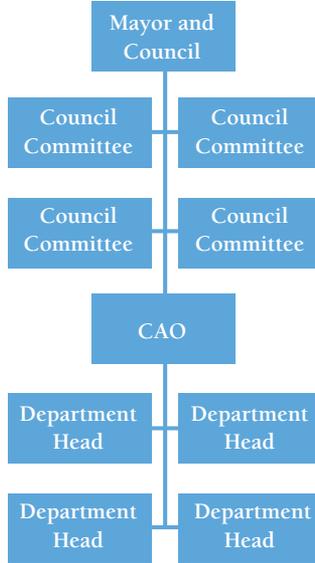
CAO and staff). Of course, policy and administration can never be separated into watertight compartments, but it is helpful for councillors and staff to understand that they have different roles.

A municipal council is chosen by the electorate to represent the diverse elements of the community. Council functions as a deliberative body to consider alternatives and choose the best policy for the community, and to provide broad oversight of its implementation in regulation and programs. The implementation of certain policies might require the interaction of several administrative units in complex ways over time. As a deliberative body, council is not structured to manage policy implementation. This is where the CAO comes in.

Council relies on staff members to provide advice on policy matters. A wise council would not want to act without receiving the kind of advice that these experts can provide. The CAO is the conduit through which this advice flows to council. In some cases, different units may provide partial or even conflicting advice. The CAO can help council sort out these differences. Staff members might also need to provide councillors with advice that they would rather not hear. In these cases, the CAO needs to ensure that this advice is provided in an appropriate manner.

Councillors review policies by considering the impact that a policy will have on their re-election prospects. Frequently, the outcome of a policy debate will not be a crisp, clear call to action, but a vague statement crafted to satisfy enough councillors to obtain the majority needed to pass a by-law. It is then the job of the CAO to interpret the council decision and translate those words into language that allows staff members who have a very different perspective from councillors to implement this policy in a manner that will satisfy the conflicting elements of council.

The presence of a "sole employee" allows council to provide instructions to that one employee and expect that he or she will carry out its instructions. The CAO's job is to ensure that the public service carries out the will of council in an efficient manner. This provides an important accountability link between council and the public service.

In the traditional model, the council attempted to hold as many as eight or ten department heads accountable. This approach became particularly difficult as policies became more complex and required the coordination of the activities of multiple departments.

In some cases, the chair of a council committee developed a cozy relationship with "his" or "her" department head. This was effective for management, but it could shut the full council out of the decision-making process. It also violated the principle that staff members work for council, not for individual councillors, and constrained council's ability to develop integrated policy affecting several functions.

The CAO's position in the public service can be precarious. On the one hand, he or she must carry out the instructions of council in a loyal and conscientious manner. On the other hand, a CAO who fulfils her or his role properly must sometimes tell councillors truths that they would rather not hear. "You say that you want no tax increase, but at every meeting you approve some new initiative that costs money. You can't have it both ways."

In practice this means that the CAO must fill the contradictory role of being a loyal and conscientious employee of council while having some degree of independence that allows her or him to advise council in a forthright manner. Table 3 lists the duties and responsibilities that a CAO needs to walk this tightrope effectively.

Why does a municipality need a CAO? After all, the real work of the municipality is done within the various municipal departments, and each department has a department head who is knowledgeable about the delivery of that service. Why hire another manager to manage the managers? In the book *Leaders in the Shadows,* the CAO is acknowledged to have a fairly limited role in terms of real hands-on, day-to-day management of the municipality (Siegel, 2015a). However, the book provides a long list of important contributions that the CAO makes. Many of them are less tangible than the engineer who builds a bridge, but

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Table 3: The Duties and Responsibilities of a Municipal Chief Administrative Officer

1. The CAO is the head of the public service in the municipality. He or she is the sole employee who reports directly to council.

2. The CAO is accountable to council to ensure that council receives the best professional, administrative advice that the public service can provide.

3. The CAO is accountable to council to ensure that the public service implements the policies of council in a loyal and conscientious manner.

4. All employees of the municipality report to the CAO for administrative purposes. This does not limit the right of certain officials such as the auditor, the medical officer of health, and the solicitor to report directly to council concerning matters within their area of expertise.

5. The CAO is given a clear set of responsibilities by by-law which can be changed only by a majority vote of council.

6. The CAO's responsibilities include the management of the public service within policies set by council. The CAO has the right to hire, promote, and discipline members of the public service within rules set out in the merit system and various collective agreements.

7. The CAO's responsibilities include financial management, such as the preparation of the budget for submission to council and the administration of the budget established by council.

8. Only the CAO has the right to direct the actions of all other municipal employees. This does not limit the right of councillors to consult with and ask questions of public servants. However, the mayor and individual councillors – and political staff – must remember that they have no right to give direction to a staff member.

9. The CAO has an obligation to protect the integrity of the public service. This includes imposing appropriate ethical standards on the conduct of public servants and defending public servants from unwarranted personal attacks.

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they have great importance in ensuring proper administration of the municipality (Siegel, 2015a).

The CAO helps establish the organizational culture of the municipality, which defines the behaviour expected of public servants. Recent scandals in Québec municipalities reveal an organizational culture that accepted corruption as normal behaviour; many people within these municipalities as well as outside organizations who dealt with these municipalities understood that flowing money in inappropriate ways was expected. This is an example of organizational culture gone bad.

Elsewhere, the organizational culture promotes positive behaviour. Siegel's study of successful CAOs describes a CAO who inherited an organization in

which staff members tended to sit in the coffee room and gossip about councillors. By the time this CAO left the organization, staff members were spending their uncommitted time engaged in continuing education programs. Another CAO turned an organization around by encouraging innovation where the previous culture had been very much by-the-book. One person at the top can have a profound influence on the behaviour that is encouraged or discouraged in an organization. The tone is set from the top.

Organizational culture affects the kind of staff that a municipality attracts, which leads to another important role of a good CAO: team-building. In large and complex municipalities, no one individual can be knowledgeable about all the functions of the municipality from animal control to zoning. A good CAO can attract competent and experienced individuals to join the municipal team as department heads. The reputation of CAOs becomes known in the municipal community and good department heads gravitate toward CAOs who have a reputation as successful leaders. A strong management team also greatly expands the ability of the CAO to advance the strategic priorities of council.

Starting with good people is one part of team development; the next task is to make them team players who put the interests of the municipality as a whole above those of their own department. This is an important part of the development of a real team that only the CAO can do.

In sum, the CAO plays an important role in local government. The position is a relatively new institution that is only now becoming firmly established, and might come under attack because of a poor understanding of the role. Councils are sometimes criticized in the media when they reject the advice of a CAO. But this might be a sign that the system is working well. Councillors have every right to reject the advice of administrators. However, councils need to consider advice provided by staff carefully and reject that advice only when they have a good reason to do so and when the alternative can be effectively implemented. A council that can articulate its reasons for rejecting administrative advice has no reason to feel embarrassed by its actions. A council that cannot articulate these good reasons ought to re-think its position.

Some variant of the CAO model is now used in virtually every municipality in Ontario. However, because the concept is relatively new and was created in the tentative, incremental manner described later in this paper, it does not yet have deep roots in Ontario's political culture as it does in the United States. Journalists and other observers of local government might not understand the value of the CAO model or might prefer the more colourful model of "political management." Efforts to clarify and strengthen the role of CAO have not produced a substantive response in the latest set of proposed reforms to the *Municipal Act*.

Councillors themselves sometimes do not understand the value of the model. They might be frustrated by a particular CAO who is too vocal or they might

want to save money by not hiring a CAO. In some smaller municipalities, a CAO may be replaced by an administrative functionary because the role of the CAO is seen as merely coordinating reports to council from department heads. Or a mayor will suggest that he or she can play the role of both head of council and chief administrative officer. In one case, a council decreed that the mayor and the CAO would share the role of chief administrators. Combining the roles of political sensitivity and administrative efficiency in one person (or even sharing it between two) deprives council of an independent, administrative perspective on policy.

5. Understanding North America's Tradition of Municipal Reform

From their inception, municipal institutions in Ontario have been an amalgam of domestic innovations and municipal reforms copied from the United States. The fact that municipal governance looks very different from the parliamentary model used at the federal and provincial levels in Ontario owes much to the reforms of Baldwin and LaFontaine and to waves of municipal good-government reform initiatives emanating from the United States.

At the beginning of the 20th century, municipal government in the United States was facing challenges associated with urbanization, industrialization, and large-scale immigration and migration within the country. Some were simply a result of the Industrial Revolution and the rapid growth of cities, along with the apparent inability of many civic governments to deal with housing, infrastructure, public health, and fiscal sustainability. Others were self-inflicted: the prevalence of transactional "brokerage" politics infected civic hiring, procurement and purchasing, development approvals, municipal servicing, and trades regulation. Cities like Chicago, New York, and Philadelphia, with their "machine" politics and "ward bosses," had colourful but corrupt civic administrations.

Whether awarding poorly planned and competing rapid transit lines, "featherbedding" incompetents on municipal payrolls, approving graft-riven procurement of major infrastructure projects, or selective, partisan application of municipal regulations and policing, the actions of political executives generated widespread public dissatisfaction and a demand for civic reform. Community leaders and progressive state legislators in the U.S. sought to avoid the spread of ineffective or corrupt politicians to municipal and county governments. Many reforms were undertaken, from improvements to electoral processes, to merit-based hiring of municipal employees. But one stands out.

Early 20th-century progressives, civic activists, and reformist organizations promoted the council/manager reform of municipal government[4] or "city manager

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4. Founded in 1895 as the National Municipal League, and later changing its name, the U.S. National Civic League was a leader in municipal reform and now serves as a clearinghouse for information on methods of improving state and local government. The League's *Model City Charter,* now in its eighth edition, has endorsed council/manager government since 1915 (Gates and Loper, 2003).

plan." This model of municipal governance was developed to counteract the lack of management competence and the corrupt practices of municipal government in the United States.[5]

The council/manager reform movement made steady progress throughout the 20th century, and is now, in one form or another, the preponderant model of municipal governance across the United States and Canada, and increasingly in democratic societies across the globe.

5.1 Advancing municipal reform in the United States and Canada

After the 1849 *Baldwin Act* pioneered local democratic self-government in the British Empire, and throughout the first few decades after Confederation, Ontario was a trendsetter for municipal legislation in Canada. But Ontario did not embrace the council/manager civic reform.[6]

While the council/manager movement took root in Western Canada and to some extent in Québec, Ontario long resisted the CAO model. Even when adopted, the CAO model in Ontario proved to be a paler version of the U.S. model. To some, it was "too American" and perceived as inconsistent with established Canadian municipal political culture. To policy-makers at Queen's Park and political scientists, the model equated municipal councils with boards of directors. Academics also disagreed with those business and community leaders who felt that politics should be taken out of local government. Above all, Ontario did not feel it had the degree of civic malaise that it saw in U.S. towns, cities, and counties, for which the council/manager plan was seen as the antidote.

In reality, Ontario politics was not immune from abuses. In the early 20th century, regional railway schemes and residential land speculation financially undermined a number of Ontario municipalities. Local procurement scandals and a lack of professional competence burdened many others. Yet the periodic election of "reform" politicians did little to remedy the situation.

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5. The "city manager system" in the United States dates from the appointment of the first city manager in Staunton, Virginia, in 1908. It is viewed as the invention of one man – Richard S. Childs – but it grew out of the broader Progressive movement that had an influence on all levels of government. It was a well-thought-out innovation in management, sometimes referred to as the "manager movement," and championed by groups such the National Municipal League, the Good Government League, and the Short Ballot Organization.

6. Canadian provincial legislatures also had greater authority over municipal governments than their U.S. counterparts. In Canada, the concept of municipal sovereignty or "home rule" did not take root and was not recognized by the courts. In the United States, "home rule" provisions (in some cases, embedded in State constitutions) legally constrained action by State legislatures in response to demands for municipal reform. As a result, measures to improve local government, such as implementing the council/manager plan, often depended on local initiative. With "home rule" blocking the path for State intervention in municipal affairs, it is no mystery why State governments do not have municipal affairs departments. In Canada, Provinces could implement municipal reform measures if they chose to do so. Some did; some did not.

5.2 Advancing the CAO model in Ontario

In much of Ontario, the council-committee model was the dominant management structure. In this model, council-appointed department heads reported directly to council, but also had a close relationship with council committees and the chairs of those committees, as well as with mayors. In this unwieldy arrangement, a large municipal council held hundreds (or thousands) of public servants accountable through a dozen or more department heads. The result was an extreme form of "silo management" – with departments sometimes compared to feudal fiefdoms. While individual departments may have been managed effectively, accountability was weak and there was no reliable mechanism for coordinating service delivery and policy making across departments.

Meanwhile, chambers of commerce, labour councils, local universities, and "good governance" groups searched for more sustainable solutions. They sought a balance between political accountability and reliable, competent, professional administration and service delivery. They understood the potential of a strong political executive, but they were equally aware of the shortcomings associated with unrestrained executive power in the hands of a few decision makers.

Early in the 20th century, Montréal's business elite recognized the abuses of the local civic administration (according to Justice Charbonneau, such problems persist in the cities of Montréal and Laval). Drawing on the U.S. civic reform movement, in 1913 certain Montréal business leaders adopted the council/manager form of municipal government for the "enclave" city of Westmount in Montréal. Other reform-minded Québec communities followed.

For 50 years, Ontario border communities watched as suburban municipalities in the Detroit, Cleveland, and Buffalo metropolitan areas tried to shake off the corrupt and ineffective civic regimes of their central cities and counties by instituting the council/manager form of civic government. Still, there was little appetite for such reforms within the Ontario government during most of the 20th century. Although the City of Guelph lays claim to pioneering Ontario's first council/manager model, private legislation to implement a "city manager" or CAO model had to be sought by Windsor, Chatham, Sarnia, and Niagara Falls, since general municipal legislation would not allow it.

Adoption of the council/manager plan in Ontario was slow and made no inroads whatsoever among municipalities in the Toronto and Ottawa metropolitan areas. When the Ontario Municipal Administrators' Association (OMAA) held its founding meeting in May 1958, its full membership could meet around a table.

5.3 Why the reluctance to accept managerial reforms in Ontario?

A century of mutually beneficial political relationships had evolved between executives at the two levels, built around the key functions of roads and piped infrastructure. Other municipal functions were of limited importance until the late 1960s, so local government had less need for a strong managerial cadre. When

the Province had important new policy and program initiatives to implement at the local level, such as public health, electricity distribution, flood control, and land-use planning, it showed its lack of confidence in municipal governance by by-passing municipal councils altogether in favour of statutory officers or special-purpose bodies (such as health units, hydro commissions, conservation authorities, and citizen-dominated planning boards).

Decisions were frequently political, and even partisan, being the product of negotiations and political understandings between the representatives of the governing party at Queen's Park and political leaders at the predominantly rural local level.

5.4 Adopting the CAO model in Ontario

Although the provincial and many local governments resisted adopting the council/manager plan, Ontario was otherwise a leader in postwar municipal governance.

The provincial administrations of Leslie Frost, John Robarts, and William Davis oversaw almost four decades of postwar economic and population growth in Ontario. They understood the need for local institutions that could plan and implement a rapid expansion in housing, infrastructure, and long-term financing, and for competent public services of all kinds. They also recognized that local governments beyond the boundaries of the Municipality of Metropolitan Toronto had little experience with the magnitude of public issues with which they would soon be faced. Local politicians did not have the type of professional and managerial staff on which they would need to rely in making those "50-year" decisions.

Most municipal management staff in Ontario had simply "grown up with the job" as postwar appointees. Municipal staff members who were knowledgeable about major debt issuance and long-term financial planning were rare outside Toronto, Ottawa, and Hamilton. Planning and engineering staff to match the city-building experience and resources of major private development companies were equally scarce. Municipal professionals in fields ranging from social services to environment would be needed to handle emerging issues that were regional in scope and substantial in their fiscal and societal impacts.

The *Smith Committee on Taxation*'s three volumes (1967) and the three phases of the Province's *Design for Development* program (1966, 1968, 1972), proposed a regional revamping of municipal and other boundaries and responsibilities, matched with new fiscal resources and an activist role by the Province.

Senior provincial public servants in ministries such as Treasury, Economics, and Intergovernmental Affairs realized that general management capacity at the municipal level would be the key to meeting the vast array of challenges in a way that reflected long-term, technical requirements rather than immediate political imperatives. As the Province began to create federated regional municipal

governments and amalgamated school boards, provincial civil service executives began to assemble the resources to do the job.

5.5 The Hickey Report

The dearth of municipal finance talent was addressed, in part, when assistant deputy minister Paul Hickey and his colleagues engaged in the recruitment of British-trained municipal accountants, who had postwar experience in rebuilding U.K. cities and whose low compensation levels at home made Ontario's modest public-sector salaries and booming economy seem attractive.[7]

Perhaps most significantly, however, Hickey wrote a paper titled *Decision-Making Processes in Ontario's Local Government.* Citing the experience of the United States and other Canadian provinces, Hickey made the case for appointing chief administrative officers (CAOs) in each of the soon-to-be-established regional municipalities and, by implication, all other large or growing Ontario municipalities. As one of the pre-eminent municipal policy advisors in the Ontario government, his opinions were very influential as legislation was being drafted and promoted by powerful, visionary ministers like Darcy McKeough.

At a stroke, the policy logjam was broken. Given the circumstances of the time, Hickey's report was treated more as internal "advice to government" than a platform for stakeholder discussion. There was no major public consultation on its recommendations and their implications. The forces that would naturally and normally array themselves against the CAO model were otherwise engaged in the heated amalgamation debates and other concerns. The adoption of the CAO concept as provincial policy came "almost by stealth." Already committed to public management expertise and professionalism within the Ontario government, through James Fleck's 1971 Committee on Government Productivity, the Province understood the value of good general management and recognized professional management's key role in ensuring that both its municipal reforms and its provincial planning and infrastructure programs would be implemented effectively.

The municipal restructuring legislation of the early 1970s (the Acts creating regional municipalities) called for the appointment of chief administrative officers, with overall authority for the administration of the new municipal governments. Eventually the position of municipal "chief administrative officer" was incorporated into the *Municipal Act*, although through permissive legislation and with potentially limited managerial scope.

Because of the pragmatic and incremental nature of its adoption, the CAO model attracted little attention from the academic scholars of the day, who might have supplied some theoretical underpinnings which would have later proven

7. Based on his experience at the City of Hamilton, Hickey also worked to establish a municipal pension system that would encourage professionals' long-term commitment to municipal public service.

useful to sustain and defend the reform (Plunkett, 1992; Price, 1995). In the absence of such scholarship, the local government sphere has until recently lacked much of the rationale for a sound governance framework to guide local decision-making, the design of municipal institutions, and the roles of incumbents.

Nevertheless, progress was rapid. In 1969, 40 municipalities in Ontario (4 percent of the total) used some variant of the CAO model; by 1976 this had increased to 100 municipalities (12 percent), including many large municipalities created by regional amalgamations. At the beginning of the 21st century virtually every municipality in Ontario and across Canada had some variant of the CAO model in place. However, because of adoption by stealth, this innovation had a broad spread, but shallow roots. Some municipalities adopted the model because of its popularity elsewhere, but did not actually understand how to employ it.

The next section offers advice on how to ensure that the system promotes good council-staff relations. And because the shallow roots of the model make it susceptible to changes that could be detrimental, the final section of the paper discusses some of these potentially destructive elements.

6. Maintaining Good Council-Staff Relations

Good governance principles in the municipal sphere, particularly in Ontario, remain a matter of informal custom and practical experience. They are typically codified and conveyed to councillors and municipal staff on the occasion of orientation sessions for newly elected councils, or when a new procedural by-law, code of conduct, or CAO appointment by-law is enacted, or when a municipal integrity commissioner is appointed.[8]

In *Good Governance at the Local Level: Meaning and Measurement*, Zack Taylor examines municipal good governance from the perspectives of quality of process, outputs, and outcomes . He notes that municipal governments are "embedded" or nested inside larger institutional frameworks, covering wider political, economic, ecological, and social systems. As a result, municipalities may have an impact on economic, environmental, and societal outputs and outcomes, but they are unlikely to determine them (unless they act in unison as a sector). However, local government institutions do control their own "inputs," and these may contribute to (or constrain) better outputs and outcomes. Taylor suggests that developing standards of municipal good governance should begin with a focus on those things within the direct purview of municipal governments, namely good quality governance processes. He goes on to propose a seven-part research agenda to better understand and implement standards of good governance at the local level.

After the Enron, WorldCom, and sub-prime loan debacles, and the financial crash of 2008, good governance was at the top of the corporate and business

8. In practice in Ontario, the elastic and variable application of these principles is reminiscent of the humorous observations drawn from the screenplays of *Ghostbusters* and *Pirates of the Caribbean*, that principles "are not rules, but more like guidelines"!

agenda. Change culminated in the Dodd-Frank legislation and a focus on the fiduciary duties of boards of directors, conflict of interest, strengthened audit and human resources functions (including the link between performance and compensation), and maintaining a clear distinction in the roles of chair of the board of directors and the chief executive officer.

In contrast, the scholarly literature focused specifically on good governance in the municipal sector in Canada remains sparse (Sancton & Young, 2009; Siegel, 2010, Tindal, Tindal, Stewart, & Smith, 2016), despite some important recent contributions by Siegel (2015a, 2015b) and Taylor (2016). In the face of inquiries and integrity commissioner reports, as well as provincial legislation addressing municipal accountability, some progressive municipalities are also undertaking serious examinations of the issues and standards of good governance in municipal government (City Council of Mississauga Governance Committee, 2011–16; Pine, 2016).[9] The impending requirement for council-staff relations policies under Bill 68/16 provides an opportunity to look more seriously at these issues. Sancton (2017) has also written about the work of integrity commissioners in Canada.

Whence do local governments draw their principles and standards of good governance practice, relating to such matters as good council-staff relations? A common approach is to outline rules-of-the-road in guiding council-staff relations (Fenn, 2003, 2015). Some experience-based counsel for good council-staff relations might be summarized in the following ten principles.

6.1 Treat all council members equally

Experienced municipal staff will remind both staff and councillors that staff members need to avoid favouritism or even the appearance of favouritism. Whatever their differences in experience and abilities, all councillors should be treated equally by staff. Most successful senior municipal managers promote a formal relationship between municipal staff and elected representatives, especially during public meetings or business dealings.

It is also essential to treat council as a collective decision-making body, not as a collection of individuals.

Everyone recognizes that the head of council is expected to be the leader of council and a "first among equals." With that role comes a close working relationship between the mayor and the CAO.

6.2 Keep politics and management separate

There is a difference between policy and management. Elected representatives are responsible for giving political direction, for ensuring that management systems

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9. In June 2014 City Council adopted The Toronto Public Service By-law (Chapter 192 of Toronto's Municipal Code) to set important foundational legislation to strengthen the separation between the administrative and political components of Toronto's government and to advance Toronto's public service as professional, impartial, and ethical (Toronto City Manager, 2014).

work properly, and for making decisions after staff members, the public, and fellow councillors have been heard. Whatever their professions or work experience in private life, elected representatives at the municipal level are not elected to be managers or technical experts. They are elected to represent their community.

Likewise, civil servants are not hired to play a political role. Staff members are paid to research policy issues, to give council their best professional judgment, and to accept and implement effectively whatever council decides, even if it is something staff did not recommend – *especially* if it is something staff did not recommend.

Staff members are hired to offer viable policy options, but also to make recommendations, whether they are welcome or not. Council may not like a recommendation, and certainly may not accept it. But both council and the CAO should insist that every substantive report come with specific recommendations that reflect staff's best advice.

The underlying principle is simple. Policy decisions are Council's business; management is management's business. To promote good relationships, staff must respect democracy, and councillors must respect professional management. "What you call me tells me what you think of me," especially in the eyes of the public. Municipal professionals understandably prefer being called by their title or "staff," rather than "bureaucrats." Local elected representatives similarly prefer to be called by their title or "elected representatives," rather than "politicians."

6.3 Remember that elected representatives represent the whole community

As 19th-century parliamentarian Edmund Burke would say, councillors periodically need to remind themselves that they are legislators and representatives, not just community delegates or "customer service representatives." They are representatives in a democratic process, not agents or "rubber stamps."

The job of elected representatives is to make decisions based on the good of the broader community, including people who have not been heard at council or in the media or on social media, as well as those who will come in the future. In some cases, it will fall to municipal staff to gently remind councillors of this broader, fiduciary obligation to represent the unrepresented, including future residents.

For councillors, it makes sense to rely on feedback received during the election, and in municipal customer satisfaction surveys, rather than simply accepting the wisdom of currently "trending" views on social media or from council delegations. Ultimately, councillors must rely on their own judgment and "due diligence," and then show leadership on issues.

6.4 Ensure there are no surprises

Staff generally take the view that when councillors look competent and goal-oriented, that reflects well on the whole organization, including staff. In other words: "When you look good, we look good" – and vice versa. That is why

councillors are cautioned against making important policy decisions in a vacuum or "on the fly," such as during a council meeting in response to a public delegation's request or complaint.

It is always a matter of good professional courtesy for councillors to warn staff ahead of time if they are going to raise an issue or criticize staff's actions, to ensure that an informed response can be provided. It will also avoid the risk of embarrassing a councillor publicly, if staff provide information of which the councillor was unaware. Similarly, it is unfair to other councillors for one councillor to announce at a meeting, "I've spoken to staff and they agree with me." Staff members speak for themselves, usually in writing at council or in person at committee or council.

The converse is equally true. While staff should leave public debate to councillors, they should not leave them exposed. Staff need to anticipate the challenges that councillors might face, and to provide them with information to frame a cogent public response to predictable questions from citizens or the media, especially when facing the immediacy of social media and the 24-hour news cycle.

Finally, it is important to get things right when acting as a legislator, such as making an amendment to a staff recommendation or taking a new direction. If staff members are professionals, they will not argue with a councillor, but they will assist in ensuring that a draft resolution has no obvious flaws or inaccuracies. Staff members need to implement whatever council authorizes.

6.5 Don't air dirty laundry in public

There are many reasons why councils should discourage acrimonious debate and personal attacks. For one, it leads to dissatisfaction and a loss of competent staff. It also looks bad for elected representatives themselves. The public does not want to see municipal officials air their grievances with one another in a public forum. They expect them to do the job that they were hired or elected to do.

Municipal government operates in a political arena, with all that that implies. As a result, a councillor may quite properly – or even simply for political reasons – accuse staff of being incorrect, lacking in research or creativity, being insensitive to community concerns, or being too slow to deal with an issue. Staff may not like it, but they have broad shoulders and it is the right of the democratically elected representative to say such things if they are warranted.

But there are limits that should not be exceeded. Best practice says it is the duty of the head of council and the CAO to act decisively when these limits are exceeded. A councillor should never accuse a staff member publicly of stupidity, unethical behaviour, or incompetence. If an elected representative feels that way about a member of staff, he or she should take it up with the CAO (or with the head of council, in the case of the CAO), in private. Likewise, if a staff member feels his or her integrity or honesty is being questioned, or if workplace interactions with a councillor are inappropriate or demeaning, he or she should take the matter up

with the CAO and take advantage of the protections afforded to all employees, including in serious cases, access to the municipal integrity commissioner.

6.6 Do not waste councillors' time

Councillors should not allow staff presentations or delegations to consume all the time that they have to debate and decide an issue – and staff should likewise focus on facilitating good decision-making. Many municipal councils meet in the evenings, after all involved have had a full workday. Late evening decisions are often not good decisions.

Councillors should continually remind themselves that the community elected them to make decisions. The public process and council debate are important in local government, but there are practical ways in which it can be managed to ensure access and argument without undermining good decision-making. Public process should inform and improve decision-making, not impede it or exhaust it.

6.7 Make good use of staff time and talent

It is important for councils to use staff resources to their best advantage. Every staff report costs taxpayers money, and takes staff time away from some other issue or problem that needs attention. Where possible, councillors should avoid the temptation to defer or to refer back for a staff report, if it really is not necessary (such as to "defuse" a tense situation caused by an unhappy public delegation).

If council knows it is not going to accede to some demand or objection, it should act. The broader community usually appreciates intellectual courage and decisiveness in its elected representatives, even if some community members might not agree with the specifics of a particular decision.

In many municipalities, staff members require a formal staff direction to be voted on by a committee and approved by council before staff will add a significant item to the work program.

6.8 Pass the ball to the public figures

After committee decisions have been made, it is good practice for staff to "pass the ball" to the standing committee chair, or the "champion" of the issue on council, to publicly explain, defend, or promote the decision.

Since staff members are not generally in a position to comment publicly, other than to provide technical information, elected officials should avoid commenting publicly on staff, leaving any comments to committee meetings where staff can respond directly. Even in that forum, extensive public questioning of senior staff by individual councillors, in a manner that is clearly political in intent or inquisitional in tone, should be avoided. These practices are too frequently in pursuit of the "gotcha" answer or the headline.

The underlying objective is to reinforce in the eyes of the public that elected representatives are in charge.

6.9 Ensure R-E-S-P-E-C-T

To borrow from Aretha Franklin, the first ingredient in any good relationship is a climate of mutual respect. That can be easier said than done, when public criticism of staff by councillors is often popular with journalists or social media.

No matter what type of relationship exists between staff and council, the core must be respect for one another: respect for each other's intelligence and professionalism; respect for the public office, no matter how one might feel about the current incumbent of an office; respect for the challenges that each "side" faces; and respect for the fact that both elected representatives and municipal staff are trying to serve the best interests of their communities and their citizens.

6.10 Respect the chain of command

Councillors should be aware of "who's in charge of what," so that they can deal with the appropriate member of senior management on anything of significance. Senior staff members generally do not view councillors' requests on "unimportant" things as an inconvenience, or something best directed to subordinates or the municipal 3-1-1 service. They know that these requests are often a good barometer of what is on the minds of councillors and the broader community.

In larger municipalities, there might be the need to ensure that councillors' political staff do not act in a way that appears to direct departmental staff, or to usurp the role of management or the councillors themselves. Generally speaking, senior staff members welcome direct contact with elected representatives, in part as a way to keep current with council views in an informal setting.

7. How to Destroy the CAO Model

Although there are no forces deliberately intent on destroying the CAO model, the model is sufficiently new that it is not always well understood and some initiatives could harm it.[10] In many cases, the proponents of these initiatives are not considering the impact on the CAO model.

7.1 The mayor as chief executive officer or the strong mayor system

The CAO position was only firmly established in Ontario legislation in 1971. But the CAO's role was diluted in 2000, as part of the first comprehensive new *Municipal Act* since the *Baldwin Act*. Among a large list of significant reforms, that legislation innocuously (and with scant consultation) designated the chief elected official in the municipality – the head of council – as the "chief executive officer" or CEO. Despite the implications of the title of CEO, the powers conferred on this position are very weak.

Since a statute has universal application, this CEO designation applied even to municipalities where the municipal council might have made a conscious choice

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10. Slayton, Philip. (2015). *Mayors Gone Bad.* Toronto: Penguin Canada. This book accurately describes the problems associated with abuse of political executive powers, but paradoxically proposes more, rather than less, executive power for mayors.

to adopt a robust CAO model and to confer general management responsibilities on the CAO. It is equally evident that this legislative change was initiated without any serious consultation with municipal councillors or municipal management staff; both would doubtless have had a perspective on this change, which implicitly affects their roles and duties.

Some infer the "CEO" powers from the role of the mayor in the 2006 *City of Toronto Act* amendments[11], but those powers largely parallel those found in the *Municipal Act* and tend to focus on council-related powers, rather than executive or managerial functions. (For example, the expanded powers entail the mayor's right to appoint standing committee chairs – comprising the majority on the Executive Committee – and to appoint deputy mayors, and the use of an executive committee with extensive agenda-setting and budgetary priority-setting authority.)

This CEO designation has contributed to the ambiguity of the role of head of council, and appears to contradict the statutory description of the role of the CAO. As the term implies, the mayor's position as "head of council" was historically seen as a first-among-equals on a municipal council, similar in function to the chair of a board of directors under the *Business Corporations Act (Ontario)*, rather than the quite different but complementary role of a CEO.

Ontario has appropriately limited provincial and municipal-council control over a democratically elected mayor. As a result, combining the full sweep of U.S.-style "CEO" and head-of-council powers in a single individual has profound institutional implications. Through the municipal electoral process, one can occasionally attract a stellar executive leader, like Mayor Michael Bloomberg; but cities can just as easily attract to the mayor's chair someone in whose hands unrestricted executive authority does not benefit the municipal corporation or the community it serves. This potential has been demonstrated in recent Ontario and Québec municipal history. The risk would be considerably expanded if the mayor's executive role were to be expanded, bolstering an ability to compel a sustained working coalition on a municipal council.

Anticipating problems in governance by independent political executives, Madam Justice Bellamy's inquiry into the Toronto computer leasing question provided these insightful observations (it is interesting that these words were written *before* the Ford administration in Toronto):

> Some U.S. jurisdictions are very explicit in their Municipal Codes as to the direct relationship between Council and the City manager, for example:

> …City Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the city Council nor its members shall give orders to any such officer or employee, publicly or privately.

11. *City of Toronto Act, 2006*, Statutes of Ontario 2006, Chap. 11, Sched. A, section 134.

With these roles in place, the City Manager typically has a large amount of autonomy as manager and operational policy maker. All administrative functions and decisions fall under this managerial role. This includes final decision making with respect to senior staff. (Toronto Computer Leasing Inquiry, 2003, p. 33–4).

With remarkable foresight, several years before these issues arose with the Ford administration, Justice Bellamy's inquiry spelled out for the Province the risks associated with placing too much authority in the hands of a single municipal political executive, or even failing to specify clearly the respective roles of the head of council and the CAO.

Issues/Challenges: Mayor as Chief Executive Officer

This form of centralized leadership puts an onus on the Mayor to reach out broadly across the City to ensure responsiveness to all interests, as opposed to those interests that supported the Mayor's election….

The power and authority granted to the Mayor would permit the person holding office to make policy and operational decisions based more on political considerations.

If the Mayor lacks competency or fitness as a chief executive officer, s/he cannot normally be removed until [the] end of his/her term, or after an onerous, expensive, and divisive process.

Issues/Challenges: Chief Administrative Office/City Manager (Canadian model)

…this model is highly dependent on a strong, positive working relationship existing between the head of Council/Mayor and the CAO. This relationship needs to be based on mutual trust, respect, and above all a clear understanding (also shared more broadly by the rest of Council and the administrative staff) of respective roles and responsibilities.

In the absence of these characteristics, a problematic relationship can arise between the CAO and the head of Council. The potential for a clash is significant if the head of Council has a strong personality and a determination to provide "hands-on" leadership…

No matter how effectively a CAO system may work, the position provides administrative, not political, leadership and cannot be made to compensate for a lack of the latter (Toronto Computer Leasing Inquiry, 2003, p. 39–40).

The contrast with other Canadian provincial jurisdictions is notable. Alberta designates the head of council as the chief elected official, but the respective roles of council, the head of council, and the CAO are clearly described. The legislation even states: "A council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or a designated officer."

Ultimately, any legislative changes to decision-making authority within municipal government need to balance the interrelated roles of the mayor, the council, and the administration. As municipalities implement codes of conduct and council-staff relations policies under new provincial legislation, this balance needs to be in the forefront of consideration. Strengthening the role of the mayor, for example, inevitably comes at the expense of either the council or the administration, or both, and in particular, the role of the CAO. Madam Justice Bellamy clearly articulated the limits of a political executive:

> Council should give the City Manager clear and unequivocal responsibility and accountability for the overall management of the administration of the City. Not doing so undermines the City Manager's effectiveness. …

> Although the Mayor can properly be involved in hiring the City Manager, there should be a clear division of responsibility between the Mayor and the office of the City Manager – a separation of the political from the administrative (Toronto External Contracts Inquiry, 2005, p. 424).

7.2 The changing role of councillors, including the role of political staff

Many municipalities, both large and small, are considering the need for more political management of the municipal corporation's affairs.

In larger municipalities, publicly paid political staff members are increasingly common, drawing from the provincial experience, with chiefs of staff for the head of council and policy advisor positions supporting councillors. As long as political staff members remain as constituency assistants and political advisors, they can play a valuable role. However, if they try to usurp the role of managerial and professional staff or insert themselves as intermediaries between the political decision-makers and the public service advisors that those political decision-makers need, they pose a threat to a well-functioning CAO model.

Another recent trend is the emergence of some department heads as prominent public figures, such as the "celebrity" status accorded some municipal chief planners or medical officers of health. At a more basic level, municipal staff may find political staff playing an increasingly active part through social media and in negotiations with community members and development proponents over development approvals, density rights, and other planning and service-delivery issues.

Over the past few decades, reform proposals have also aimed to reduce the number and size of municipal councils and to pay councillors an amount that goes well beyond the traditional "honorarium." The result is that municipal politics is increasingly an attractive career, rather than simply an opportunity for community voluntarism.

Paying councillors a full-time salary implies devoting more time to the position. These expectations effectively preclude many well-qualified and experienced

citizens who might want to maintain (or return to) a professional practice or a business, or otherwise serve in a part-time capacity. Making the position of councillor into a career and increasing the competition for those positions by reducing council size inevitably produces two other effects. First, it changes the profile (and qualifications) of candidates and second, for some councillors, it implicitly links continued employment and electoral campaign support to avoiding unpopular decisions or to sustaining support from specific constituencies.

7.3 Limiting the role of the CAO

One of the other threats to a proper CAO model is the preference on the part of many councillors for the CAO to tell council what it wants to hear. The CAO must be given the tools to carry out her or his role as the professional, administrative voice of the public service. Ontario legislation recognizes the role of the CAO, but defines that role in relatively few lines. By comparison, legislation in other provinces provides a lengthy list of the duties of the CAO. In Nova Scotia, for example, statutory support provides CAOs with a valuable tool that bolsters them in the necessary but challenging obligation to "speak truth to power."

CAOs in Ontario as a group are in the process of developing a stronger professional identity that will help them play an important role in the municipal system. However, the profession is still relatively new and needs broader support to continue to function well. This support includes stronger legislation supporting the role of the CAO and a better understanding on the part of councillors, the community, and the media about the value of the position and the importance of professional management to the effective functioning of one of society's most important and complex organizations.

7.4 Summary

The CAO model has been voluntarily adopted by a large number of municipalities across the country. There are few examples of frontal assaults on the model. However, in isolated cases, individual municipalities have modified the model in a way that weakens it. Certain actions may be taken without regard to their impact on the CAO model. Any future improvements in the local government system must have regard to their impact on the CAO model, which has worked so well.

8. Conclusion

The municipal council as an elected body provides local sensitivity and ensures that policies fit the local political culture. The professional public service provides expertise in policy development and administration. The best policies are found at the intersection of these two interests – responsiveness to local interests tempered by rational, administrative elements.

The CAO provides the link between these two cultures. The CAO acts as a translator between two groups who speak different languages. Council works well as a deliberative, decision-making body, but the characteristics that make it function well in that role prevent it from functioning well as an administrative

body. The role of the CAO is to take council's policies, which are sometimes not clearly articulated, and transmit them to staff in the form of directions that can be implemented in a professional, efficient, and effective manner. The CAO is council's sole employee. The CAO provides the vital accountability link between the wishes of the elected council and service delivery provided by staff.

The municipal chief administrative officer (CAO) model is a classic Canadian invention. It was borrowed from a concept developed in the United States, but adapted to Canadian institutions. For the most part, it was not imposed from the top down, but rather spread from the bottom up. The progressive implementation of the model persevered for many years in the absence of statutory requirements and despite a lack of support from the Ontario government. As evidence of its value, the CAO model has been adopted by most Ontario municipalities because it effectively addresses the complex managerial and policy-making problems that municipal councils face.

There will certainly be improvements to this model in future, but municipalities need to safeguard the important elements of the model and avoid detrimental changes.

Most progressive reforms are inherently volatile: they either advance or erode with time. The CAO model remains vulnerable to those who oppose its underlying rationale of an impartial civil service whose activities are managed and coordinated by a management professional. It is also vulnerable to those who, for a variety of reasons, prefer political management of governmental organizations. But perhaps most important, it can be inadvertently undermined by custodians of municipal good governance.

Without a balanced statutory framework to govern council-staff relations – one that recognizes and bolsters the role of the CAO – CAO reform is on a weak foundation. Without a clear-sighted recognition of the need to maintain balance and creative tension in the model, the CAO model will atrophy. While many municipal leaders might not call for it, Ontario needs legislation that defines the role of CAO more clearly, provides the practical operating conditions that constrain the politicization of the public service, and allows managerial professionalism in the municipal sector to thrive.

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