



Committee of the Whole Report

For the Meeting of February 25, 2021

To: Committee of the Whole

Date: February 2, 2021

From: Chris Coates, City Clerk

Subject: Citizen's Assembly Process – Next Steps

RECOMMENDATION

That Council approve the recommendations as provided in Option 1 of this report:

1. Approve the estimated costs associated with the Citizens' Assembly and reaffirm the commitment of \$250,000.
2. Direct staff to present the estimated costs to the Provincial Government and seek provincial funding to accommodate at least 1/3 of the associated costs of a Citizens' Assembly.
3. Upon funding approval initiate the procurement process to seek a consultant for the Citizen's Assembly Process upon funding approval from the Ministry of Municipal Affairs.
4. Upon funding approval initiate the procurement process for consultant services for the Technical Analysis upon funding approval from the Ministry of Municipal Affairs.
5. Request staff to work with the consultant to develop a term of reference for an Oversight Committee on the Citizens' Assembly.
6. Approve the in-person participation concept of a Citizens' Assembly.
7. Reduce the number of participants on the Citizens' Assembly to the 'Best Practice' number of 48.
8. Remove any options for honorarium or per diems from the approved Terms of Reference for the Citizens' Assembly should that be necessary for cost reduction to the overall budget not to exceed \$750,000.
9. That Council accept the remaining changes to sections 3.5, 7.1, 7.2.3, 7.5 and 8.2.1 the Terms of Reference identified in this report to align with Saanich Council's approvals

EXECUTIVE SUMMARY

On December 12, 2019, Council accepted changes to the Terms of Reference resulting from Saanich's decisions and directed staff to report back with next steps to move the process forward. The COVID-19 pandemic impacted Saanich and Victoria staff and delayed the discussions until much later in 2020. This was further exacerbated by the by-election in Victoria.

Saanich and Victoria staff had discussions with leading consulting firms around Citizen's Assembly processes. The purpose of this report is to outline the process in some detail, provide preliminary cost information for the process to enable a funding request to the Ministry of Municipal Affairs under their Restructure Planning Program. Valuable information was received during these discussions about the process and the likely costs to undertake the Citizen's Assembly.

Both Saanich and Victoria held a public opinion question during the 2018 municipal elections seeking elector's views on spending up to \$250,000 on this process. Both opinion polls received majority support of those who voted. The estimated range of costs is between \$720,000 and 820,000 at this early stage, and prior to a Request for Proposals (RFP). Staff are recommending the consideration of some adjustments to the Terms of Reference for the Citizens Assembly in addition to seeking Council's direction to move the process forward with a funding application to the Ministry of Municipal Affairs.

PURPOSE

The purpose of this report is to bring forward the next steps required to move forward with the Citizen's Assembly process.

BACKGROUND

At the December 12, 2019 meeting, Council passed the following motion:

That Council receive this report for information and accept the final terms of reference as presented by Saanich and direct staff to work with Saanich staff to bring forward a report outlining the steps necessary to be completed in order to make application to the Province for funding to undertake the Citizens Assembly.

On April 20, 2020 Saanich Council passed the following motion:

"That Saanich staff meet with City of Victoria staff to discuss options on how the Citizens' Assembly might proceed and to report back to Saanich Council at a future meeting."

Due to the magnitude of COVID-19, staff were delayed in moving forward on preparing for the next steps for a Citizens' Assembly. The finalized Saanich terms of reference was presented to Victoria in February of 2020 and were accepted by Victoria Council. Victoria staff were producing a final copy of the approved Terms of Reference and identified several smaller items that were not brought forward from Saanich's final authorization that are addressed in this report

ISSUES & ANALYSIS

Recently, Saanich and Victoria staff met to review options on how both municipalities may proceed. Staff from both municipalities participated in an information gathering meeting with a leading Canadian based firm ("the consultant") that has run approximately 40 citizens' assembly processes. The intent was to seek clarification on processes pertaining to budget, civic lottery and citizens' assemblies in general. Staff also sought feedback on the approved Terms of Reference. The consultant noted that the goal for both Councils should be designing a process that will maximize legitimacy with an outcome of strong recommendations that elected officials will accept while creating a high degree of consensus. The following issues/topics emerged through discussion that require further Council consideration and direction:

- 1) Technical Analysis
- 2) Costs associated with a Citizens' Assembly
- 3) Oversight Committee
- 4) Global Pandemic Impact
- 5) Terms of Reference

Technical Analysis

Staff also met with an interdisciplinary consulting firm to discuss key elements of the technical analysis and how it fits into the Citizen's Assembly process.

A technical analysis is required to identify cost implications of different governance models. In 2017 the Province undertook a higher-level review of services in the Capital Region called the Capital Region Integrated Services and Governance Initiative. While that analysis has value to the work yet to come, it was essentially a broader review based only on financial information that does not assess service levels which are important to identify the costs and implications of service amalgamation.

A technical analysis in a Citizen's Assembly process can be scheduled either in the middle of the work of the Citizen's Assembly where the Assembly pauses while the technical analysis is undertaken or at the beginning of the process before the Assembly convenes, but either approach is structured such that the Citizen's Assembly recommendations are provided only after having been informed by the technical analysis.

The technical analysis is undertaken by a separate, multi-disciplinary consultant or consultants to reflect the broad range of services being considered to integrate such as engineering, public safety, finance, planning, and human resources among the various disciplines. Details of the Request for Proposal will be important to ensure that the analysis considers the nuances that there may be from one municipality to the other, and should go beyond a review of only financial information that does not capture service level differences.

The technical analysis is something that involves municipal staff throughout the organization. It is not uncommon for each participating local government to engage a specific person to direct these enquiries throughout the organization as they occur, and the enquiries would have impacts on the existing resources in order to provide the information necessary to complete the analysis.

Recommendation(s):

A Request for Proposals for a firm or firms to undertake the technical analysis will be required given the scope and the work involved and should occur.

Costs Associated with a Citizens' Assembly

Staff undertook some preliminary work on providing costs associated with facilitating a citizens' assembly. The amounts noted in the report are based on feedback from the consultant's experience of conducting assemblies throughout Canada. The following is a breakdown based on conservative estimates:

- 1) Civic Lottery Process: \$20,000 – the process anticipates a 5% response rate on invitations sent out to the community. At a minimum 20,000 letters should be sent out from each municipality.
- 2) Printing/postage: \$40,000 (\$2.00/letter)
- 3) Facilitated Sessions: \$230,000 – this would include 13 staff for a 75 member assembly for up to 12 meeting sessions and 3 public input/roundtable meetings. Important for Council to note that it is recommended a 1-6 ratio of member to staff based on a 75 member assembly (note these costs would be reduced in the number of participants was reduced).
- 4) Venue Costs: \$60,000 – this is strictly for the cost of webcasting for the Victoria Conference Centre (host location).
- 5) Honorariums: \$90,000+ (based on 75 participants)
- 6) Refreshments/breaks: \$30,000
- 7) Technical Analysis – \$250,000 – \$350,000

The total costs are estimated in the range of \$720,000 to \$820,000 and both Councils initially approved a maximum budget of \$750,000. Staff are seeking guidance on the anticipated budget and with Council's consensus and direction will then present these costs to the Provincial Government to request funding for the citizens' assembly process.

Recommendation(s):

That Council approve the estimated costs associated with the Citizens' Assembly and reaffirm the commitment of \$250,000.

That Council direct staff to present the estimated costs to the Provincial Government and seek provincial funding to accommodate at least 1/3 of the associated costs of a Citizens' Assembly.

That Council direct staff to prepare a Request for Proposals to seek a consultant for the Citizens' Assembly Process upon funding approval from the Ministry of Municipal Affairs.

Oversight Committee

At its January 28, 2020 meeting, Saanich Council resolved to not proceed with a Joint Council Citizens' Assembly Subcommittee. The current terms of reference indicates that municipal elected officials and staff will remain at arm's length during deliberations of the Assembly and that the assembly will have full independence to determine how to best fulfill its mandate, under the advisement of an experienced, third party consultant who will facilitate the process.

The consultant indicated that Councils may wish to consider an oversight committee rather than a working group of Councils or the option of an assembly to be under the advisement of a consultant. The oversight committee's primary role would be to safeguard the process. The committee should consist of individuals who are non-political. Their role would be not to design the process but rather to vet the curriculum ensure there are learning goals for the citizens' assembly, they are able to review speakers and presenters and may be considered as an appeal body. The creation of an oversight committee should be delegated to a consultant to ensure neutrality.

Recommendation(s):

That Council request staff to work with a consultant to develop a terms of reference for an Oversight Committee on the Citizens' Assembly.

Global Pandemic Impact

The consultant indicated that both Councils should decide on whether the intent at this time would be for a virtual citizens' assembly or in-person participation. If both Councils are wishing for an in-person assembly, with the current restrictions due to COVID-19, staff are estimating that October 2021 or later would be the first opportunity to meet in person. If Council's wish is for a virtual assembly the timelines would change. There would be challenges for a citizens' assembly to be conducted virtually due to the number of participants. An option to consider in order to have the process move forward would be to undertake the technical analysis first providing more time to await the ability to conduct the Assembly in-person. That discussion could occur later once consultants are engaged.

Recommendation:

That Council approve in person participation of a Citizens' Assembly.

Citizen's Assembly Terms of Reference

The consultant was provided the approved terms of reference and agreed that both Saanich and Victoria have created the mandate of a citizens' assembly that is fair, process oriented and promotes transparency. However, two issues were identified and staff wish to seek direction as Council may wish to reconsider the options.

- 1) Number of participants - The consultant noted that most successful citizens' assemblies limited the number of participants which would be comprised of a random cross selection of residents from both municipalities. A smaller base of participants will allow the process to be efficient and manageable while enhancing the deliberative process. Currently, Saanich and Victoria approved a 75 person assembly allocating 43 residents from Saanich and 32 residents from Victoria. Based on previous assemblies and expert advice, Council may wish to consider limiting the membership of the assembly to a lower number of participants. The consultant noted that 'Best Practice' Citizen Assembly process consist of 36-48 members. Staff are requesting for Council to either reaffirm the number of appointments made to the citizens' assembly or direct a reduction to 48 participants.

Recommendation:

That Council reduce the number of participants on the Citizens' Assembly to the 'Best Practice' number of 48.

- 2) Honorarium/Per Diems – The consultant recommended that Council's do not provide honorariums or per diems to any assembly participants. Currently the approved terms of reference states that members will be reimbursed for reasonable childcare, eldercare and transportation costs and will receive an honorarium of \$100 per meeting. The intent is to engage individuals to participate in a civic process and honorariums may support engagement of all in a community. However, Council should note that if the approved budget is \$750,000, it would be estimated that at a minimum \$90,000 or more would be paid to participants as honorarium.

Recommendation:

That Council remove any options for honorarium or per diems from the approved Terms of Reference for the Citizens' Assembly should that be necessary for cost reduction to the overall budget not to exceed \$750,000.

Additional Revisions

City staff undertook to create a complete document representing all of the modifications made to the Terms of Reference based on the discussions and approvals of each Council. This review identified the following issues approved by Saanich Council that were not considered by Victoria Council. Attached as Appendix A is a copy of the Terms of Reference indicating Sannich's approval and highlighting the areas that were not flagged or Council when these were last considered. They are minor in nature it would appear.

- 3.5 Comparison of corporate structures and approaches to governance of the two municipalities. (*Victoria endorsed "and the anticipated impacts (positive and negative) arising from amalgamation".*)

6.0 Reporting and Communication of the Citizens' Assembly

The Assembly will communicate regularly about its work to the public, Municipal Councils of Saanich and Victoria **and to the joint municipal working group as outlined below.** (Working Group is not outlined in this version) Former section 8.3 is included for reference at the end of the document. (This section would be amended to reference an Oversight Committee recommended in this Report)

7.1 Recruitment Process

Members of the Assembly will be randomly selected by Civic Lottery — a mechanism that ensures that a broad, representative cross-section of local residents **and business owners** (Victoria endorsed removal of “and business Owners”) are selected to participate.

7.2.3 Only one person per residential address (unit in building) will be eligible to become a member of the Assembly. (Victoria endorsed the removal of this language)

7.5 The working language of the Assembly is English. Translation services are not available. (Victoria endorsed the removal of this language)

8.2.1 Support respectful dialogue and deliberation amongst members leading to consensus-based decisions and uphold Assembly procedures as per these Terms of Reference. If members feel that consensus based decision-making is not working at any given point in the deliberations, a **group of three members representing Saanich and three members representing Victoria** (Victoria endorsed **3 members of the Assembly as opposed to 3 from each municipality**) may request that the Chair call a vote on any given matter. Once the six members ask for this, the Chair must ask the Assembly to decide the matter by vote.

OPTIONS AND IMPACTS

Option 1 - Approve the recommendations outlined in this report. (Recommended)

Option 2 - Council provide alternate direction to staff.

Option 3 - Receive for information.

Impacts on Financial Plan

Council has previously committed to funding 1/3 of the overall costs not to exceed \$250,000. Any further increases would need to be addressed in the 2021 Financial Plan.

Accessibility Impact Statement

There are no specific accessibility impacts resulting from the recommendations in this report at this time.

CONCLUSIONS

There are challenges to conducting citizen's assemblies during a pandemic. Despite that, planning for the process has continued and the next steps have been identified in this report, along with the decision points informed by additional work to provide Council with information to consider moving forward with the process to enable a funding request to the Ministry of Municipal Affairs. Should that request be successful, the steps to begin the citizen's assembly process have been identified.

Respectfully submitted,

Chris Coates
City Clerk

Susanne Thompson
Deputy City Manager

Report accepted and recommended by the City Manager.

List of Attachments:

Attachment A – Terms of Reference showing remaining discrepancies.