

MUNICIPAL STAFF-COUNCIL RELATIONS

IN THEORY AND PRACTICE:

Examining The Hamilton Gore Park Fiasco

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Traditional theory holds that politicians establish public policy¹ and administrators carry it out. Those who study or work in local government eventually came to recognize the inconsistency and obsolescence of this notion.² Clearly, politics and administration overlap in virtually all municipal governments. Decision making and the implementation of these decisions are inseparable parts of the process of public management. In fact, one of the most significant factors of successful municipal management is the ongoing relationship between a municipal council and its city staff. Decisions are executed and administered through the combined effort of both politicians and public administrators. Councillors and staff must work collaboratively in order to devise policies and carry out services that satisfy their municipal constituents.

The role of the administrator becomes increasingly important as issues and problems in the local arena become more complex. Contemporary local issues now require the public service to function in various capacities. For one, it is necessary that

¹ Policy includes by-laws, budgets and municipal plans and projects which make general rules about how people and property are treated in similar circumstances.

² For a detailed historical description and analysis on the evolution of policy-making and administration in Canadian municipal government, see Donald J. Higgins, Local and Urban Politics in Canada (Toronto: Gage Educational Publishing Corp., 1986); T.J. Plunkett and G.M. Betts, The Management of Canadian Urban Government (Kingston: the Institute of Local Government Queen's University, 1978); T.J. Plunkett, Urban Canada and its Government: a study of municipal organization (Toronto: Macmillan of Canada, 1968); C.R. Tindal and S. Nobes Tindal, Local Government in Canada: Third edition (Toronto: McGraw-Hill Ryerson Limited, 1990)

bureaucrats provide councillors with professional and technical advice. They are required to have a working knowledge of the law and regulations pertinent to a specific policy. In addition, it is also the administrator's responsibility to bring apparent problems and needs in the municipality to council's attention, and assess the feasibility of solutions and suggest alternatives.³

The purpose of this study is to raise and examine concerns regarding the roles and responsibilities of councillors and bureaucrats within the policy making and implementation processes. The paper will assert that problems will eventually occur if expectations are not co-ordinated between and understood by city council and the administration. Specifically, if local councillors do not prudently assess issues and, correspondingly, if civil servants do not act responsibly (it will be discussed later what constitutes responsible behaviour) then policy will not be properly formulated and delivered.

When council's relationship with the Chief Administrative Officer (CAO) and bureaucrats is poor, the following questions might be asked: Has the manager been provided with clear terms of reference and objectives? Has an appropriate performance appraisal format been developed which ensures that council will provide

³ While it may not be significantly relevant to the theme of this study, it should be mentioned that administrators must also be able to manage subordinate staff, equipment and budgets on a day to day basis, and remain cognizant of happenings and operations in other municipalities and in other levels of governments. Stewart Fyfe, "Municipal Government: A Complementary Political System" in Municipal Government in Ontario (Toronto: Ontario Ministry of Municipal affairs, 1989) p.11

accurate and ongoing feedback to the CAO concerning his or her performance? Can council successfully direct the affairs of the community and achieve its own goals and priorities with the incumbent CAO and departmental heads?⁴

The paper will examine the possible hazards of confrontation and the need for co-operation if the municipality is to function competently. Although various functional inefficiencies will be explored, [a single standard for public service behaviour will not be proposed. Instead, several theories will be presented because there no longer exists a consensus on what it means to be a responsible or prudent public servant.⁵] Clearly, to advocate a single principle outlining the specific roles of the bureaucrat is to ignore the external circumstances that uniquely influence local issues and, hence, preclude the application of a uniform theory.⁶

The objective of this paper will be realized by presenting the theoretical foundation for staff-council relations at the municipal level of government. Prior to featuring various academic principles on responsible public service behaviour, the paper will focus on a case study examining staff-council relations in the city of Hamilton surrounding the Gore Park redevelopment issue. By

⁴ T.J. Proulx, "A Team Effort" in Politics: A Municipal Style, A Selection of Papers on Municipal Government in Ontario, (Toronto: Ontario Ministry of Municipal Affairs, 1989) p.90

⁵ John Langford "Responsibility in the public service: marching to several drummers", Canadian Public Administration vol.27 no.4 (Winter 1984) p.513

⁶ Unique external circumstances would include urbanization, industrialization, political culture and economic influences (public choice and neo-marxist).

investigating what initially went wrong and the subsequent repercussions, the study will enhance the understanding of what is required by both politicians and administrators to make the relationship more productive.

The upcoming case study, involving a park restoration programme in downtown Hamilton, will demonstrate how conflict and mistrust can develop when the relationship between city staff and politicians is dysfunctional. The case study will allow us to apply theory to a real life situation. By doing so, situations and problems, which may not have been anticipated or appreciated in the theory, are revealed. Although they obviously operate within the limits of a specific situation, case studies still support or challenge theoretical information.

Hamilton Gore Park Rejuvenation Programme

Introduction

Since the 1860's, Gore Park has been a symbol of beauty located in the heart of downtown Hamilton. With its majestic fountain, picturesque greenery and blissful atmosphere, Gore Park attracted tourists and citizens to the core of the city. For the first one hundred years of its existence, the 2.4 hectare (six acre) park⁷ maintained a consistent character and quality. It was a unique oasis of trees and planting in the commercial centre of the city. However, in 1983 the famous fountain and park was

⁷ See diagram A for a detailed sketching of Gore Park. The sketching is that of the proposed new design for the park. It serves the purpose of outlining where the park is situated, the adjacent streets and its size, which is the author's intention.

rebuilt. Unfortunately, the result would be disastrous for both the politicians and city staff.

That year Hamilton's city council approved the implementation of the Downtown Action Plan (DAP). The goal of the plan was to revamp Hamilton's downtown sector, with the first phase of the plan comprising of Gore Park renovations. The usefulness of Gore Park as a park was seriously eroded. The original fountain had been replaced on several occasions by more dramatic ones that seemed inappropriate, diminishing space for grass and plants. Furthermore, increasingly heavy traffic on both sides of the park and the intensive use of its south edge as a bus interchange contributed to the park's deterioration. The park's significance as a meeting place, tourist attraction and symbol of vitality in Hamilton also began to diminish.

The importance of Gore Park to the centre of downtown Hamilton was recognized in the DAP. This report proposed that Gore Park should be restored to its role as the centrepiece of downtown Hamilton, and defined the principles in redeveloping the park. The new park plan and its implementation, however, raised serious questions and concerns about the relationship between the politicians and the administrator. It also highlighted how serious communication gaps developed between the city staff and city council when no or minimal discussion was initiated. Furthermore, the question of administrative responsiveness and accountability to politicians and the electorate was under scrutiny.

The Players

The city of Hamilton operates according to the Council-Chief Administrative Officer organizational model.⁸ Many departments and committee personnel were involved in the Gore Park fiasco and subsequently underwent considerable scrutiny.⁹ Within the city administrative staff, the CAO, Mr. Lou Sage, received extensive criticism for his handling of the situation. His responsibilities included co-ordinating all the department heads and their functions, and managing over two thousand employees and a budget over one hundred million dollars. The Director of Community Development, Mr. Ed Kowalski, was also heavily scrutinized. In addition to his responsibilities as director, Mr. Kowalski was appointed chairman of the project team implementing the park's new design. While in this capacity he reported directly to Mr. Sage and, before anything could be implemented, Mr. Kowalski needed the CAO's approval and consent. The department's primary responsibility involved city rehabilitation programs and continuous interaction and dealings with various city private commerce and business organizations. This department prepared the necessary information for restoration programs and reports any program implementation suggestions to the Planning and Development Committee.

⁸ For a description of this and other municipal administrative models see Donald J. Higgins Local and Urban Politics in Canada, (Toronto: Gage Educational Publishing Company, 1986)

⁹ See diagram B for an organizational chart of all the players involved.

Theoretically, the department's responsibilities and recommendations regarding the implementation of a program must meet approval from the Planning and Development Committee. Moreover, the CAO is ultimately responsible for overseeing the operations of all departments. Therefore, any reports which are sent from Community Development to the Planning and Development Committee are inspected by an agenda review committee¹⁰. Mr. Sage is to be made aware of what will be distributed to that committee for consideration. All matters that may be relevant to the administrative process are reported to the CAO. In reality, only crucial incidents necessitate Mr. Kowalski and the department to report to Mr. Sage and city councillors. Mr. Kowalski was granted the authority to make decisions on routine issues without communicating to council and the CAO. When exceptional problems presented themselves Mr. Kowalski was obligated to inform the politicians and Mr. Sage and solicit their counsel in handling the situation.

The political groups which received harsh criticism were the standing committees of City Council. The Planning and Development Committee - then chaired by Bill McCulloch - was responsible for recommending policy to council and overseeing activities of the planning department and the department of Community Development. This standing committee recommended to council changes in the draft plans for sub-divisions, zoning changes, and site plans.

¹⁰ This committee made up of bureaucrats served primarily in a cursory manner. It was also a means of informing all the departmental heads on a projects developments.

Moreover, the entire downtown redevelopment project would be under the committee's supervision. The other committee directly involved with the Gore Park issue was the Parks and Recreation Committee chaired by Brian Hinkley. The main functions of the committee were to advise council on the need for parks and recreation facilities and their location in the city. In addition, the management and maintenance of all parks, open spaces and recreation facilities was under the auspices of the committee. Hamilton's city council would also be subject to substantial abuse. What would be made evident and publicized during this ordeal was the lack of communication between the staff members, and standing committees, city council and the citizens.

The beginning of the Gore Park programme

The idea of renovating Gore Park can be traced back to 1981; to a period when the downtown area was constantly deteriorating. City Council was concerned that many businesses had abandoned King Street East, leaving empty storefronts, and amusement arcades and fast-food outlets in their wake. On January 13, 1981 city council adopted a "Central Area Plan" (CAP) which established policies and guidelines with respect to both planning and development activities within the central area of the city, thereby providing the foundation for determining the direction of downtown improvements.¹¹ The need for this project was also to stop and reverse the closing of small businesses in downtown Hamilton

¹¹ The Corporation of the City of Hamilton. Downtown Action Plan Co-ordinating Committee, (Hamilton: February 2, 1983) p.2

resulting in loss of assessment and taxation. Subsequently implementation of the features of CAP were examined and discussed among the members of the Central Area Co-ordinating and Implementation Liaison Committee (C.A.C.I.L.C.), a committee comprising of both city and Regional officials and representatives from the public and business community, which met on numerous occasions throughout 1981. Through these discussions it became apparent to all that critical measures were needed to improve downtown Hamilton, particularly the area on King street, east of James street.¹²

It was recommended, by the C.A.C.I.L.C., that consultants be retained to review the current conditions, set priorities, establish proposed actions, and prepare a reasonably concrete and comprehensive plan of action to ensure downtown revitalization.¹³ The city council's intention was for the consultant to determine whether the park area could be maintained as retail and greenery area or whether it should be abandoned for commercial activity such as banks and office towers. If it were to remain a retail area, the questions to be resolved were: What kind of beautifying activities should take place to Gore Park? What type of promotions should occur in the park? What should be done about the traffic?

In December, 1982 a tender for the project was issued. Ultimately, the firm duToit Associates Ltd. was employed by city council to prepare a "Downtown Action Plan". The study team co-

¹² Ibid., p.2

¹³ Ibid.

ordinated by duToit Associates included the firm of D.I. Research marketing consultants and Barton-Aschman traffic consultants. A steering committee comprising City and Regional staff and community business merchants directed the study.¹⁴ Before hiring duToit Associates, communications and co-ordination between the committees was lacking. Consequently, this caused a serious misunderstanding over the principal issues surrounding the restoration project. All parties involved had envisioned a plan for the park but could not reach a consensus on how to coordinate and achieve their goals. The purpose of the study was to clarify any misconceptions and recommend steps of implementation.¹⁵

During the course of the month long study, two public meetings were held for information and feedback purposes in June and September of 1982. The meetings were sparingly attended by the public with the downtown merchants constituting the majority in attendance. Unfortunately, that would be the only time the public would be solicited for consultation on the construction of the new Gore Park.

The Plan is Developed

The "Downtown Action Plan" was developed to improve a large part of downtown Hamilton (between James Street and Wellington Street) at a cost in excess of \$6 400 000. The central focus of the plan was the conceptual Streetscape Master Plan for the Gore Park area with the estimated gross cost of implementation being

¹⁴ Ibid., p.3

¹⁵ Ibid.

\$2 873 866.

The aim of the consultant's plan was to make the downtown area more people oriented. A proposal was initiated to erect an "informal," green-house style restaurant, and a tourist/shoppers information booth. Other suggestions were that the sidewalks be widened with interlocking bricks, areas be designated for lawns, shrubs and flowers. The focal point of the park would be a major sculptural fountain with a waterfall and pool area.¹⁶ The objective of the Gore Park renovations was to make the area more attractive by shifting the priority from automotive traffic to a pedestrian oriented environment with open space.

Reaction to the Downtown Action Plan was mixed. Some merchants, were sceptical that any development would be helpful, and disappointed to see the greenery replaced with concrete. Others - primarily those proprietors adjacent to the park - welcomed the renovations as they anticipated such benefits as increased business from the new park design.¹⁷ A great deal of pressure came from these downtown businesses. They did not want Gore Park to remain a haven for destitute and homeless people. They were also complaining that the City was accomplishing very little for the area east of James Street on King Street. The businesses which endorsed the Action Plan lobbied city council to implement the duToit recommendations.

¹⁶ Mark Hallman, "Action Plan for Downtown Wins Support" Hamilton Spectator. 16 December, 1982 p.A7

¹⁷ Ibid.

Public sentiment concerning the Downtown Action Plan was also mixed. Objection to some of the proposals arose from the War Veterans Association. They declared that the area around the cenotaph was sacred ground, that its location should never be altered, and that at least three hundred veterans were prepared to protest any major construction work near the war monument.¹⁸ Consequently, the cenotaph and the other monuments would remain in their existing location. Anthony Butler, chairman of the Local Architectural Conservation Advisory Committee (LACAC), voiced his disapproval of the proposal that King Street be used as a major arterial roadway.¹⁹

Approval to the duToit proposals was generally based on the economic and aesthetic advantages and benefits that the renovations could bring. Supportive newspaper editorials commented on the necessity of implementing the plan to improve and complement other downtown restoration plans and demonstrate commitment to supporting the downtown businesses.²⁰

While the opinions of the local business establishments were taken into consideration, other local groups were not offered similar treatment. The design had elicited responses from the Hamilton Historical Board and LACAC but city council did not ask

¹⁸ "Statues shall not be moved", Hamilton Spectator 21 September 1982 p.A7

¹⁹ "Park Facelift plan is called too expensive", Hamilton Spectator 23 September, 1982 p. A7

²⁰ "We've come a long way", editorial Hamilton Spectator 12 October 1982 p.A5

these groups to comment on the design of the proposed changes to the Hamilton Gore, except for the changes proposed for the Gore Park fountain. This omission proved to be problematic since these groups would have assisted council in measuring the city's heterogenous demands and interests.

Stage 1: Political Approval and new Committee Formation

The first stage of approval was a presentation to the Planning and Development, and Parks and Recreation Committees in December, in which all alderman were invited to attend. Both committees embraced the duToit study and confidently approved it, thus advancing it to the second stage of implementation. On January 11, 1983 the plan was introduced to city council for debate and voting. On this date City council would reach a consensus and adopt the following motion:

That the conceptual Streetscape Master Plan-Gore Park Area-Long term Plan and Phasing Plan be approved in principle by council; that funding for implementation of the conceptual Streetscape Master Plan -Gore Park Area- be referred to the Capital budget committee.²¹

Only two councillors opposed - alderman Jim Bethune because he was concerned about moving buses off the south leg of King Street, and alderman Don Grey because he doubted substantial results would develop from the plan.

At the same meeting, council also approved - with little debate - a recommendation by Mr. Sage and the planning and development committee to "direct the director of community development to coordinate the implementation of the DAP and the

²¹ Downtown Action Plan, p.3

expedite the first phase of the plan".²² For a variety of reasons, none of which had anything to do with Mr. Kowalski's appointment to head the co-ordinating committee, five alderman opposed the recommendation. To assist in implementation and expedite the first phase of the plan, a Downtown Action Plan Co-ordination Committee (DAP-COMM) comprising of senior administrative staff from key departments directly involved with municipal capital works projects and representatives from businesses of the Downtown Business Improvement Area, was created at the suggestion of Mr. Sage. City staff included administrators from Community Development, Hamilton Street Railway, Parks and Recreation, Public Works division, Regional Engineering, Traffic and Planning departments. No politicians were assigned to sit on this committee, an omission which later proved to be a mistake.

At this point the communication gap between City staff and City Council emerged that would lead to continuous problems for both groups. With no elected representatives contributing to the redevelopment effort, the bureaucrats began to control the levers of production which eventually led to the demise of effective communication channels. Mr. Sage points out that the committee was formed quickly and set into its task immediately because the council had given him the impression that the job-creation aspect of the project was as crucial as the resulting new parkland.²³

²² Florence Sicoli, "Gore Park: Our civic triangle has been under attack for years but the latest disaster tops them all" Hamilton Spectator, 23 October 1983, p.B1

²³ Ibid

Perpetuating the administration's control on the project was duToit's proclamation in a letter to city planner, David Godley,²⁴ that in order to cut costs and remain within the budgets financial limits, all work should be in-house. Yet, it also stated that the city staff was not sufficiently qualified to handle the entire project, thus it recommended that a professional consultant be hired for at least the first two phases of the DAP.²⁵ City architect David Freeman and other staff members agreed with the letter's first suggestion to reduce costs; if necessary, appropriate consulting services would be utilized on a per diem basis.²⁶ duToit estimated it would cost \$84 000 in fees for minimal on-site supervision by his firm. Essentially it was arranged that the DAP-COMM would prepare detailed, redevelopment/design documents. Where appropriate, various senior staff, other than Committee members, would attend meetings to provide expertise on specific issues. Mr. Sage explained that it was not unusual that he and the staff co-ordinating committee - not council - decided city staff would interpret the duToit plan and prepare designs and construction drawings. Several alderman agreed with Mr. Sage's decision to use in-house staff for implementation of the project. ²⁷

²⁴ See appendix C for the contents of the letter.

²⁵ This letter was distributed among the committee members but was never turned over to an elected official.

²⁶ Sicoli, "Gore Park", p.B1

²⁷ Ibid.

Formulating a new park design

Within the next two months the coordination committee and city staff prepared detailed design documents. The city staff officials in charge of the designs were chosen from the city and the Hamilton-Wentworth region. City staff participants came from Community Development, the Parks division, the Public Works, Traffic department and the city architect. Regional involvement came from the Engineering department. Representatives from the downtown BIA were also invited to contribute ideas for the parks' new design.²⁸ It is interesting to note that the planning department - which participated in initial conceptual stages - was omitted from creating the final designs. According to city planner David Godley the failure to include the planning department was a grave error. Until the final stages, the planning department had been extensively involved in designing the new Gore Park and was cognizant of the community's desires for the park. The department believed that they had a better feel for what the community wanted.²⁹ Eventually, the new design was completed, encompassing

²⁸ Bob Martin of the Business Improvement Area group said that the business proprietors had a lot to say about where the pedestrian paving stones and loading zones would be located. But, he says, he was told by Mr. Kowalski that he could not influence the actual design of the buildings. Mr. Kowalski's response to that was that the details were the concern only of such technical people as the architect and the electrical engineers. Sicoli, "Gore Park" p.B2

Mr. Martin also submitted that notwithstanding two specific requests for additional information on the detail design of the various components of the development, he did not receive anything more than the plan dated March 1983 which is what the committee and City Council would receive.

²⁹ Personal Interview with David Godley 24 June 1991

a contemporary theme to coincide with adjacent surrounding modern architecture. At the appropriate time, reports were sent to various City and Regional Committees requesting technical approval.

The final design which evolved from the duToit study was different in many respects.³⁰ The new features included were a concession pavilion, a display pavilion, washroom entrance renovations, reflecting pool/ice area, a fountain amphitheatre, sculptural fountain and repaving the surface area with concrete and brick. The design intended to maximize pedestrian mobility and, at the same time, utilize the existing facilities within the area.³¹ The notion of creating an open, people oriented environment seemed altered from duToit's conceptual design, but, according to David Godley, the new design would create the aforementioned environment.³²

The final plans were endorsed by both the Parks and Recreation and Planning and Development committees. At the latter committee meeting, Mr. Kowalski and Don Keba of the city architect's department did not highlight the differences between duToit's concept plan and staff plans. Mr. Kowalski reported that the recommended design "[had] evolved from the duToit plan through

³⁰ See appendix D for the original duToit concept design submitted to the city of Hamilton in January, 1983

³¹ The Corporation of the City of Hamilton. Downtown Action Plan Co-Ordinating Committee 2 September, 1983

³² Interview, David Godley

the planning refinement process."³³

On April 26 1983, the plan was presented to city council along with proposals for construction deadlines which were rapidly approaching. City council approved the report with only a few councillors voting against the project proposals. According to Mr. Hinkley there seemed to be unanimous support for the redevelopment concept plan.³⁴ It was also agreed that there would be continuous consultations with the Hamilton Veterans Association to ensure that its concerns with respect to the area surrounding the cenotaph were considered. Council told the Co-ordinating Committee and city staff to implement and expedite the plans.³⁵ There were relatively few enquiries into the design of the new park at the council meetings from the politicians and bureaucrats who were present. Incidentally, those citizens in attendance at the council meetings demonstrated strong support for the project and council's approval decision. The proposed budget was given approval and the contract for construction was awarded to Dufferin Construction. Meanwhile, Mr. Kowalski's department sent out news releases to downtown merchants, announcing that there would be a domed food concession pavilion and an open pavilion set aside for displays. With the commencement of construction, in the summer of 1983, came the inevitable problems with respect to implementing the plan.

³³ Ibid.

³⁴ Personal interview Brian Hinkley, 24 June, 1991

³⁵ The Corporation of the City of Hamilton. Meeting of the Council 11 January, 1983

The problems with implementation

In July, city and regional parks maintenance crews began cutting down trees in order to make room for the new structures. The public responded by demanding an explanation to this action, and outrage followed. The Hamilton Spectator printed many articles, which incited the people to react. The central location and high visibility of the park exacerbated the resulting problems. Moreover, the manner in which the job was completed raised many questions. First, there was absolutely no debate or public forum to discuss the necessity of tree cutting. Second, no authorization was rendered by city council. The politicians did not receive any information that the park renovations involved chopping down the fifty year old trees. Furthermore, there were conflicting opinions on whether the trees could have been salvaged. The city's arborist claimed that it was not necessary to cut down the trees, claiming that the redevelopment plan could have been completed with the trees intact.³⁶ City Architect David Freeman indicated that new trees would be planted to replace the disposed ones. In spite of this concession, outrage persisted as the information regarding the tree-cutting had been initially withheld. The fact that council had given city staff the discretionary power to make decisions was apparent in this specific incident. However, this power should not have precluded council-staff communications and public debate.

After the aforementioned controversy had subsided, construction continued throughout the summer and early autumn.

³⁶ Personal interview Mr. Lou Sage 19 June, 1991

Gradually, the concrete structures began to take form, and so, again, did public and council discontent. By October it became abundantly clear that the redeveloped park would be engrossed with oversized, concrete edifices. Public outcry grew in intensity as representatives from local conservation groups and downtown merchants voiced their dissatisfaction.

Their major contentions were that the constructed pavilions had distorted the park's green environment, and that the original plans were not faithfully implemented.³⁷ The degree of revisions and the subsequent change in budget distribution to account for the changes prompted a review of the project. Architect Anthony Butler, speaking on behalf of the Hamilton Historical Board, had demanded that an immediate reassessment of the Gore Park project be undertaken to determine if the project had deviated from the duToit Study. Mr. Butler stated that, in his view, and that of the Historical Board, the development was not consistent and in accordance with the "site plan" concept as outlined in the January 11, 1983 Downtown Action Plan prepared by Roger duToit. He ascertained that the restaurant/cafe facility was not included in the original concept and was merely a suggestion for future consideration. Moreover, the display pavilion in the cenotaph area had been included by staff members and was grossly oversized, thus obstructing the westward view.³⁸

³⁷ "Downtown Hamilton will bloom again", Toronto Star, 26 October 1983 p.A7

³⁸ The Corporation of the City of Hamilton, Parks and Recreation Committee Report 13 October, 1983. p.1

The Downtown BIA was most impressed with the speed that civic staff had implemented the plan. Nevertheless, it was extremely concerned with some of the its characteristics. Mr. B. Martin, Executive Director of the association, recommended that the pavilions be removed. However, he stressed to the staff committees that, while his organization favoured stopping pavilion construction so as to review the plans, it was not recommending any delay with the implementation of the remaining aspects of the DAP.³⁹

Politicians serving on the respective committees began to question the plans that evolved from the consultants' study. Jim Bethune called the buildings too overpowering and urged the present plans be abolished and the project be restarted.⁴⁰ Alderman Mike Davison said "when council approved the plans in April, no one told me this Greek temple display area would be built of white plastic stucco or that the concession would be an eye-offending blue fibreglass".⁴¹ However, there was no consensus among the politicians and bureaucrats about whether to finish the project and then modify its appearance or halt the completion and start over. Mr. Sage did not believe that complete destruction of the buildings was necessary. He endorsed the plan of completing the work and then assessing the final results. From there, changes could have

³⁹ The Corporation of the City of Hamilton, Parks and Recreation Committee meeting minutes, exhibit 30 19 October 1983 p.1a

⁴⁰ Bill Johnston, "Furor raised over Gore Park design" Hamilton Spectator 14 October, 1983 p. A7

⁴¹ Ibid.

been made. In his opinion, the differences in the staff design and the duToit concept were relatively minor. However other opinions varied and many were diametrically antithetical to Mr. Sage's.

At this point, council decided to ask Mr. duToit if his original concept for the park had been misinterpreted or deviated from altogether. Interestingly, Mr. duToit unequivocally stated that the reality differed from the initial plans. "The main lesson to be learned is one of continuity. There was a break in continuity from the people who conceived the design on the new park and those who implemented the design."⁴² Furthermore, he asserted that another issue is not whether it is different but whether it is appropriate for the downtown surroundings. He also asserted that additional problems arose because of the omission of the city Planning Department which was critical to the coordination of the first part of the study. According to Mr. duToit, no one in the implementation stage had given much thought to whether the final construction drawings were faithful to the concepts and designs included in the original plans.⁴³ "There's a chance now to go back to the point where the continuity was broken", declared Mr. duToit, adding that he would like the chance to finish the project himself.⁴⁴ Incidentally, Mr. duToit's firm was originally only hired to provide a broad concept for the park and its involvement ceased at that point.

⁴² Florence Sicoli "Gore Park" p.B1

⁴³ Ibid.

⁴⁴ Sicoli, Florence, "Gore Park" p.B2

A closed meeting was scheduled for Monday October 17, 1983 to review the Hamilton Gore issue. The purpose of the meeting was to review options which could be implemented to resolve the problems in the Hamilton Gore. This meeting was attended by City of Hamilton Staff, representatives from the LACAC group and the Hamilton Historical Board, the Business Improvement Management Committee and Downtown Business Association. Formulated options were to be presented soon after at a special meeting of the Parks and Recreation Committee. The debate to determine the feasibility of the project continued for some time until the Parks and Recreation, and Planning and Development Committees passed a motion on Wednesday October 19, 1983 to halt construction because it had sharply departed from what was expected on January 11, 1983, when city council approved the duToit concept. With the exception of the walking areas, a proposal was rendered by the standing committees to stop construction in Gore park.⁴⁵

On November 1, 1983, one month from completion of the restoration, city council approved the proposal to halt construction and ordered that all the structures be demolished. Close to \$1.8 million had been committed to the ill-fated reconstruction of Gore Park, leaving city councillors little room to manoeuvre in salvaging the project. Mayor Bob Morrow said it was imperative that council rejuvenate the downtown within the \$2.8 million budgeted for the project, as long as all costs are

⁴⁵ The Corporation of the City of Hamilton Parks and Recreation Committee Report 1 November, 1983

subjected to close scrutiny.⁴⁶ It was then recommended that a landscape architect be hired to continue the project in collaboration with politicians, staff members and community representatives. The costs for changing the \$2 million project were projected at a minimum of \$319 000. The funding would be diverted from other projects of the DAP. From this point on, the politicians would play a more interventionist role.

Serious questions emerged as to the policy approval and implementation processes, and the evaluation of the project. Why did the project receive minimal scrutiny from politicians when it was first introduced to council? Was city council actually given all the necessary information throughout the entire project? Did city council probe deeply enough when questions may not have been sufficiently answered or issues left unexplained? Why did the stoppage of the park renovations occur with only one month left before final completion? Furthermore, why was city staff given unrestricted authority without any evaluative mechanism or political intervention?

The revised plan under attack

As previously mentioned, a serious discrepancy emerged between the original conceptual plan and the staff's revisions. The Downtown Action Plan recommended a major sculptural waterfall fountain with an adjacent amphitheatre. The amount in the cost schedule for this facility was \$200 000. The major waterfall

⁴⁶ Hallman, Mark "Keep Gore cost within budget, Morrow says", Hamilton Spectator, 5 November 1983 p.A5

fountain was not constructed and the secondary amphitheatre had been enlarged to a 300 seat primary amphitheatre at a construction cost of \$220 000. Areas for future small water fountains had been allocated to the west of the amphitheatre and to the east of the food concession pavilion. No sculptural fountains had been provided for in the construction contract. Similarly, no cost information was made available for the construction work in the contract which related to future fountains structures.

The DAP recommended that a feasibility study be conducted to determine the need for such facilities in the Hamilton Gore. Such a study was never undertaken. No cost allowance was included in the DAP cost analysis schedule. No provision was made for a display pavilion in the original plan; however, this was changed by the staff which ultimately would have incurred a cost of over \$100 000. Although duToit recommended that only a restaurant be considered, City architect David Freeman included a food outlet because he thought there was a consensus that it would be a strong attraction to help make the park a "people place".⁴⁷ Finally, 170 new trees over and above the existing trees were to be initially planted, with a budget of \$85 000, according to the duToit study. The altered plans would have provided 71 trees at a cost of \$20 000. Alderman Bethune had inquired as to why the final working drawings were not submitted to the Parks and Recreation Committee for final approval. Mr. Kowalski advised that the Coordinating

⁴⁷ Florence Sicoli and Bill Johnston "Whodunit", Hamilton Spectator, 22 October, 1983, p.A7-A8

Committee proceed with the implementation as directed by City Council. He also insisted that it was not the practise to submit detailed working drawings to the committee for approval prior to implementation on any of the other park development projects his department was involved in.⁴⁸

Fiasco Explanations

A primary consideration that deserves attention is determining where the jurisdictional responsibility for Gore Park actually fell. At the committee level, it has already been established that the entire downtown project was the responsibility of the Planning and Development Committee. Yet, it also resided under the auspices of the Parks and Recreation Committee because technically it was a park with greenery. Therefore, the latter committee administered the aspects of the plan that involved the "greenery", and Planning and Development handled the other areas. The separation of duties proved to be considerably problematic. The two committees failed to integrate their duties in a harmonious fashion and there was a lack of communication with staff. One way of avoiding these problems would have been to develop a project committee comprising of city staff and politicians. This project management committee would co-ordinate the complete park restoration project and all essential information would circulate through them. It would serve as a central database for the politicians and city staff. It would also eliminate the confusion over who would be responsible for what

⁴⁸ Parks and Recreation Committee Report 19 October, 1983 p.1a

areas.⁴⁹

The Gore Park fiasco developed because the entire project was rushed and poorly scrutinized. One reason for this was that at the time decisions were being made, Hamilton City Hall was working with a relatively new Council. There were a number of changes in this new Council, specifically, there was a recent addition of seven new councillors. This contributed to the park fiasco because local politicians coming into office for the first time may have no previous experience or training at the management or policy-making level. If such is the case, he or she usually has a completely inaccurate perception of their prescribed role. Moreover, the councillor "has no political party to guide him through the shoals of bureaucratic manipulation, information overload or conflicting advice."⁵⁰

Furthermore, the motives of the council were directed towards economic recovery. The impetus behind council's decision to begin park reconstruction, was partially economic - to create jobs, virtually at all costs. Any projects undertaken were initiated and pushed through relatively quickly. City Council had to do something for the area east of James Street because they had started a number of projects west of James Street along King Street. It was clearly evident that city council wanted to serve and help the downtown business sector as well as the unemployed.

⁴⁹ A project management committee is now created for every major project.

⁵⁰ Allan O'Brien, Council-Manager Relationships p.5

Similarly, the city politicians were driven by self interests. Specifically, the prestige and prominence of the council members would be heightened if they were recognized as those who helped alleviate the effects of the current recession and revitalize downtown Hamilton.

City council's first reaction after the fiasco was the recognition that they had delegated too much of its responsibility to a committee of civil servants. Mayor Bob Morrow directly stated that council gave too much power to the staff. Furthermore, he claimed that council approved the staff's designs without recognizing the ramifications of what was being recommended. He claimed that council must have greater control over major planning projects. He further recommended an organization based along a board of control or an executive committee.⁵¹ The absence of a politician on the Downtown Action Plan Co-Ordinating Committee exacerbated the lack of communication. Politicians also protested against the fact that no maps or plans went to council when it approved the staff plans for the park on April 26, 1983. According to the mayor, none of the politicians asked for detailed plans or models and the staff deemed it unnecessary to provide council with any such plans.⁵² In addition, no model of the proposed Gore Park revitalization concept was ever made, as would normally have been the case in other city building projects, because city staff were told to get the project completed in 1983.

⁵¹ Personal interview with Robert M. Morrow 26 July, 1991

⁵² Ibid.

In retrospect, Mr. Freeman believed it would have been expedient to illustrate to the politicians the differences between the duToit and staff plans. But he added, without a model it would still have been difficult for council members to perceive what the project would look like.⁵³ Mr. Kowalski attested to the fact that the plans indicated to council exactly what was going to be done to the park. Yet, he qualified this statement saying "looking back, if it was going to be a concern now (about the buildings), maybe to highlight the differences would have been good."⁵⁴ The chairman of the Parks and Recreation Committee, Brian Hinkley, asserted that the plans did not make it clear what the finished park would look like. However, he also noted that many of the councillors perceived problems but did not voice any complaints or inquires.⁵⁵ The chairman of the Planning and Development Committee, alderman Bill McCulloch said he opposed the park plan from the start. But, he kept out of the picture, so as not to conflict with the wishes of the area business people, whom he assumed were monitoring the progress of the renovations.

One incident which effectively described the staff's wrongful non-disclosure of information and city council's apparent indifference was the issue surrounding the total costs of hiring of

⁵³ Mr. Freeman asserts the construction of a model would have taken at least one month to complete, thus prolonging the completion date. However, LACAC member Howard Mark disagrees with this and claims two to three weeks would be sufficient time for constructing a model. Sicoli, "Gore Park", p.B2

⁵⁴ Ibid.

⁵⁵ Ibid. p.B1

duToit consultants. When Council approved the duToit concept in January 1983, the firm's expenditures were not revealed. In a letter from John Hillier of duToit to David Godley of Hamilton's Planning Department, dated November, 1982, these costs were outlined. Mr. Hillier stated that all the design work, preparation of construction drawings and supervision for the site could be done by duToit for six per cent of the construction costs. Furthermore the Region received seven per cent of the administrative costs of the project, plus almost \$80 000 for engineering and inspections. Mr. Godley gave the letter to a staff committee under Lou Sage in December 1982. The letter was also reviewed by another staff committee under the direction of Ed Kowalski, who was to implement the concept.⁵⁶ City council learned of the letter and its contents in December 1983. They also learned of the Region's fees in October of that year. Therefore, during this time Gore Park had been renovated and then demolished, yet council was unaware of some important costs. The actual reasons for this mistake were never made public. The questions of why this important information was withheld from Council and why Council did not investigate before making further decisions, still remain.

Throughout the planning stages of the designs, the two standing committees agreed to the staff proposals and remained politically detached, based on the knowledge that the redevelopment plans were acceptable to the BIA and the professional staff. From

⁵⁶ Bill Johnston, "City politicians to prove to staff decisions on park", Hamilton Spectator, 31 December, 1983 p. A6

a superficial standpoint, it seemed as if council approved and cooperated with the wishes of the public. However, city council did not know all of the consequences of their actions, and, thus, blindly rendered a decision. The city politicians blamed the city staff for not providing all the relevant information and for not emphasizing the concept changes in the plans. Yet, it was clear that the city councillors were willing to expedite the project so as to improve the employment situation in the city and avoid any hostility among the downtown merchants who were experiencing slumping retail sales.

Politicians have three basic responsibilities: to assess the expectations of the citizen's diverse interests; to make responsible decisions that take this assessment into consideration; and to ensure that their decisions are carried out without any significant alterations by staff.⁵⁷ Evaluating how city council fulfilled these duties indicates that it did not effectively accomplish its role.

The first responsibility was partly achieved. The downtown businesses represented the major stakeholder in the areas being developed. However other groups such as the heritage and conservation group and previously mentioned interest groups were not afforded similar appreciation by council. Therefore, politicians failed in realizing the second responsibility. The final responsibility was poorly executed. Council was never certain of what the final project would look like and,

⁵⁷ Fyfe, "Municipal Government" p.6

consequently, never continued with any systematic consultations on the plan's implementation.

The misunderstanding of the project and the somewhat apathetic reaction to the construction of the new structures suggests that council members did not perform their job diligently. It was council's decision to allow the staff to implement its Downtown Action Plan and terminate duToit's services, partly to save \$84 000 dollars in consulting fees. Council failed to appoint a political sub-committee to oversee Community Development Director Ed Kowalski and his staff committee which was directed by council on January 11 to "implement and expedite" the duToit concept. A primary reason for this was the dominant belief amongst politicians in City Hall that politicians should be kept at arm's length because of their apparent ignorance and lack of understanding pertaining to technical matters.

It was the politicians' role to approve the conceptual plans, budget and final plans while the staff professionals handled the central elements of the project. According to alderman Hinkley previous city councils were condemned by the public for interfering with matters outside their area of responsibility.⁵⁸ However, if the onus was on the staff to inform council of the parks progress, the onus was also on each and every council member to investigate and determine what was happening. Moreover, it is a councillor's duty to sufficiently study the plans. Only two alderman did not sit on either the Parks and Recreation or Planning and Development

⁵⁸ interview Hinkley

committees, both of which had direct access to the plans. There is no reason why concerned council members or downtown business people interested in the project could not have been more thorough and inquisitive when assessing the plans. When the community became outraged with the construction developments, it had provided the councillors with a justification for becoming directly involved. According to some aldermen, council did not show any concern about the Gore Park plan until community groups expressed their dissatisfaction.⁵⁹

The bureaucracy's handling of the implementation indicated minimal collaboration with council. The interpretation of the duToit concept was a case in point in that staff showed little willingness to explain coherently the fundamental details and alterations from the original conceptual design. The overseeing committee failed to inform the politicians and the downtown businessmen of the major differences, thereby failing in carrying out their job. Actually, the final site plan submitted to the Parks and Recreation Committee did NOT detail any revisions with respect to the approved Downtown Action Plan. Complete cost information on the various elements of the Hamilton Gore was not submitted. In fairness to the administrators, the duToit study had stated in no uncertain terms that the study recommendations should be considered as guidelines to be modified in accordance with the architectural style of the downtown Gore area. Each city councillor was given a copy of the study, and therefore should not

⁵⁹ Sicoli and Johnston, "whodunit" p.A7

have been astonished that the final plan had deviated from duToit's original concept. Nevertheless, without accurate and proper updated continuous information, political decisions and judgements were poorly executed or could not be made.⁶⁰

The absence of proper, relevant information was evident in the elimination of the underground washrooms. Council was aware of the this recommendation and supported it. However, they were not informed of the two buildings which were erected over them and later demolished. The buildings were in the final plans, along with an infinite amount of technical information on this section of the park. According to Mr. McCulloch, the details of the plan were not given in a manner that would allow the politicians to comprehend it. A politician should view plans in the "big picture" and the administrators should facilitate this approach by clearly explaining to city council any esoteric data.

Communication problems also developed over construction on the roads and sidewalks. The main problem with this part of the project pertained to the tendency of the interlocking bricks to upheave. The Planning and Development Committee was informed of this problem only months after its occurrence in a technical report prepared by the engineering staff and a hired consultant. It explicitly and unequivocally stated that a certain period of time should pass before any form of automobile may drive on the bricks, but it was not brought to the committee's attention. The truth of the matter is that the staff failed to raise the issue because the

⁶⁰ Interview, Hinkley

Hamilton Street Railway company adamantly opposed any stoppage of transit in the Gore area for a considerable amount of time. The city staff admitted that they were coerced into recommending the immediate continuance of public transit traffic on the bricked streets. If the committee was cognizant of the reports strict recommendations, the buses would have been prevented from operating in the section, with a possible re-routing of transit. To exacerbate the problem, staff also made the decision to have the interlocking bricks for the roads and sidewalks, which eventually had to be replaced, laid over fine sand instead of into concrete.

The decision of omitting the Planning department from the final plans was a critical mistake. The city's chief administrative officer, who set up the staff co-ordinating committee headed by Mr. Kowalski, says he had believed initially that the planning staff needed to be used only in the planning stages of the project. However, Mr. Sage realized the department should have been included in the entire project to ensure overall design integrity of the implementation.⁶¹ Conversely, the administrators are quick to blame the politicians for some of the mishaps. Mr. Kowalski commented "we could have reviewed it in greater detail but it probably would not have been done this year. I was directed to expedite it; I expedited it. Everyone on the committee worked their butts off to expedite it."⁶²

Employment security for Mr. Sage, Mr. Kowalski and city

⁶¹ Sicoli, "Gore Park", p.B2

⁶² Sicoli and Johnston. "WHODUNIT?" p.A7-A8

architect David Freeman was in serious jeopardy following the stoppage in construction. Alderman Mike Davison asked for a personnel committee to examine the wisdom and affordability of continual employment of the three senior staff members.⁶³ The inquiry was also demanded to determine the question of the trio's accountability and communications with city council during the project. The trio were spared their jobs however, at the expense of being publicly humiliated. Yet, the city staff never had to officially explain the actions of the administration. There was a recommendation that at least three staff members that were involved in the implementation stage of the project, and the CAO report to a special committee to account for some of the administration's actions. City Council, however, did not agree with this recommendation and it was voted down. The rationale behind this was that the politicians had the final say, so the fault should lie with them. Interestingly, Council did receive personally written correspondence from the city staff. These were compiled by Lou Sage who claimed that the essence of the letters stated there was no cover up on how the decisions were made. Unfortunately, the letters were never publicly revealed because, according to Mr. Sage they deal with a personnel matter.

An inquiry to determine what went wrong, problematic areas in staff-council relations and render possible blame was also proposed by alderman Hinkley. It was rejected on fiscal grounds but,

⁶³ Bill Johnston and Michael Davis "Gore Park Trio Spared", Hamilton Spectator 5 January 1984 P.A7

according to Mr. Hinkley, the members of council knew that a public inquiry would find certain staff personnel and politicians negligent.⁶⁴

A great deal of criticism was steered toward the Parks and Recreation Committee and especially its chairman, alderman Hinkley. The project, however, was not initiated by the committee, nor was it completely under its control. Still as a chairman of a committee, he had a responsibility of maintaining strong communication lines with the committee members and administrative staff. Furthermore, as a member of a committee, one must be fully cognizant of the circumstances surrounding the developments of the park's restoration program, especially when the committee's approval is necessary for implementation. Mr. Hinkely understood his role and duties as chairman. Subsequently, if any evidence suggested that he was not fulfilling the duties of the chairman in the project, he stated he would resign his seat.⁶⁵

It is uncertain what a investigation would have resolved. A judicial inquiry may have only revealed to council and the citizens of Hamilton what was already clear: both politicians and bureaucrats were incompetent or ineffectively performing their duties insofar as the Gore Park redevelopment was concerned. In addition, to dismiss the three senior city hall staff members who were most closely connected to the project or to accept the resignation of one alderman would have been to overlook those who

⁶⁴ Interview Hinkley

⁶⁵ Ibid

were also involved - or should have been involved. It is also plausible that an inquiry would have only instill animosity and divisions both among council members and city hall staff. The inquiry could have prolonged the agony of the fiasco and Hamilton's image could have suffered with such a public self-flagellation. In any case, the results or recommendations of a judicial inquiry would not have been binding on anyone. The value of such an investigation is open to question.

A fresh new start

Following the aforementioned incidents a new urban landscaping architectural firm was hired to initiate new proposals and be fully involved immediately in the remaining phases of work on the DAP. They would be responsible for all phases of design construction, documentation and supervision of recommendations for the Gore Park area.

The firm of Morehead, Fleming, Corban and McCarthy were awarded the responsibility for \$54 000, of formulating a new design and the other duties. To assist the firm, a new design subcommittee was created. Representatives were chosen from the Downtown Business Improvement Area, LACAC, effected city departments (including the planning department)⁶⁶, the historical board and two alderman, from the Parks and Recreation and Planning and Development committees. This subcommittee, recommended by LACAC, would develop terms of reference for proposal calls for

⁶⁶ These consisted of representatives of the Planning department, Parks Division, Community development and City architect and Coordinator

the hired landscaping architectural firm. All the information would be reviewed from all respective parties to foster open communication and full awareness on the projects progress.⁶⁷ The firm of duToit Associates Ltd. was also maintained on a per diem basis to complete the implementation of the remaining phases and to advise on the design of the Downtown Action Plan.

Public participation would be increased with additional public meetings to discuss the new park design. Moreover a special committee was created to handle daily construction details (this committee was only authorized to order changes within \$25 000). The original fiasco dictated that extreme measures be taken to ensure that the final product resembled the original plans.⁶⁸ Moreover, the Downtown Action Plan Co-ordinating Committee chaired by Mr. Kowalski was abolished and its duties taken over by the architectural firm. Essentially, the committee had lost the confidence of council, and there was an underlying understanding that those that were implicated with the fiasco should not be given another opportunity.

As the new plans were drawn up, the citizens utilized the open public forums and voiced their demands concerning the park. These included more grass and greenery in the park and the need for a model to be presented to envision the finished product. The new design emphasized an open-spacious concept which attempted to

⁶⁷ James Ross, "Citizens want grass back in the park", Hamilton Spectator, 5 January, 1984 p.A7

⁶⁸ "Gore Paranoia Committee Created", Hamilton Spectator 1 August, 1984 p. A7

integrate the surviving elements of the original park with the new spacious atmosphere. The Moorhead plan called for about fifty per cent less brick than before, and more grass and trees.⁶⁹ A less traditional fountain was moved from the centre of the park and the public washrooms were closed because of the financial losses incurred in operation, its inaccessibility to the handicapped and the increasing safety risk to the public.

The new plan would undergo extensive and closer scrutiny. After being presented to the citizens, the new detailed designs featuring and emphasizing the modifications were tabled for the design sub-committee and then to the parks and recreation committee. Following the design's favourable reception at the aforementioned committee meetings, it was introduced to city council, where it received similar approval from the politicians at city hall.

O'Brien Contracting was contracted to construct the 1.3 million dollar plan (a modest figure compared to 2.8 million for the aborted plan). Construction began in the summer of 1984 and in October of that year, Gore Park once again became a park. City Councillors agreed that the restored park would once again be characterized as the centrepiece of downtown Hamilton. Yet, many politicians believe that the park has not reached its full potential. Maintenance work continues on the park, plus more projects and activities are planned for the park. Notwithstanding this, the major success of the new Gore Park is its simplicity. It

⁶⁹ Ross, "Grass back in the park" p.A7

has maintained its tradition as a focal point of the city and the abundance of grass, trees and shrubs provides an interesting contrast to the commercial and city architecture. However, at a final cost of 3.5 million dollars the question of fiscal responsibility is raised along with the many others concerning city staff-politicians relations.

Since the Gore Park incident, members of council have been more vigilant and have assumed a role of the administrator to a larger extent. An executive committee composed of four alderman and the mayor has been established. The former are nominated by the mayor and ratified by city council. There does not exist any list of formal qualifications to be appointed to the committee, yet chosen alderman are situated in key wards having valuable experience. Their responsibilities includes reviewing all committee reports, forwarding recommendations on issues which overlap standing committees jurisdictions and maintaining contact with private boards - such as the football Hall of Fame. They also have complete control over the capital budget which includes all major projects. Department heads and deputy department heads must report to the committee. The committee, however, has yet to establish the power it desires, such as selection of personnel and power over its own finances. Conversely, the committee members have usually served on previous standing committees or chairmanships, therefore, in combination with their charisma they have developed a certain degree of power of persuasion. Alderman McCulloch believes that as long as council does not maintain fixed

views on issues, they would probably give the benefit of the doubt to the executive committee.⁷⁰ The mayor has been able to use the committee as a forum for initiating issues which he perceives as essential for public discussion.

The Gore Park case study has illustrated the significant impediments to coherent and consistent policy making and harmonious staff-council relations. Many theoretical questions still remained unanswered. What role should the bureaucrats and politicians have undertaken in the conceptual and implementation stages of the redevelopment plan? Could the negative conflicts between staff and council had been averted? Are there any effective theories which recommend solutions to an adversarial, conflictive relationship? It was clear that the redevelopment programme was marred from the outset. Neither the bureaucrats or the councillors, alone or in combination, were totally aware of their roles to achieve effective municipal public management. Hence, the city initially failed to revitalize Gore Park and the downtown. The proceeding section will address these questions by prescribing varying theories concerning the role a councillor and bureaucrat should comprehend and execute in the process of developing, revising and implementing policy. Moreover, the theories will be directly applied to the case study.

The Bureaucrat's role and responsibilities

When assessing public servant behaviour, it must be observed that they are confronted by a bewildering variety of competing

⁷⁰ Personal interview Mr. William McCulloch 24 June 1991

practices and pressures that claim to have the answer to effective public management. This forces the municipal administrator to constantly struggle with and address such concerns as being loyal and efficient, open and accessible, or aloof and secretive. Furthermore, he or she must question to whom he or she is accountable? A distinction must be made between formal and informal, external and internal, weak and strong, and symbolic and real, types of control over bureaucratic behaviour.⁷¹ The bureaucrat must recognize the need to make such distinctions and act responsibly when executing his or her prescribed roles.

Responsible behaviour is broadly defined as behaviour in which one is able to distinguish between right and wrong and think and act rationally, being accountable for all behaviour. It also encompasses qualities such as obligation, dependability, reliability, trustworthiness and prudence.⁷² But in a more narrow, governmental sense, responsibility has been defined as the following:

a nineteenth-century term of British origin mingling together the notions of duty, causality and accountability in the contexts of some law, a lot of convention, and a dash of administrative culture.⁷³

When the dictionary and the narrower definitions are combined, responsibility to a public official means the obligation to develop and administer policy in a certain manner and to account for one's

⁷¹ Langford, "Responsibility in the senior public service", p. 513

⁷² Webster's New World Dictionary second college edition (New York: Prentice-Hall Press 1986), p.1211

⁷³ Langford, "Responsibility in the senior public service.", p.514

performance to a specific person or institution.⁷⁴ The definition proves useful because it suggests that the concern about administrative responsibility has three dimensions: 1) confusion about for what public servants are responsible; 2) confusion about how public servants should carry out their duties responsibly; and 3) confusion about to whom public servants should be accountable.⁷⁵

1. Responsible for what?

The distinction between politics and administration is no longer compelling.⁷⁶ The public servant often makes political decisions through the creation and administration of regulations as well as through the formulation and implementation of policies and laws. But, "there is no longer any widespread agreement about what the extent of the duty is: what precisely the public servant is responsible for by way of policy-making and administration."⁷⁷ The balance between political power and bureaucratic responsibility has yet to be clearly established.

The confusion over the issue of "responsible for what" would

⁷⁴ Ibid

⁷⁵ Ibid., p.515

⁷⁶ Originally the distinction between policy and administration was developed in American government as part of the attack on the endemic corruption of public affairs in the late nineteenth century. As time passed it became increasingly discredited as greater knowledge of the reality of government showed that it was quite inadequate as a description of the working of public bodies. Allan O'Brien, "A Council Staff Team?", (London: University of Western Ontario, 1985) p.7-8

⁷⁷ Langford "Responsibility in the senior public service", p.515

not completely disappear if one could clarify the respective roles of the public servant. In addition, regardless of how powerful public servants are, such power is simply too widely diffused in most instances to hold specific individuals accountable or blameworthy in any meaningful sense. Power is shared within a department through the process of delegation, bureaucrats in other line departments, and even with other levels of government.⁷⁸ What, therefore, can be done about this continuing confusion?

Clearly, a public servant can not simply apply a set of rules or a book of guidelines to understand his or her role in the formulation and implementation of public policies and programmes. Nonetheless, the city staff are expected to fulfil certain professional management principles and contributions to the policy development process.

The following is a comprehensive list of expectations of the city staff.⁷⁹ Bureaucrats must provide all relevant facts; definite answers to reasonable questions; information the councillor can trust; feasible alternatives for council's choice; information on potential community and administrative impacts, and information on costs in financial and layman terms. The staff is paid to analyze information and to make policy recommendations to the council. Council is not obligated to agree with these recommendations, but it has the right to expect that they will be made. Council, the CAO and the staff should all understand when a

⁷⁸ Ibid p.516-517

⁷⁹ O'Brien, "A Council Staff Team", p.13

recommendation is expected and exactly what constitutes complete staff work.

Staff must also be forthcoming with all necessary information, and not withhold facts regardless of perceived significance. In order to provide the information there must be open communication channels. Staff, through their manager, should communicate regularly and systematically, providing all council members with an equitable and consistent level of information.⁸⁰ The failure to divulge information can produce severe consequences. "The preservation of the secrecy cult in political practice and political thinking is a way of supporting faith in the infallibility of bureaucratic thinking and a chance for power to be used irresponsibly and uncontrollably in the narrow interests of small groups of people."⁸¹

The consequences of failing to disclose relevant information was evident in the case study. In fact the one factor which appeared to overshadow the others was the consistent lack of communication and information. Significant doubts surfaced regarding these important elements in staff-council relations. Were all the relevant facts disclosed?; was information given on the potential community and administrative impacts?; was notification given on unintended or unexpected impacts?; and did staff withhold or distort information on costs in financial and

⁸⁰ Proulx, "A Team Effort"., p.91

⁸¹ Ivan L. Head, "Governing Sanely", Policy Options, Vol.10 No.6 (July/Aug) p.15

human terms? The detailed information in the case study unmistakably confirms that the answer to the first three questions is an unfortunate no and a definite yes for the final question. The non-disclosure by city staff regarding the total costs of the consultants, not highlighting the significant revisions in the final designs from the original conceptual plans and suppressing important facts concerning the use of interlocking brick in the construction on the roads and sidewalks undoubtedly induced major problems to occur. Consequently, council was partially correct in claiming they did not understand the dynamics and complexities of the park designs.

In the policy implementation process staff should use human and financial resources effectively, paying strict attention to the nature of the policy. Other duties that the administrator should perform during this stage include notifying the politicians of unintended or unexpected impacts, and reporting progress and results. In Hamilton these important responsibilities were not completely accomplished. City staff did not want the elected officials involvement in the implementation process. Co-operation and team work with the politicians could have plausibly prevented many of the problems. However, city staff were determined to complete the project on its terms after it received council approval. A councillor's involvement should not end at the approval stage, but the bureaucrats surmised otherwise and continued to oversee the project with minimal consultation with the politicians.

It is essential that all staff members co-operate with each other and have respect for citizens' rights. This latter point is as important for a bureaucrat as it is for a politician. "The increased stress laid in the wider political system on freedom of information, public participation in planning, and service to the public has encouraged public servants to attach a higher significance to such values."⁸² Local government exists to serve the municipal constituents, thus staff can reasonably be expected to be responsive to citizen's needs. Just as the staff communicates with council on a regular basis, staff should communicate with citizens and solicit their views. They must be cognizant of public opinion on a variety of local issues - especially concerning existing policies and programs.⁸³ Municipal staff should attempt to

find themselves acting as brokers or arbiters of conflicting local interests, seeking to find common ground and to build a basis for action. Staff with good negotiating and human relations skills can make a major contribution in this area, but in doing so they are also helping to define the issue and to determine the limits of possible action on the issue - critical elements of the local political process.⁸⁴

In regards to the case study the bureaucrats honestly believed they were creating a park that was demanded by downtown lobby groups and Hamilton citizens. The redevelopment plans were available for public viewing upon request and prior to council approval public

⁸² Langford, "Responsibility in the public service", p.518

⁸³ C.R. Tindal and S.N. Tindal, Local Government in Canada: Third Edition (Toronto: McGraw-Hill Ryerson Limited, 1990) p.169

⁸⁴ Ibid.

input was solicited. There were areas in which the public were kept in the dark such as the tree cutting incident, however the bureaucrats did not ignore the views of Hamiltonians.

All of the aforementioned expectations of the public servant, should be applied with caution and adjusted to coincide with each specific context. It must be remembered that each municipality has its own tradition and needs, therefore the principles cannot be expected to apply equally and uniformly everywhere. Basically, these points further indicate that there is a great need for councillors and staff to understand and appreciate each other; not only their roles and areas of expertise, but also their limitations.⁸⁵

2. How to administer the roles responsibly

City staff also face an assortment of suggestions and contentions about how they are supposed to perform their duties because there is no clear consensus on the manner in which bureaucrats should operate.⁸⁶ To discuss the principles outlining the basic requirements of public management performance may seem implicitly evident and somewhat truistic, however, the professional and personal values which are expected from a public servant must be unmistakably clear and known to both bureaucrats and students of municipal government.

⁸⁵ Claudette Millar, "To Reflect Or To Govern?", in Politics: Municipal Style, A Selection of Papers on Municipal Government in Ontario, (Toronto: Ontario Ministry of Municipal Affairs, 1989), p.42

⁸⁶ Langford p.517

Local government professionals are highly trained. The staff should be resourceful and innovative in its approach to problems. Creative and energetic people are needed to fill leadership positions. In their daily operations, all public servants should perform with a notable degree of professionalism, good manners, serious effort and high-quality work. "Because their behaviour reflects on the agency, staff members should conduct themselves with dignity on and off the job."⁸⁷

Along with professionalism, personal values are also important. For instance, loyalty to the council is essential to the relationship. The staff works for the council and should support the council in every reasonable way in dealing with other agencies, employees, and the media. Negative comments can seriously damage the trust on which harmonious staff-council relations are founded.⁸⁸ Staff members hold a strategic position, from which it is possible to undermine council's policy prerogative, and to do so fosters mistrust.

In addition, other personal attitudes such as political neutrality and objectivity warrant critical analysis. The latter attribute certainly conjures up the provision of expert technical policy advice and administration. Yet, sceptics insist that public servants inevitably have their own subjective views of what represents good policy and administration. Municipal staff have their own objectives and priorities that they want to achieve. In

⁸⁷ Proulx, "A Team Effort", p.91

⁸⁸ Ibid., p.92

fact, the staff may attempt to control the policy agenda, determine what gets attention and (equally important from their view) what does not get attention.⁸⁹

The staff that were involved in redeveloping Gore park designed a park that in their view would have helped revitalize the downtown area and created a "people oriented" environment. However, according to duToit consultants, the staff did depart significantly enough from their original concept and how to achieve in attracting citizens back to the downtown. Eventually, the disagreement over the design led to the halt in construction and hiring a private firm to redesign Gore park.

The bureaucrat must deal with the conflicting ideologies of council members. The most obvious of these is the split between conservatives who work to preserve the traditional community values, and progressives who believe that change and development are part of progress.⁹⁰ This may inevitably lead to problems and poor relations. The partisanship rule has become increasingly confused in recent years by the conflicting guidelines put forward by various governments on the allowable limits of public comment and political activity for public servants.⁹¹

An external factor which can negatively affect the

⁸⁹ C.R. Tindal and S. N. Tindal, Local Government in Canada p.169

⁹⁰ Gerda Kaegi, "Identifying Leadership" in Politics: Municipal Style, A Selection of Papers on Municipal Government in Ontario, (Toronto: Ontario Ministry of Municipal Affairs, 1989), p.121

⁹¹ Langford, "Responsibility in the senior public service" p.518

bureaucrats' ability to perform is frugality. Administrators have been advised to consider cost-efficiency when assisting in the development of policy. There has developed a pattern of greater recognition for the measurement of performance or results to ensure value for the dollar spent. Municipalities have gone even further by forcing the staff to work with limited resources by imposing cutbacks. Frugality can present dilemmas for public servants. First, they tend to focus the discussion of responsibility on dollars rather than on the intended policy or programme results. Secondly, when delivering services, figuring out what is efficient and effective is subjective and can lead to contention.

3. Accountability

When explaining the notion of responsibility the focus will eventually turn to accountability. Accountability is defined as being obliged to answer for one's action. It also entails being subject to sanctions for failures in performance.⁹² In reality, accountability is a complex and dynamic relationship between public officials and a multitude of diverse claimants on their attention and their sense of obligation.⁹³ The question that arises is to whom is the public servant accountable? This question and the whole issue of bureaucratic accountability has become more prominent and studied by practitioners and academics.

Over the last two decades, there has been a growing insistence

⁹² Webster's, p.9

⁹³ Paul Thomas, "Accounting For Bureaucrats", Policy Options Vol.10 no.1 (Jan/Feb. 1989), p.33

on making government bureaucracies more responsive and accountable.⁹⁴ It is suggested that if the power of public servants increases, then they must be held directly accountable. Subsequently, municipal staff may be faced with a barrage of demands to answer questions about their performance. Recognizing the full range of controls may make us more optimistic about the prospects for accountability.

A strong argument has been forwarded that staff should be directly accountable to the department heads, the CAO and city council. The council would want the former to appear before it, not merely as experts, but as accounting officers directly responsible for the administration of their respective departments. Documents such as spending estimates and annual reports would go automatically before council, where senior officials would have to explain, and at times defend, city staff actions.

Internal mechanisms of control to protect against abuse should be established in response to the misuse of discretionary, bureaucratic power.⁹⁵ This can be accomplished by establishing supervisory agencies, similar to the federal Auditor General Ombudsman and the Information and Privacy Commission. These agencies would then be granted legal authority to demand that public servants account directly for the performance of specific functions. Other suggestions involve bureaucrats being held to account by the self-regulating professional association of which

⁹⁴ Ibid.

⁹⁵ Ibid. p.34

they are members.

Public servants have voluntarily recognized that they feel "accountable for their actions to other institutions and individuals regardless of the fact that this form of subjective responsibility may not be sanctioned by law or established convention."⁹⁶ This sentiment would entail being answerable to colleagues within their department, to the members of an intergovernmental committee, to the client groups which they serve, to the media, and to the community at large.

Finally, a bureaucrat may feel accountable to his or her own conscience. "Assailed by competing and conflicting demands for accountability, many public servants suggest that the loudest drum is their own personal sense of what is responsible behaviour."⁹⁷ A concern for accuracy, integrity, fairness, respect for professional and a commitment to doing one's duty is a more continuous source of protection against arbitrary bureaucratic decisions than any of the external controls.⁹⁸

The Politician's Roles and Responsibilities⁹⁹

⁹⁶ Langford, "Responsibility in the senior public service" p.520

⁹⁷ Ibid., p.521

⁹⁸ Thomas, "Accounting For Bureaucracy", p.34

⁹⁹ On the political side the organizational structure is less cohesive than an properly organized and managed administrative unit. In addition, while staff are usually organized in a hierarchical and disciplined way, council members may be in various degrees of disorganization or indiscipline according to time, agenda or municipality. That may make it difficult to organize Council-staff relations effectively. O'Brien, "A Staff-Council Team" p.3-4

The other essential component in an effectively functioning municipality is the politician. Similar to the municipal staff, city councillors also have important roles to play individually and in co-operation with appointed bureaucrats to ensure that the public will be best served. Because the politicians control the political functions and are collectively the boss of their municipality, achieving a sound relationship relies intensely on the elected representatives. In dealing with staff, council members must demonstrate leadership qualities and reflect the trust placed in them as leaders of the community. They must recognize that the municipal staff look to them for guidance and support. However, councillors should not hold the view that they are both omnipotent and omniscient, and based on the fact that they are elected officials, believe they are able to make all right decisions without any additional input.

A strong body of opinion favours the notion that the politician's role in local government is to set policy and not interfere with the bureaucrat's job.¹⁰⁰ The opposing theory is that legislation and administration are interdependent functions. The supporters of this theory argue that the task of formulating policy cannot be completely divorced from administration, because knowledge of the problems involved in administration frequently influences the course of policy. Moreover,:

rather than having them operate independently of each other, the means should be provided whereby the legislator and the

¹⁰⁰ This idea was the product of a civic reform movement in the United States at the turn of the century. Ibid., p.5

administrator can develop a close working relationship in which each contributes to the formulation of policy, although the ultimate responsibility for decision would remain with the legislator.¹⁰¹

A host of local issues and problems must be approached broadly where the range of options tend to expand, because the consequences widen. Thus, to make effective policy decisions council will need to solicit the help of staff to provide expert advice.

Council members can devise better policy if they know what the consequences of that policy will be. Councillors usually do not possess this information and the expert knowledge pertaining to technical matters such as engineering, planning or social work. Municipal councillors cannot really judge the administrative ramifications of each proposed policy alternative unless they have good contacts or links with those officials who will have to administer the policy once made.¹⁰² Therefore, politicians should not ignore the advice given by staff. Council members should consider and read staff reports with an open mind. When council believes that information is lacking, it should not be hesitant to ask staff for further data.

City politicians are able to input vital wisdom into the policy making process. They should bring forward the views of their constituents and their own political judgement. This will mean that sometimes staff recommendations will not be accepted. The administrators need to know what the politicians intended when

¹⁰¹ T.J. Plunkett, Urban Canada, p.13

¹⁰² Higgins, Local and Urban Politics, p.124

formulating policy, so that not only the letter of the policy but its nature can be implemented. Staff members cannot properly implement policy unless they fully understand it, and it is the responsibility of council to make certain that this is the case. The intent of council policy should be stated clearly and unambiguously. Councillors intentions can be additionally clarified by setting priorities. When the volume of work exceeds available staff time, the council should establish priorities and authorize external assistance if necessary.

The Hamilton politicians failed in executing the aforementioned responsibilities in the Gore Park redevelopment plan. The politicians never succinctly or clearly articulated what its priorities were throughout the policy process. The politicians were preoccupied with poor employment and economic conditions to thoroughly deliberate and debate the projects proposals. They allowed the staff to determine the priorities based primarily from the consultant's report. When city council received the staff's new design plans for the park, the politicians failed to ask for more information that would had made the plan's design less confusing. This mistake was exemplified by city council's failure to at least suggest a model representation of the final plan be constructed in order to fully appreciate the scale and implications of the project.

During the construction of the park, city council appeared indifferent to the developments until public opinion opposed the new design. When the redevelopment of the park neared completion

city council claimed they had no idea that the park would eventually be engulfed by concrete structures, because they were alleged to be misled by the bureaucrats. Even if this statement was true, the elected politicians did not attempt to prevent the incident from happening. The elected officials exhibited a lack of leadership and sensitivity to the views of other local interest groups besides the downtown merchants and the BIA.

As for administration, it has been argued that staff should not be disrupted in their work by a politician's intrusions. If such was the case, then the bureaucrat should be fully responsible or accountable for the policy implementation results. However, when problems emerge because of an administrative error the politicians are usually held accountable at the next election. Councillors are elected to govern and are ultimately responsible to the citizenry for the conduct of local affairs--that includes policy and administration. In the final analysis it is the politician and not the administrator who is responsible to the public for both the formulation and the administration of policy.

Responsibility for administration can be exercised by giving instructions to the staff in a manner that accords with the principles of the council/manager system. This entails council working as a team. Assignments should be directed to the manager and should originate in a consensus of the council, not with individual members. Council and staff should work together and support and encourage team-building activities.¹⁰³ Council members

¹⁰³ Proulx, "A Team Effort", p.94

should contact staff directly only when the purpose is to communicate information - eg. to report on conditions or describe a problem.

Council can also systematically monitor the key staff positions with regular performance evaluation appraisals. Moreover, staff members are more likely to perform well if they feel that excellence is expected from them, and council will recognize and support such work by utilizing an appraisal system.

However, many politicians are unaccustomed and unqualified to perform appraisals. For this reason counsellor should be educated in the operations of civic administration.

Municipal politicians should not try to enforce their views on how a public servant should carry out their duties, but should have a thorough understanding of municipal public administration. Council must respect the lines of authority in the administration. "If the Council and the CAO have developed a good relationship, then the CAO can help the councillors to understand the administrative side, its needs, its problems and its challenges."¹⁰⁴

Job evaluation should also be implemented to include city council. They should periodically evaluate its own effectiveness, communication, roles, expectations and team work. Self-evaluation may be difficult, but it can create a more effective council. By putting into motion the performance evaluation procedure, each party will gain respect for each others' responsibilities and the stressful environments in which they must function. It will also

¹⁰⁴ O'Brien, "A Staff Council Team", p.7

be useful in overcoming the unannounced difficulties that can obstruct a good working relationship.

One of the vital responsibilities of an elected official is hiring the administrative staff. In hiring a manager, a CAO, or in some cases department heads, council is taking responsibility for administration. These key positions need to be filled by people who comprehend the complexities and dynamics of municipal government. Council should be willing to pay a competitive wage so that the best possible staff can be hired and retained. The council should also support open and competitive recruitment when it is clear that quality will be compromised by a strict policy of promoting from within.¹⁰⁵

Bureaucrats need to know a wide range of functions. A CAO is criticized in public by their political bosses. Council members are not explained the complexities of a large organization such as city administration and special problems of public sector management.¹⁰⁶ Councillors should not be so unfair and unethical as to criticize in public members of staff who cannot defend themselves in public.¹⁰⁷

When the construction of the park was halted and eventually demolished, city council again behaved wrongly and irresponsibly. There harsh public comments against the staff were extremely

¹⁰⁵ Proulx, "A Team Effort", p.93

¹⁰⁶ Allan O'Brien, "Council-Manager Relations", (London: University of Western Ontario, 1984)p.6

¹⁰⁷ O'Brien, "A Staff Council Team", p.13

unethical and unjust. Openly criticizing the three main directors proved to exacerbate staff-council relations and facilitate the mistrust that emerged between them. Moreover, it was exceptionally unfair to primarily fault the bureaucrats for the mistakes. Only a few brave and politicians decided to accept blame for the fiasco. This minority recognized that council as a whole did not fulfil their duties as elected officials. They were easily convinced by the city staff that the design would accomplish the goal of making the park more people oriented and that a model or alternative park designs - customary items in a major project such as this - were unnecessary and a time delay to the completion of the project.

The case study discussion outlined the problems associated with staff-council relations in the policy procedure. This realistic picture of how and why problems occurred within the municipal organization may appear quite discouraging. However, the mistakes have been noted and there is no reason why conditions can be improved. In addition to the prescribed roles of the bureaucrat and politicians the following recommendations can assist in the development of a successful and effective council-staff relationship.

Firstly, municipalities must delineate and allocate the respective roles to the politicians and administrators. Each must understand the roles to perform and what is expected from them. Each party must fully appreciate the numerous stages involved in the policy-making process. A candid exchange between councillors and staff as to what they perceive as the various stages in the

municipal policy-making process and to what extent and in what ways each believe that they should be involved in these stages should be frequently arranged. Undoubtedly, these meetings should at the very least encourage constructive staff-council inter-action. In addition, a program of periodic training for senior staff and council should be introduced to cover such topics as: city structure and organization, team-building strategy, interpersonal skills, rules of meetings and departmental responsibilities and competencies. An annual team building and orientation workshop would allow city senior management and politicians to focus in on areas that require attention. Being removed from the pressures of immediacy, the participants can investigate and assess goals, objectives and some quality planning. An annual event of this nature can renew enthusiasm and energy, keeping the organization dynamic and fresh.

Other actions may include promoting the receptive acceptance of new ideas and develop a process so that good ideas can be put forward for council consideration. Internally, the bureaucracy should develop an overall strategic plan and framework within which to integrate all of the planning components on specific projects (eg. budget, department reports, city official plan). The format and membership of Committees and the procedure and management of meetings require examination.

Informal communication, particularly between the standing committee and the city staff, is an element that can reduce misunderstandings. Those in a leadership position can often

resolve potential problems before they surface. Informal communication must be practiced among senior management and the councillors. When people do not take the time to make a phone-call at their office or at home to simply relay information, a gap of information can often result in unnecessary and needless division of opinion.

These recommendations are not the panacea for errorless policy-making, nevertheless the establishment of these strategies will stand to ensure improving staff-council relations and an efficient and effective form of municipal policy making. These suggestions emphasize the concept of team-work, since it is not only up to the CAO and the staff to manage the relationship, but also to the council to ensure that their contact with the key senior employees are frequent, substantive and honest.

Certainly, the outlined responsibilities and roles of the politicians and staff does not cover every possible contingency. But, it can serve as a basis for ascertaining the expectations of each party. It has been clearly purported that if a municipality is to effectively carry out its responsibilities to its community, a harmonious, role-oriented relationship must exist between staff and council. Managing a local government is a joint responsibility of the elected politicians and the administrative staff. When one or both of the municipal actors fails to incorporate these roles into their daily assignments, unhealthy conflict and mistrust will develop.

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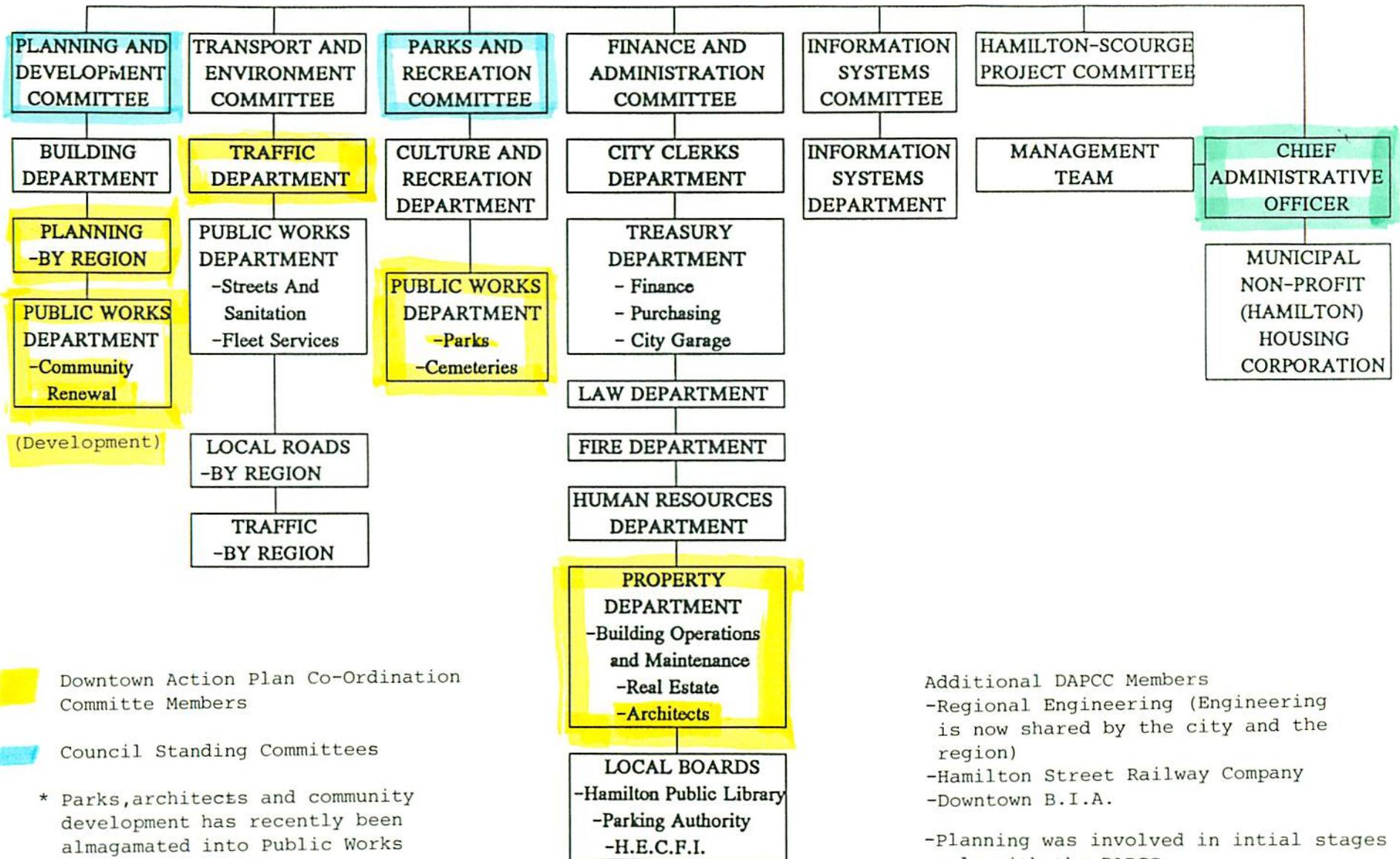
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MAYOR
CITY COUNCIL

Diagram B



Downtown Action Plan Co-Ordination Committee Members

Council Standing Committees

* Parks, architects and community development has recently been amalgamated into Public Works

Additional DAPCC Members
 -Regional Engineering (Engineering is now shared by the city and the region)
 -Hamilton Street Railway Company
 -Downtown B.I.A.
 -Planning was involved in initial stages only with the DAPCC



APPENDIX C

		Nov 22/82			
TO	STAFF	INC.	INFD.	ACT.	
	DIR.				
X	INSD.	DC			
	TECH.				
	SECRET				

du Toit Associates Ltd.

47 Colborne Street
Toronto, Ontario
Canada M5E 1P8
416 864-1876

Planning, Urban Design
Landscape Architecture

November 19, 1982

PS-4-74

Mr. David Godley
Planning Department
City of Hamilton
City Hall
71 Main Street West
P.O. Box 2040
Hamilton, Ontario
L8N 3T4

Dear David:

In response to your telephone call, the following letter outlines a cost estimate for consultanting fees required to prepare contract documents and oversee construction of the streetscape improvements to the Gore Park area.

Normally consulting fees are indexed to the construction cost. Using this method of fee calculation, the consulting fee for the total Gore Park area at \$2,800,000. at 6% would be \$168,000. It would not be cost effective for the City to do this, since the plan is intended to be built in stages and also large portions of the plan are repetitive in detail and need not be repeated on a block by block basis. A more efficient way to use consultants in this case would be to separate their services and utilize them on a component basis. For a construction project of this type, consulting fees are usually viewed on the following basis:

- o Design Development 40%
- o Contract Documents and Tendering 40%
- o Site Supervision 20%

.../2

Where it is logical for the City to perform some of these tasks, it would be efficient to do so. With this in mind, we recommend that consultants be retained on the following basis for the Gore Park Area, Phase One:

1. Sidewalk Areas

- o Design Development (consultants, review by City)
(40% of \$800,000.00 @ 6% = \$19,000.00).
- o Contract Documents (City, review by consultants)
per diem rates (upset of \$5,000.00)
- o Site Supervision (City, consultants "on call")
per diem rates (upset of \$5,000.00)

Total Proposed Consulting Fee for Sidewalk Areas: \$29,000.00

2. Gore Park Islands

- o Design Development (consultants, review by City)
(40% of 1,000,000.00 @ 6% = \$24,000.00)
- o Contract Documents (consultants, review by City)
(40% of 1,000,000.00 @ 6% = \$24,000.00)
- o Site Supervision (City, consultants "on call")
per diem rates (upset of \$7,500.00)

Total Consulting Fee for Gore Park Islands: \$55,500.00

Total Consulting Fee for Gore Park Area, Phase I: \$84,000.00

With the shared consulting services provided for the above tasks, it is likely that the City having gone through this first phase, would be able to continue any further development for the remainder of Downtown, with only a minor advisory input from the consultants.

Another approach to this situation is to hire consultants to do studies of construction details for universal use in all sidewalk areas. This would provide the City with standardized construction details and specifications which could be adapted to each construction phase. My estimate for this type of study would be in the order of \$20,000. and could be completed in two to three months. At the completion of a study of this type, the City could undertake the tasks as described in the first option, with respect to sidewalk areas. The Gore Park Islands would be handled as in the first option, since the design and details are unique to those sites and not repetitive.

With respect to timing, the first approach described would enable construction to begin during mid-1983, while the second approach would likely delay construction until the fall of 1983 or more realistically, early 1984.

Therefore, to summarize, the first approach outlines a series of shared tasks by the City and consultants; it would cost roughly \$84,000. in consulting fees; and the consultants would be involved in all stages of the process.

The second approach uses consultants for developing standardized details for sidewalk areas. All other tasks related to the sidewalk areas design development, contract documentation, tendering and site supervision would become the responsibility of the City. The consulting costs in this case would amount to roughly \$20,000. for the sidewalk areas and \$55,000. for the Gore Park Islands which could not be handled within a standardized approach..

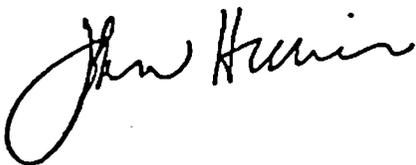
It has been our experience that the first approach guarantees a better product, since most municipal public works departments are generally not experienced with the design and construction techniques recommended in the Action Plan.

We, therefore, recommend the first approach since the total consulting costs are not significantly different, implementation is not delayed, and the intent of the plan itself will not be lost during the various stages of implementation.

We would be pleased to discuss these estimates in greater detail when your funding resources are further clarified.

Yours sincerely,

DU TOIT ASSOCIATES LTD.



John Billier

JB/cr

SCHEDULE A1

SUMMARY OF COSTS FOR FINAL PLAN RECOMMENDATIONS

1.	Streetscaping Treatment to Gore Park Area (First Stage) (Second Stage)	\$2,040,200.00 \$ 773,666.00
2.	Traffic Related Improvements to Gore Park Area (Traffic Signals)	\$ 60,000.00 <u>\$2,873,866.00</u>
3.	Total Costs (Gore Park Area)	
4.	Streetscaping Treatment Outside of Gore Park Area (Street-Related) (Alleys, service lane related)	\$2,450,301.00 \$1,020,250.00 <u>\$3,470,551.00</u>
	<u>TOTAL</u>	<u>\$6,384,417.00</u>
5.	Total costs for improvements to the Study Area	

NOTE: (i) all estimates are in 1982 dollars
(ii) figures have been rounded off for use in Section 7 of this report with respect to point 4.