



Legislative Assembly of Alberta

The 29th Legislature  
Third Session

Standing Committee  
on  
Legislative Offices

Tuesday, January 16, 2018  
9 a.m.

Transcript No. 29-3-11

**Legislative Assembly of Alberta  
The 29th Legislature  
Third Session**

**Standing Committee on Legislative Offices**

Shepherd, David, Edmonton-Centre (NDP), Chair  
Malkinson, Brian, Calgary-Currie (NDP), Deputy Chair  
Loyola, Rod, Edmonton-Ellerslie (NDP),\* Acting Deputy Chair  
  
Aheer, Leela Sharon, Chestermere-Rocky View (UCP)  
Cooper, Nathan, Olds-Didsbury-Three Hills (UCP)\*\*  
Drever, Deborah, Calgary-Bow (NDP)  
Gill, Prab, Calgary-Greenway (UCP)  
Hanson, David B., Lac La Biche-St. Paul-Two Hills (UCP)\*\*\*  
Horne, Trevor A.R., Spruce Grove-St. Albert (NDP)  
Kleinsteuber, Jamie, Calgary-Northern Hills (NDP)  
Littlewood, Jessica, Fort Saskatchewan-Vegreville (NDP)  
Pitt, Angela D., Airdrie (UCP)  
van Dijken, Glenn, Barrhead-Morinville-Westlock (UCP)  
Woollard, Denise, Edmonton-Mill Creek (NDP)

\* substitution for Brian Malkinson  
\*\* substitution for Leela Aheer  
\*\*\* substitution for Glenn van Dijken

**Legislative Officers**

Jill Clayton	Information and Privacy Commissioner
Del Graff	Child and Youth Advocate
Glen Resler	Chief Electoral Officer
Marianne Ryan	Ombudsman, Public Interest Commissioner
Merwan Saher	Auditor General
Marguerite Trussler, QC	Ethics Commissioner

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Shannon Dean	Law Clerk and Director of House Services
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Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Karen Sawchuk	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications
Jeanette Dotimas	Communications Consultant
Tracey Sales	Communications Consultant
Cheryl Scarlett	Director of Human Resources, Information Technology and Broadcast Services
Janet Schwegel	Managing Editor of <i>Alberta Hansard</i>

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[Mr. Shepherd in the chair]

**The Chair:** Well, good morning, everyone. I'd like to welcome members, staff, and guests to this meeting of the Standing Committee on Legislative Offices.

I'm David Shepherd, the MLA for Edmonton-Centre, chair of this committee. I'll just ask that members and those joining the committee at the table introduce themselves for the record, and then we'll hear from those on the phone. I'll start to my right.

**Loyola:** Rod Loyola, MLA for Edmonton-Ellerslie, deputy chair.

**Mr. Hanson:** David Hanson, MLA, Lac La Biche-St. Paul-Two Hills.

**Mr. Gill:** Good morning. Prab Gill, MLA, Calgary-Greenway.

**Mrs. Pitt:** Angela Pitt, MLA, Airdrie.

**Mr. Cooper:** Nathan Cooper, the MLA for the outstanding constituency of Olds-Didsbury-Three Hills.

**Mr. Kleinsteuber:** Jamie Kleinsteuber, MLA, Calgary-Northern Hills.

**Mr. Horne:** Good morning. Trevor Horne, MLA for Spruce Grove-St. Albert.

**Mrs. Littlewood:** Good morning. Jessica Littlewood, MLA for the beautiful rural constituency of Fort Saskatchewan-Vegreville.

**Dr. Massolin:** Good morning. Philip Massolin, manager of research and committee services.

**Mr. Resler:** Good morning. Glen Resler, Chief Electoral Officer.

**Ms Scarlett:** Good morning. Cheryl Scarlett, director of human resources, IT, and broadcast services.

**Ms Dean:** Good morning. Shannon Dean, Law Clerk and director of House services.

**Mrs. Sawchuk:** Karen Sawchuk, committee clerk.

**The Chair:** Excellent. On the phone I believe we have Member Drever.

**Drever:** Good morning. Deborah Drever, MLA for Calgary-Bow.

**The Chair:** Thank you.

For the record I'll just note the following substitutions. Mr. Hanson is substituting for Mr. van Dijken, Mr. Cooper for Mrs. Aheer, and Member Loyola is substituting as deputy chair in place of Mr. Malkinson.

Before we turn to the business at hand, just a few quick operational items. Microphone consoles are operated by the *Hansard* staff. Please ensure that mobile devices are turned off or set on silent. Audio and video of the committee proceedings are streamed live on the Internet, recorded by *Alberta Hansard*. Meeting transcripts may be obtained through the Legislative Assembly website.

To begin, a draft agenda was distributed for consideration. Does anyone have any issues to raise or changes to propose in regard to the agenda? If not, do we have a member that would move a motion to approve the agenda as distributed?

**Mr. Cooper:** Just prior to doing that . . .

**The Chair:** Certainly, Mr. Cooper.

**Mr. Cooper:** . . . I'm just not a hundred per cent sure if we can do it under the timeline and process bullet or perhaps under other business, but I would just like to have a discussion about the e-mail motion that was distributed on, I think, the 10th or 11th of January.

**The Chair:** Would that be the motion regarding the second running of the ad for the position?

**Mr. Cooper:** Correct.

**The Chair:** Okay. You would like to have an item on the agenda to discuss that? Okay. The clerk advises that that could be appropriately discussed under other business. Would that be acceptable to you, Mr. Cooper?

**Mr. Cooper:** Yeah. That's fine. That's more than appropriate. Thank you.

**The Chair:** Thank you.

If there are no other changes or proposals, then, do we have a member that would move to approve the agenda? Mr. Cooper, thank you. All those in favour? On the phones? Any opposed? That motion is carried.

We'll move on, then, to the question of the meeting minutes from our meeting of December 20, 2017. Did anyone note any errors or omissions? If not, do we have a member that would move approval of the minutes as distributed?

**Mr. Cooper:** I just have a quick question with respect to the minutes, the second page. "A draft job posting for the position of Election Commissioner, prepared by the committee members from the government caucus, was distributed (Appendix 3)." I'm just wondering if that should actually read "NDP caucus" given that it was on NDP caucus letterhead. I'm not sure that they're interchangeable in this context, so I'd just submit that as a possible change, for it to say "NDP caucus."

**The Chair:** Thank you, Mr. Cooper. I'm sorry; which page was that again?

**Mr. Cooper:** Page 88 as it's printed in my package here, but it's the second page of the minutes under bullet 4, confidentiality of documents and proceedings, the third paragraph. The sentence begins: "A draft job posting for the position of Election Commissioner, prepared by the committee members from the government caucus, was distributed (Appendix 3)." I'm just wondering if that should say "NDP caucus" instead of "government caucus" there given that the job posting was circulated on NDP caucus letterhead.

**The Chair:** Okay. Yes, that is the case, Mr. Cooper. Of course, government caucus is understood to be the NDP caucus, but I appreciate that you'd like to make that change.

**Mr. Cooper:** I'd be happy to move the motion to approve the minutes as amended, of course, if it's the will of the committee.

**The Chair:** Absolutely. All right, then. Okay.

We have the motion, then, from Mr. Cooper to approve the minutes as amended, changing "government caucus" to "NDP caucus."

If there's no further discussion, I'll call the question. All those in favour? On the phones? Any opposed? That motion is carried.

We'll move on, then, to the first item of business for the day. In our process, then, of recruitment for the position of Election Commissioner we are discussing the timeline and process. At our last meeting we had a motion that was passed directing the LAO to prepare a timeline document outlining the various steps in the process for recruiting an Election Commissioner. Accordingly, we had a timeline prepared in consultation with executive search. It was prepared and distributed with the briefing materials for this meeting. Do we have any questions or discussion in regard to this document? Mr. Horne.

**Mr. Horne:** Yeah. Thank you, Chair. First, I would like to thank the LAO staff for putting the work into putting together this timeline. However, I do think that it is imperative that we move as quickly as we can on recruitment following Bill 32. You know, this is a bill that is fundamentally very important to our democracy. I know that there are a lot of very important questions that Albertans have had. I think that it is imperative that we look towards having this process wrapped up, preferably so that somebody is in place before the first quarter starts. With that in mind, I was hoping to see that we could propose that the binders be ready to be distributed by January 25.

**The Chair:** Thank you, Mr. Horne.  
Mr. Cooper.

**Mr. Cooper:** Thank you, Mr. Chair. I guess I'm a little bit concerned about the speed at which the NDP caucus or at least Mr. Horne – perhaps he doesn't speak for the NDP caucus – would like to proceed on this particular process. We've already seen what happens when we rush this process. We essentially wasted \$20,000 over the Christmas holidays because the NDP caucus was insistent on advertising. I know that I propose to speak about that later in the meeting, and we're going to talk about the actual motion and how that took place. We put significant pressure on the administrative team on the 20th, 21st, and 22nd of December to try to get the process rolling. We neglected to consult with one of the primary stakeholders, the Chief Electoral Officer, in that process because the NDP caucus wanted to rush getting it done.

Now we're four minutes into this meeting or whatever it is, eight minutes into this meeting, and members of the government caucus are already proposing that we have an application deadline of the 19th of January, which, I would submit, probably was too quick as well. They're proposing that all of the screening and feedback by executive search or the LAO or the external bodies that are going to provide assistance to this program can be done in six days.

This isn't their only task that they have. There are lots of roles and responsibilities for these organizations, and to provide them with the appropriate time and due diligence to ensure that the process is done in a respectful manner is more than appropriate. I know that I've been personally a part of the search for the Clerk of the Legislative Assembly. I know that my colleagues Mr. van Dijken and, I believe, Mrs. Pitt have been a part of the search for the Ombudsman, if I'm not mistaken. The reality is that these processes take time. I understand that the government is trying to rush getting this particular position in place just like they rushed this through the Assembly, but we have a responsibility to do appropriate due diligence. That also means providing those who provide us the support the appropriate time to do the due diligence.

9:10

Truth be told, to provide that organization a full week in terms of executive search, a full week to prepare that information is more than reasonable. For us to receive the distribution of those documents towards the end of the month is also appropriate. I

certainly don't support rushing this process. I don't understand what the government's rush is to have this done by the first quarter. While I disagreed with the legislation, the confines of the legislation provide the Chief Electoral Officer the ability to continue to do the good work that he has already been doing until this individual is put into place. For us to rush it would be a significant mistake unless, of course, the government already has the person that they're hoping to get hired, in which case the whole process is a waste of everyone's time.

**The Chair:** Thank you, Mr. Cooper.  
I have Mrs. Littlewood.

**Mrs. Littlewood:** Thank you very much, Chair. I think it's important to get this work under way and done because right now we have money coming into our democracy from outside of the province. We have influence coming in from big money, which I know the opposition would like to keep in, the UCP would like to keep in. I mean, that was their fight – right? – before, to keep as much money and deep pockets in politics as they could and that decision-making out of the hands of regular Albertans, which is unfortunate.

Right now we have the opportunity to shine the light on dark money that continues to stay in Alberta politics. I mean, really, that's what the UCP wants to do. They want to keep dark money in Alberta politics and power out of the hands of every single individual voter. You know, we see that they want to make sure that their wealthy friends, their insiders still have the power in this province, and that's unfortunate. I think it's in the best interests of transparency and putting the power of our elections back into the hands of ordinary folks to do that work now. I would support us to move forward on that work. That may take a bit more time, but I think: the sooner the better. That's my position.

Thanks, Chair.

**The Chair:** Thank you, Mrs. Littlewood.  
Mr. Cooper.

**Mr. Cooper:** Thank you, Mr. Chair. With respect to Mrs. Littlewood's comments, the legislation is already in place. Legislation to regulate PACs is in place, and that's a good thing. In fact, you know, we spent significant periods of time in the Legislative Assembly indicating the amount of out-of-province money that had been donated to NDP-supportive PACs. Government members would be well aware of that.

The legislation that is in place is enforceable by the Chief Electoral Officer, who sits two seats from you. To make the claim that it is the Official Opposition that wants to keep big money in politics and wants to delay this process is totally outrageous. That is not the case. What the Official Opposition would like to do is to ensure that we can do the best job possible with the resources that we have been entrusted with by Albertans. What we saw in December from the government members was wasting \$20,000. I don't think that's what Albertans expect. To imply that the Official Opposition doesn't want this work to be done is also to indicate that the Chief Electoral Officer is incapable of being the juror, if you will, of the legislation, of executing the legislation that is now in place that is under his jurisdiction. It has nothing to do with the Official Opposition wanting to keep big money in politics.

In fact, the Official Opposition has full confidence that the Chief Electoral Officer could do this job. Perhaps the government caucus doesn't. In the meantime he can do that job. He can do it well. So we have a responsibility to Albertans to ensure that the process is done as appropriately and in the most reasonable timeline as

possible. To give executive search basically the weekend to compile all of the folks who have hopefully applied at that point in time, rank those individuals, potentially collate information around all of those folks: that is not going to help the process.

While the Official Opposition believed that the Election Commissioner could have been structured very differently, what we need to do now is make sure that we get the best independent office of the Legislature possible, and rushing that process and saying that it's because we'd like to delay the process because we're trying to keep big money in politics is untrue. In fact, the legislation has already been passed, so all of the rules are already in place and can be enforced during this period of time. I would suggest that we put the politics aside and make sure that we get the very best member to serve Albertans and to serve the Legislature and make sure that, in fact, we do wind up with an independent office of the Legislature and not someone that may or may not have other motivations as well.

**The Chair:** Thank you, Mr. Cooper.  
I have Mrs. Littlewood.

**Mrs. Littlewood:** Thank you very much, Chair. I think it's absolutely important that we do have an independent office to do this work, just like we have an independent office that does the work of elections right now. We have a great officer in that office who has been very open with consulting, which is what he has been doing, with members of this Legislature for the last two years on election finances and the Election Act. He has been absolutely available to help make things better, which is why we were able to make changes in the fall and vote on those.

But, you know, actions speak louder than words. I'm looking at members that make up the UCP, that are former PC and Wildrose members, that voted against legislation that took a four-year election cycle that had \$105,000 that could be donated by an individual in this province and reduced that to \$16,000. I think it's important to have the record of what people actually do, what they actually argue for, and what you actually argue for is to keep big money and dark money in politics in the province. I would like to move forward with a process that actually allows us to start to take our democracy back for the people that voted us into these positions.

Thank you, Chair.

**The Chair:** Thank you, Mrs. Littlewood.

Do any other members have any questions, comments regarding the draft timeline that was prepared by the LAO?

**Mr. Cooper:** I have one additional question with respect to the rest of the timeline. I'm curious to know if we could get some feedback from government members on if, in fact, they will be proposing a change in the timeline at every spot in the document here. Like, are we going to argue each point, or is this going to be one discussion on timeline generally right now? And by argue I mean debate.

**The Chair:** Thank you, Mr. Cooper.

**Mr. Horne:** Well, I'm a little concerned about the tone struck there, but it's my intention right now to have a discussion about the timeline in general. I have the utmost faith in our staff that, you know, we can work through this process in as expedient a fashion as possible. I don't think it's unreasonable to look towards making an offer for the end of February. That has been my proposal since the start of this meeting, and I sincerely hope that that is the conversation we can continue to have.

9:20

As to whether or not the opposition is looking towards having somebody in place for the first quarter of '18-19 so that the people who are currently subject to investigation can have their say in those investigations, currently the system for whatever reason – I don't know the reason – hasn't been able to keep up with the complaints that have been filed within the past year. I think it's important that we move forward on those, that we get those moving, and I don't think it's unreasonable to look towards the first quarter of the next fiscal year.

Thank you.

**The Chair:** Thank you, Mr. Horne.  
Mr. Cooper.

**Mr. Cooper:** Thank you, Mr. Chair. Just a couple of quick questions, one if I might to Mr. Horne and then one if I might to Mr. Resler. I'm just seeking some clarification. Did you intend to say or did I hear you say that you were hoping that we would make an offer by the end of February?

**Mr. Horne:** I don't have a script in front of me, certainly, so I wouldn't be able to quote exactly what I said, but I don't think it's unreasonable to move through this process for the end of February.

**Mr. Cooper:** Okay. Your hope, then, would be that we would make an offer towards the end of February, the first week of March. That is what I hear you saying.

**Mr. Horne:** I do believe that that is what I have said twice now, yes.

**Mr. Cooper:** Okay. Mr. Resler, I'm just curious to know: are investigations continuing to take place?

**Mr. Resler:** Absolutely.

**Mr. Cooper:** Within the confines of the current piece of legislation, that was passed in the fall . . .

**The Chair:** Mr. Cooper, just a point of decorum, but questions should be through the chair.

**Mr. Cooper:** Sorry. Of course. Through the chair to you, Mr. Resler. You've already said that investigations are continuing to take place. Do you feel that your office has done a reasonable job continuing investigations given the change of legislation?

**Mr. Resler:** The change of legislation just is new administration of the new legislation itself. If any potential or alleged breach occurred, it's looked upon as far as: what is that timeline, and when did the potential offence take place? That's what's investigated.

**Mr. Cooper:** Right. My last one, and then I'm happy to pass the torch. I have a couple of questions for administration, but I'm happy to pass the mantle for a bit if there are other questions to happen. Just to be clear, then, you're of the opinion that if someone was to breach the legislation currently, file a complaint to your office, that would be dealt with in an appropriate manner as per your mandate until an independent Election Commissioner could be appointed.

**Mr. Resler:** Absolutely. That's my mandate, and it would be fully investigated.

**Mr. Cooper:** Perfect. Thank you.

I'm happy to pass if there's somebody else that needs to . . .

**The Chair:** Are there any other members that have any comments or questions at this time?

Seeing none, please feel free to continue, Mr. Cooper.

**Mr. Cooper:** Okay. I'm looking for some guidance from the Legislative Assembly Office, so perhaps Ms Scarlett would be willing to provide some comment. Through you, Mr. Chair, to Ms Scarlett. I know that you are an experienced member of the Legislative Assembly team. I think that the last meeting would indicate that you've been at the office for more than 30 years, and you've probably seen a few independent officers of the Legislature come and go over a period of time. You know, the people that typically apply for these positions are significant professionals in their own right, have had significant roles in the past, and sometimes changing from one role to another in an expedient manner can be a challenge. Has it been your experience that over the past 30 years it's been typical to hire an independent officer of the Legislature from the closing of an application to 45 days post that?

**Ms Scarlett:** The timelines over the search committees that I've been involved with have varied based on the direction from the committee. What is being discussed here right now is a shorter timeline than some.

**Mr. Cooper:** Mr. Chair, through you to Ms Scarlett, I'm fully aware that the Legislative Assembly will always endeavour to execute the wishes of the committee. From time to time the Legislative Assembly will provide some guidance to the committee. Has it been your experience that making these sorts of significant decisions in terms of even the interview process, the screening process, trying to get people scheduled to appear before a selection committee inside 45 days is usually the best process to use?

**Ms Scarlett:** I don't think that I'm in a position to make that judgment. I know that in terms of the steps that are outlined, the first consideration in terms of timing relative to executive search is impacted relative to the number of people that apply, so there needs to be some consideration for that. The rest of the schedule is based on the availability of the committee and the actual logistics, as you've referenced, in terms of enough time to get hold of candidates and perform the interviews when you get down to the final steps in terms of sufficient time to take in, reach out, and do the reference checks and the security checks.

**Mr. Cooper:** Okay. Thank you.

I think this will be my last question to you. Can you think of a time when the process has been this rushed?

**Ms Scarlett:** The schedule that's on the material that's laid out is similar in timing to a couple of others that I can think of.

**Mr. Cooper:** The schedule that concludes the week of April or a schedule that we're likely going to see proposed by government members to conclude the end of February?

**Ms Scarlett:** I was referencing the one on the document.

**Mr. Cooper:** Okay. The one on the document ends the week of April 13, which is a significantly more reasonable timeline than the end of February.

Let me be clear, Mr. Chair. I believe that the will of the Assembly and the will of the Official Opposition, now that the legislation has passed, is to ensure that we have an independent, high-quality, nonpartisan office of the Legislature in the form of the Election Commissioner. It is my desire to make sure that that is done. The

legislation is already in place. There is no net negative to doing the process in a well-timed, thought-out, reasonable manner, as is proposed by the Legislative Assembly.

Ms Scarlett has indicated that the timeline that they have proposed is much more consistent with hiring an independent officer of the Legislature. I know that in the selection of the Clerk it took even a longer period than is before us here. I can't speak to the Ombudsman because I wasn't there, but I also know that they're currently in the search process for the Auditor General. The functions of those offices continue, just like the work that the Election Commissioner is going to deliver on is continuing under the skilled guidance of the Chief Electoral Officer. The government claims or has said that they support his work, but their actions are – they're saying one thing and seemingly doing another.

**9:30**

I cannot comprehend why we need to rush this process through by February unless there is some significant reason. I heard Member Horne say that, you know, people need to have their ability to provide information on complaints. We've also heard the Chief Electoral Officer say that those people already have that ability. We've already seen – and I've mentioned it once before, but I think that it's so, so very important – what happens when we rush decisions by wasting \$20,000 on advertising on the 29th and the 1st and the 2nd of January or whatever the actual dates were that it was advertised on, yielding what some would say are poor results in terms of people actually seeing that ad and the number of applications that we have.

I cannot begin to comprehend why, not heeding the advice of HR professionals and those who support our offices with respect to their timeline – listen, if the government members are committed to moving a week here or touching back this piece or whatever, I guess that can be reasonable, but to take 60 days off the process, all of March and, I guess, half of April, is just not reasonable. I don't believe that government members are being reasonable, and it begins to – one asks the question: what is the hurry?

**The Chair:** Thank you, Mr. Cooper.

Do we have any other members that would have any comments or questions in regard to the draft timeline that was prepared by the LAO? Mrs. Pitt.

**Mrs. Pitt:** Thank you, Mr. Chair. There's been some interesting discussion here. Upon receiving the e-mail from January 9 requesting permission to – I know specifically that in regard to that we'll be discussing that later on in the agenda items, but there was a request for an additional \$20,000 to do more advertising because of a lack of responses as the advertising for this job posting was done over the holidays. I certainly hope it wasn't the intention of the NDP caucus members on this committee to spend additional money, because the advertising that they chose to do over the holidays, which was not a recommended period to garner good results, led us into a position where we are spending more monies to try and get qualified candidates applying for this job.

The legislation that was passed is being carried out through the office of the Chief Electoral Officer at this point in time. In the presentation that was given to this committee by the Chief Electoral Officer prior to the legislation being passed this fall, the government asked multiple questions about investigations, and later on we, you know, discovered why this legislation was coming forward. At that time the Chief Electoral Officer had no issues, no concerns, about investigations not being conducted whatsoever. This is prior to the legislation being passed. There weren't any investigations that were reported and not investigated. There was

no lack of productivity in this office, and I certainly think it's safe to assume that there's still no lack of productivity in this office. So I hope that the NDP caucus members rest assured that investigations are still taking place and that the legislation is being followed, the law is being followed by the Chief Electoral Officer. Rest assured that I'm sure that that office is law abiding.

Given that we spent an additional \$20,000 on advertising in the initial process of this after recommendations were given not to advertise at that time and that because of the rushed process we spent an additional \$20,000, I have some concerns about future mistakes or unintended consequences, perhaps, of this process being rushed yet again. I understand the urgency that the government has, but those concerns have been addressed. This dark money will be out of politics, dark money that – in fact, the NDP PACs have been operating much longer, I might add. I don't know.

I mean, are we worried about an early election call? I don't know. Perhaps my fears should be calmed here now. I'm not sure that the government would not follow the law and call an early election, but perhaps that may be the rush which this officer is being put in.

I will not support the rushing of this timeline. I think it's insane. We had 11 people apply for this job already. We're spending an additional \$20,000. I don't know how many more people have applied for this job at this point. One would think that if we didn't have enough applications already for this job – why would we rush the timeline for putting someone in place unless perhaps the applicant has already been chosen by NDP caucus members in this committee?

Thank you, Chair.

**The Chair:** Thank you, Mrs. Pitt.  
I have Mr. Cooper.

**Mr. Cooper:** Thank you, Mr. Chair. I'd like to move a motion that we approve the timeline as presented by the Legislative Assembly Office in the meeting materials circulated with respect to the target date ending January 19 and the committee tabling a report the week of April 9 to 13.

**The Chair:** Thank you, Mr. Cooper.

We have a motion on the floor, then. Mr. Cooper has moved that the committee accept the draft timeline as presented by the Legislative Assembly Office, the LAO. Do we have any discussion on the motion on the floor?

**Mrs. Pitt:** Mr. Chair, I think this is a reasonable timeline. This is in line with what the timelines have been in the past for similar legislative offices, and I would certainly support my colleague's motion to proceed with the timeline as presented.

**The Chair:** Thank you.  
Mr. Gill.

**Mr. Gill:** Thank you, Mr. Chair. At the last meeting, as we were discussing, the Official Opposition warned the government members not to rush and advertise during the holidays. Mr. van Dijken, Mrs. Aheer, and I cautioned the government on the ineffectiveness of the ad during the holidays. They did not listen and wasted \$20,000 of taxpayers' money when the government claims that, you know, they've got Albertans' backs. I think that this motion provides a reasonable timeline, as Ms Scarlett had advised us earlier, and I think we should all support this motion so we can actually serve Albertans while we're here.

Thank you.

**The Chair:** Thank you, Mr. Gill.

I will just note that there was a member earlier who made reference to the number of applications received so far for this position. To be clear, that is not a piece of information that would normally be discussed on the record as part of the search process as that can give indications to individuals who are involved in the process as to how things are progressing. So I would just caution members in regard to discussing specific information about the search process in the course of this more general discussion at the moment.

Mr. Horne.

9:40

**Mr. Horne:** Thank you. You know, I just wanted to seek some clarification from all of the amazing staff from the LAO on what exactly this motion would mean. It's my understanding that a timeline would be more of a framework and not necessarily binding. Perhaps if we could just get some clarification on that.

**The Chair:** Anyone from the LAO or Parliamentary Counsel able to comment as to sort of what place, I guess, the timeline would represent? Is it something that would be considered binding or an advisory framework?

**Ms Dean:** Mr. Chair, it's a timeline. As you've noted, the progress in terms of the timeline would depend upon the number of applications, the availability of applicants with respect to the interview schedule, and, you know, any issues that may arise with respect to security checks and references.

**The Chair:** Yeah. It sounds, then, that you're saying that the timeline is aspirational. Would that be . . .

**Ms Dean:** It's a guideline, Mr. Chair.

**The Chair:** Guideline. Thank you.

Mr. Horne, did you have anything further?

**Mr. Horne:** Not at the moment but perhaps something in a moment.

**The Chair:** Mr. Horne, I would note that just at the bottom of the timeline document it does state, "May require adjustment depending on sessional demands and the number of candidates included at any point in the process," recognizing that there is, of course, a necessity for flexibility at all points during the process.

Do any other members have further comment or further thought on the motion that is before us? Mr. Horne.

**Mr. Horne:** Yeah. I would like to propose an amendment to the proposed timeline. Specifically, I would like to propose – where is the exact wording on the timeline here? – that the third item, distribution of applications and screening reports for review by committee members, be amended so that that would be distributed on January 25.

**The Chair:** Thank you, Mr. Horne. My understanding, then, is that you're proposing that in the timeline document as distributed, for the item noted as Preparation of Candidate Screening Reports and moving into Distribution of Applications and Screening Reports, you would like to amend that the distribution take place on January 25.

**Mr. Horne:** Yeah. That's correct.

**The Chair:** Thank you, Mr. Horne.

We have the amendment by Mr. Horne on the floor. Mr. Gill, you have a comment on that?

**Mr. Gill:** Thank you, Mr. Chair. Mr. Horne, can you please explain, clarify the rationale for the motion?

**Mr. Horne:** I think I've made several comments as to why I think we should move in a prudent manner and why I think that this is more than enough time. You know, it's a full workweek between the deadline for applicants and the distribution of the binders. I think that it's certainly more than enough time for our more than capable staff.

Thank you.

**Mr. Cooper:** Just to be clear, the government would like to amend a document that they just established as a suggestion, a timeline – it's quite possible that executive search might not be finished on the 25th and actually distributed on the 29th – but it's important enough that we change the date on the document. Like, I just want to double-check that that's actually what we're doing.

**The Chair:** Thank you, Mr. Cooper.

**Mr. Cooper:** Sorry. I just have one more comment.

**The Chair:** Oh, sorry. Did you have something further, Mr. Cooper?

**Mr. Cooper:** It's just one more comment.

**The Chair:** I didn't mean to cut you off.

**Mr. Cooper:** No, no. I mean it's possible that executive search might get done on the 23rd and they could potentially circulate the binders on the 23rd. I just want to make sure, you know, that it's important enough to government members that the document actually says the 25th of January.

**The Chair:** Thank you, Mr. Cooper.

Do we have any other further comments on the amendment?

**Mr. Horne:** You know, I think it's entirely possible that the LAO could in fact finish on the 23rd and distribute it. I think that will depend in large part based on the number of applicants we ultimately have. But if it's such a concern for Mr. Cooper, I would be happy to withdraw the motion.

**The Chair:** Thank you.

Mr. Horne has chosen to withdraw the amendment, so we are back to the motion as presented by Mr. Cooper, that the committee accept the draft timeline provided by the LAO.

Any further comments or thoughts on that motion? No further comments, questions regarding the motion?

If not, then I will call the question. All those in favour of the motion as put forward by Mr. Cooper? On the phones? Those opposed? On the phones? That motion is defeated.

**Mr. Cooper:** Can we take that on division, sir?

**The Chair:** We have a request for a recorded vote. I'll start to my right.

**Loyola:** No.

**Mr. Hanson:** Yes.

**Mr. Gill:** Yes.

**Mrs. Pitt:** Yes.

**Mr. Cooper:** Yes.

**Ms Woollard:** No.

**Mr. Kleinsteuber:** Against.

**Mr. Horne:** No.

**Mrs. Littlewood:** No.

**The Chair:** On the phones?

**Drever:** No.

**The Chair:** Thank you.

That motion is defeated.

Do we have any further discussion, then, regarding the draft timeline that has been provided by the LAO?

If not, then we can move on to our next item of business. As I'm sure you're all aware, the committee is responsible for reviewing and approving the budget estimates for the officers of the Legislature, and we're all aware of the tight timelines that affect the main estimates process each year. Of course, we reviewed the budgets and the business plans for the officers of the Legislature, the existing officers, in early December. In this case we now have the responsibility of preparing a start-up budget for the office of the Election Commissioner to be included in the 2018-19 main estimates. This committee needs to provide that approved budget to Treasury Board and Finance no later than the first week of February.

In order to assist us with our discussions today, the LAO has been proactive and prepared a draft document which addresses many of the start-up costs for this new office. The document was prepared in consultation with the Chief Electoral Officer, which is why he joins us here today, and organized using the budget estimates format used by other officers of the Legislature. There have been some assumptions about the new office that needed to be made in order to put this draft document together, so this is not the proposed budget but a starting point for our discussions today.

At this point I'd ask Ms Scarlett if she could give us an overview of the document and sort of some of the preparations and thought that were put into putting this together.

**Ms Scarlett:** Thank you, Chair. Referencing the document in front of you, it is in the standard format that is normally presented. I just wanted to provide a little bit of background relative to the categories for your consideration. Under the manpower components, then, you will see that there is consideration and recognition of three full-time positions: the commissioner, an investigator, and a senior administrative person. In addition, there is a small consideration for a part-time person for some offset times – vacation, leaves, those types of things – if required, and the associated employer costs.

**9:50**

Under the second part of the budget, supplies and services, just based on some assumptions relative to the activities of the office, there have been some dollars put forward relative to travel. These would be travel costs related to the employees of the office and other travel costs related to contractors that may be hired in support of the office. Advertising has some consideration, if there is a desire, for a public awareness component related to the new mandate of the officer.

The next few categories – insurance, freight and postage, rentals, telecoms, repairs and maintenance – are your standard operational expenses. Contract services include dollars that we expect will be required related to the standard supports for payroll, finance, in terms of those services being provided by someone perhaps similar to what the other officers use, but primarily the larger components



are related to an expectation that there would be some contract services for investigations or investigators and also legal services.

Technology services. Again, in terms of the start-up budget that needs to be created for the office, we expect those services being provided by a third party in terms of being able to take and provide the base IT infrastructure for the office as well as for the website that we assume would be required and the attention to the hosting and the security of all IT infrastructure associated with that. Again, that's similar in nature to when we looked at examples from a couple of other officers relative to the kind of set-up and third-party arrangements that might be possible.

Materials and supplies include those smaller items related to setting up an office itself in addition to starting from scratch with things as simple as pens, paper, but it also includes the computers themselves and the software and licensing that goes with that. So standard types of expenses in each of those categories.

Equipment and capital purchases. Again, we anticipate those would be things for your consideration relative to start-up costs, and typically things over \$5,000 are what show up in that category. The primary expenses there are related to one-time costs relative to a service provider and relating to the infrastructure for that service provider, the extra costs in terms of set-up for their security, but it also involves costs to accommodate desks, boardroom tables, workstations, chairs, file cabinets, books, those types of pieces of equipment that you need to put in an empty office accommodating three to four people.

So, again, presented just as some thoughts for your discussion.

**The Chair:** Thank you very much, Ms Scarlett.

In addition, as already mentioned and referenced, of course, we do have Glen Resler, the Chief Electoral Officer, here at our meeting today. He assisted the LAO in preparing the draft document that we're reviewing and together with staff from the LAO may be able to assist our discussions as we review the budget parameters for the office of the Election Commissioner. Thank you, again, for joining us, Mr. Resler, and for being available to help provide further detail if needed.

With that, then, I will open the floor for discussion on the budget parameters of the office. I have Ms Woollard and then Mr. Cooper.

**Ms Woollard:** Thank you, Mr. Chair. To me, this sounds like a very reasonable start-up budget. It's designed to get an office up and running. As we know, working on the Legislative Offices Committee, we have the opportunity to hear any officers of the Legislature if they have a reason for requesting a reassessment to adjust their budget. But for starters it sounds like it is sufficient and likely adequate to get the office up and running.

**The Chair:** Thank you, Ms Woollard.

Mr. Cooper.

**Mr. Cooper:** Thank you, Mr. Chair. I have a couple of questions for the Chief Electoral Officer, Mr. Resler, if that's possible. Mr. Resler, through the chair, I'm just curious to know your sense of your current workforce that works on investigations or otherwise, their time. Do you have three employees that do that? Is this an increase, a decrease? Sorry; I say that this is to the Chief Electoral Officer, you know, but I'm happy for either one of you to answer the question, Ms Scarlett or Mr. Resler, whatever you feel is most appropriate. I'm just curious to know what the current workload is and what you would anticipate the workload to be given the changes in the legislation.

**Mr. Resler:** As far as current staffing, we have a full-time senior investigator on staff plus a part FTE for administrative support. We

also contract investigators out of both Edmonton and Calgary, so we have three contract staff also. As far as the current legislation and what is forecast, the budget provides the flexibility for additional staffing with the contract investigators during peak periods approaching an election, during the election period, and post election, when there's follow-through as far as the additional investigations. It accommodates that. The budget accommodates a full FTE as far as administrative support. Although there's only a part FTE now, there will be additional duties as far as the independent office that they'll be responsible for.

So I think the budget is reasonable in that sense.

**Mr. Cooper:** Just for clarification's sake, then – perhaps Ms Scarlett would be best placed – the three employees that are currently in the \$386,000 would likely be the commissioner plus an administrative assistant or staffer and potentially a full-time investigator?

**Ms Scarlett:** That is correct.

**Mr. Cooper:** Okay. The salary range, as proposed in the NDP caucus document from – I'm sorry; maybe I'll seek some clarification. This document was part of the public record, correct?

**The Chair:** Yes. That was part of the committee's discussion.

**Mr. Cooper:** It has a salary range of \$152,000 to \$212,000. Those three employees: it's reasonable for them to fit inside that \$386,000, you feel?

**Ms Scarlett:** Correct.

**Mr. Cooper:** Okay. Then the other question that I might just ask, both with respect to the employee – by the sounds of things, the additional administrative full-time employee would have likely been considered part of the regular course of business over at the Chief Electoral Officer's office because they have administrative support that supports the whole independent office of the Legislature. So, essentially, we're creating some duplication, if you will, of services, particularly with the support there.

I guess, Mr. Resler – and I don't know if you've had an opportunity to review it or not, perhaps not with this sort of eye – I'm curious to know if you have an opinion on where there would have likely been some significant savings, like if we still had an Election Commissioner but perhaps they worked out of your office and in conjunction with the already independent office. What is your sense of the total costs that we will incur in addition to – now, my assumption is that your full-time investigator is going to be let go or whatever because you won't need them anymore. What's the net change, would you say, from having the office of the Election Commissioner as an independent office of the Legislature?

10:00

**The Chair:** If I may, just briefly, Mr. Cooper, just caution that we are not here today to relitigate the question of whether this position should be created or whether it should have been created within the office of the Chief Electoral Officer. We are here today to discuss the budget for the Election Commissioner as it has been created under the legislation. So if we could just be cautious in ensuring that our line of questioning goes along those lines and that we're not questioning the Chief Electoral Officer about the operations of his office or his budget today but simply consulting his expertise in regard to the budget for the office of the Election Commissioner.

Mr. Resler, did you wish to respond?

**Mr. Resler:** That specific review, as far as budget figures, hasn't been done by myself. I can tell you, which will assist the committee, that as far as the total cost for investigation-related expenditures, which would be unexpended in our budget that was passed in November or December, it's approximately \$360,000. So that will go unexpended in my budget as a result of the commission being set up.

**Mr. Cooper:** Okay. Thank you.

The other: would it be anticipated that the equipment/capital purchases would be one time? Would we anticipate that in '19-20 that \$175,000 would be significantly reduced?

**Ms Scarlett:** Mr. Chair, may I answer that?

**The Chair:** Ms Scarlett, please.

**Ms Scarlett:** The assumption was that those costs were flagged as one-time costs relative to the set-up of the office. Again, as we were going through and trying to come up with some numbers to be frugal, to ensure that this new commissioner had what the person needs to start up the office, there was the assumption that, again, in the normal cycle of the committee, next year's, they would have a better idea in terms of true operating costs and that this committee would be looking at that.

But in terms of start-up, yes, those capital purchases are anticipated to be one-time costs. There may be some offset, ongoing maintenance, in future years that may need to be addressed.

**The Chair:** Thank you, Ms Scarlett.

Mr. Gill.

**Mr. Gill:** Thank you, Mr. Chair. I'm just trying to find out – Mr. Resler or Ms Scarlett, maybe you can answer this question – are we going to have, like, a separate office set up, or is it going to be in the same space? If it's separate, then is the rental included in that? I couldn't find it. Maybe it was under another line item. If you can please explain, give some clarification.

**The Chair:** Ms Scarlett, could you comment on that?

**Ms Scarlett:** The assumption, in preparing the document, was that it would be a separate space – there has been no discussion in terms of where that space would be – a separate entity. It's also our understanding that the lease costs are ones that are paid and provided for by the government of Alberta in terms of leased space. In all the officers' budgets there is not a line item for the monthly or annual lease costs.

**Mr. Gill:** So there will be additional costs for leasing provided by the government of Alberta in addition to the \$1.351 million, which the government side thinks is a reasonable amount. Is that correct?

**Ms Scarlett:** That was our assumption for the small amount of space that would be required.

**Mr. Gill:** Do we have any idea what that cost is going to be?

**Ms Scarlett:** No, I do not have that.

**Mr. Gill:** Okay. Thank you.

**The Chair:** Are there any other further questions or comments regarding the draft budget that's been prepared?

All right. As a committee, as I mentioned, then, we do have the responsibility of putting forward official estimates for Treasury Board and Finance, and that needs to be completed by the beginning

of February. So we as a committee have the draft budget that's been prepared by the LAO, we have the opportunity now to ask any further questions to get further detail to better understand how this has been prepared and how these numbers work, and as a committee, then, we have a couple of options in front of us.

One, if we feel that the work done by the LAO is appropriate and that they have answered and provided sufficient detail that we can agree with the numbers that they have put together for us, we can choose to approve this and put this forward as the official estimates for the opening of the office of the Election Commissioner. By the same token, if there's further detail or any other questions that we would wish to have the LAO consider and from there, then, make adjustments to the document and bring that back to the committee before we make a final decision on the estimates, we can make a motion in that regard as well. But we do as a committee need to make a decision on how we would like to proceed on this item from this point.

I will open the floor, then, to members if there is anyone who would like to move a motion in regard to the next steps of the committee in regard to this draft budget. I have Ms Woollard.

**Ms Woollard:** Thank you, Mr. Chair. I feel that we've got a pretty good idea of what a proposed office of this kind will require to get going, and I would be happy to make a motion to see this budget estimate being approved. I would move that

the Standing Committee on Legislative Offices approve the 2018-2019 budget estimates for the office of the Election Commissioner in the amount of \$1,351,000 as presented.

**The Chair:** Thank you, Ms Woollard.

We do have a motion on the floor, then, to accept the draft budget as prepared by the LAO as the official estimates for the office of the Election Commissioner.

Ms Woollard, I'm advised by the committee clerk that the total voted amount should be \$1,321,000 as the committee does not include the amortized noncash expenses. Do you wish to make that adjustment to your motion?

**Ms Woollard:** I will adjust it to \$1,321,000.

**The Chair:** Thank you, Ms Woollard.

**Ms Woollard:** Thanks.

**The Chair:** I'll open the floor, then, to discussion on the motion. Do any members have comments, questions regarding the motion on the floor?

Seeing and hearing none, I will call the question. All those in favour of the motion presented by Ms Woollard to approve the budget estimates in the amount of \$1,321,000 for the office of the Election Commissioner? On the phones? Any opposed? That motion is carried.

The clerk advises that the committee should also consider a motion, then, empowering me as chair to enter into correspondence with the Minister of Treasury Board and Finance and the Minister of Infrastructure to take the appropriate next steps to put in place this budget and arrange for the appropriate, I guess, office space, et cetera, and infrastructure needs. Do we have a member of the committee that would wish to make a motion in that regard? Mrs. Littlewood.

What would be the motion you would suggest, Clerk?

**Mrs. Sawchuk:** Exactly that, Mr. Chair, that the committee direct the chair to correspond with the Minister of Treasury Board and Finance as well as the Minister of

Infrastructure with respect to the approved budget for the office of the Election Commissioner and the required space for the location of that office.

**The Chair:** Thank you.

We have that motion, then, moved by Mrs. Littlewood. Any discussion?

If not, I will call the question. All those in favour? On the phones? Any opposed? That motion is carried. Thank you.

**10:10**

That brings us, then, to the question of other business. I understand there is a government member that has an issue they wish to raise, and then I believe Mr. Cooper had indicated he had something as well. We'll start perhaps, then, with Mr. Cooper.

**Mr. Cooper:** Thank you, Mr. Chair. I just wanted to highlight some concerns and reservations, I guess, around the e-mail that was circulated on the 10th of January with respect to the additional expenditures of \$20,000 for a second round of advertising in the *National Post*, the *Edmonton Journal*, the *Calgary Herald*, the *Globe and Mail*. As I understand it, the advertisement ran on or around the 13th of January.

As members of the committee will know, an e-mail was circulated indicating that perhaps the response to the ad wasn't as great as some would like. I would hesitate to reference the exact amount of response that we had as that would not be typical in the regular course of business, as I now understand, so my apologies for earlier in the meeting.

A correction. On the 9th of January at 3:41 the e-mail was circulated to the committee members asking to provide the chair the ability to do a second run of advertising, with the request for responses by 10 a.m. the following morning, the 10th of January. Now, it's unfortunate that there are, you know, a number of committee members – in fact, I don't know all of the committee members who have responded, but I think it's important that we highlight that we knew that this was going to happen. In the meeting of the 20th Mr. van Dijken indicated on page 386 of the Legislative Offices *Hansard*:

I have a couple of concerns, significant concerns, with an ad running December 29. You know, we had heard that running an ad over the holidays, really, is probably going to be fairly nonproductive, and in my opinion it would probably be better, get more people . . . viewing it, if [we didn't run it] in the middle of the holiday season.

Mr. Gill also highlighted some concerns, saying:

We already heard from Mr. Reynolds and Ms Scarlett regarding the timeline and the ineffectiveness of a job posting . . . during the holidays, that that's not a very fruitful way to do it.

Ms Scarlett expressed some concern but indicated that they would be able to deliver on the timeline if the committee asked for that.

Mrs. Aheer also said:

However, I think that it is extremely disrespectful to Albertans and those that will be applying to this position to be putting this position forward at a time when many, many people will be on holidays, when, I believe, the advertisements will not reach a number of people.

What happened was exactly that, that the advertisement didn't reach many people. Government members of the committee voted in favour of going against the recommendation of those who were asked to provide feedback, and in fact the advertisement was in many respects a waste of \$20,000. The government members chose to rush that decision.

Then, because the decision didn't provide the results they were hoping for and provided the exact results that we warned against, on the 9th of January they circulated an e-mail asking for another

rushed decision for providing feedback by the next morning. Now, I don't know what the feedback that was provided was, but I understand from your e-mail or the clerk's e-mail suggesting that given the responses from the committee you chose to proceed with the expenditure of an additional \$20,000. I have no idea what any of those responses were. I know that a number of our committee members were unable to respond, some of which were out of the country, some of which didn't have access to their e-mail over that 24-hour period, and others who didn't see the e-mail until after the deadline had passed that was provided by the committee and so chose not to respond.

The reason why I want to highlight this discussion is that this is not a very effective way to expend taxpayer dollars. It's not a very reasonable way to expect committee members to respond in that sort of timeline. If we had heeded the advice of particularly Mr. van Dijken with respect to the timelines and providing more of that information today and if we hadn't have rushed the job profile, which was rushed in a 24-hour period, much to the chagrin of those who had to deliver that, we would not be in this place. Now we see the decision that was made, and I have no reason to believe that people didn't, you know – and I can assume the government members supported the decision for the second run of \$20,000, although there's no way that anyone would know what people said or didn't say. This is not the way that we run an effective committee making the best available decision because, at the end of the day, Albertans deserve and expect to be represented in an open and transparent manner and in a way that is respectful of them and, frankly, respectful of committee members as well.

So I have some major, major reservations about where we're at in the process, full stop, from the way that the decision was rushed on the 20th to rush the ad, to make sure that we can get it out on the 29th, which was a horrible idea, because government members wanted to rush this process. Eight minutes into the meeting we see Member Horne trying to expedite the process to rush this thing. You know, they've stated that their goal is to get it done by the end of February.

We have a responsibility. Like, this particular position of the independent office of the Election Commissioner is a very, very, very important role. We need to make sure that we get the best nonpartisan, fair, open, transparent individual possible. Doing that on the government's timeline, for whatever reason – and I don't know what that reason is because Mr. Resler has already indicated that the investigations are taking place and Albertans are being served. And if we take him at his word, which we ought to because we have faith in the work that he does, we need to stop as a committee functioning in this manner, but all indications from the government side are that we're going to do the exact opposite of that. And, well, the money has already been spent. We've now spent \$40,000 on advertising for this job, \$20,000 of which was a colossal waste of money.

Frankly, Albertans expect better of their elected officials, they expect better of this committee, and to say that I'm disappointed would be an understatement. It's my sincere hope that as the committee moves forward – as you know, I'm not a regular member of this committee. I have been in the past. It's certainly my hope that the committee will function in a way that is respectful of those things because up until this point it hasn't done that.

**10:20**

I would submit that trying to rush this expenditure of \$20,000 because of the deadline of the 19th and, I know, all of the other reasons that contributed to it – I would suggest that we haven't done the right thing. I certainly know that if my colleagues had have been in the country or had have been able to respond, they wouldn't have

supported the additional expenditure, particularly because of the way that it was handled on the front end. So I think that it's fair and reasonable that my as well as – I mean, you know, my colleagues are welcome to speak for themselves. I know that they have lots of similar concerns. We need to do better. We need to do better because we have an important job ahead of us, and we need to do better because Albertans expect and deserve better.

**The Chair:** Mr. Cooper, thank you. I'm happy to address your questions regarding the process by which the decision went forward for the additional expenditure for the additional advertising. Of course, as you're aware, at our meeting in December a majority of members of the committee voted to keep that as an option as part of the communications plan. So I was contacted by the clerk of the committee, who indicated then that there was the deadline approaching by which that ad would need to be placed if it happened to be the will of the committee.

At that point, then, I instructed the committee clerk to reach out to all members of the committee to gauge their thoughts on whether we as the committee should move forward because, of course, I do not have the authority as chair to make that decision. I act at the will of the committee. That e-mail was sent out, and by the following morning a majority of members had responded to say that they supported moving forward. That being the case, though I had not heard from all members at that point, we did have a clear majority of members who were in support. At that point, then, I moved forward at the direction of the committee, and the advertisement was placed. Now, that is, of course, the usual practice of committees with respect to e-mails requiring response, so the decision was made to proceed based on the majority of members responding in favour.

I can clarify on that point, but certainly I recognize your thoughts and concerns that you wish to place on the record in regard to other elements of the process.

Do we have any other further discussion on that particular item? Mrs. Littlewood.

**Mrs. Littlewood:** I think Mr. Horne was first.

**The Chair:** Sorry. Mr. Horne, did you have comment on that as well?

**Mr. Horne:** Yeah. First, I find it very troubling, given what I'm led to believe was a little number of applicants, that the members opposite would not have supported seeking a larger talent pool. I find that very concerning for a position that the Legislature has agreed is very important.

To that end, I've a couple of quick, clarifying questions. First, I seem to recall that there was a similar approval for a second ad run in the AG Search Committee. Can I get clarification on that?

**The Chair:** Do we have any comment? Ms Scarlett, do you have a comment on that?

**Ms Scarlett:** Going by recollection, I believe that there was direction from the committee to run a second ad. Again, I believe that that was after the closing date had expired, and there was an extension on the closing date for that competition.

**The Chair:** Thank you, Ms Scarlett. That is my recollection as well.

Mr. Horne, did you have any further comment or question?

**Mr. Horne:** Yeah. I suspect Ms Scarlett is probably in the best position to answer this one as well based on her years of experience

in this field. I was wondering if we could perhaps get some historical context for how common a second ad run is in search processes.

**The Chair:** Ms Scarlett, did you have any comment?

**Ms Scarlett:** No.

**The Chair:** Certainly. No problem.  
Anything further, Mr. Horne?

**Mr. Horne:** If nobody else has any other questions, I do have a couple of other points that I would like some clarification on.

**The Chair:** Is this still in regard to the question of the second ad?

**Mr. Horne:** Yes.

**The Chair:** Okay. Please.

**Mr. Horne:** I don't recall if there was an exact number shared with committee members. I just seem to recall that it was indicated that the number was low. So I was wondering if – I don't know if anybody would have these numbers at hand, but I was wondering how similar the response rate was between the Auditor General Search Committee and the first ad run for this search.

**The Chair:** I'm advised, Mr. Horne, that that's not a topic we can discuss.

**Mr. Horne:** Okay. Fair enough. Thanks.

**The Chair:** Thank you, Mr. Horne.

I have Mrs. Littlewood, Mr. Cooper, and then Ms Woollard.

**Mrs. Littlewood:** Thank you, Chair. I just wanted to share that I had, actually, a large number of people reach out to my office for more information when it came to this advertisement for the office, and that was different than the other processes before that. Of course, I directed them back to the website and back to the committee chair, you. Yeah. I think I actually saw more interest, personally, in my experience. You know, I don't know why people aren't reaching out to your office. Maybe they are. I don't know, but I actually saw a larger amount of interest in this position than in previous search committees. So I look forward to seeing who has come forward.

Thank you.

**The Chair:** Thank you, Mrs. Littlewood.

Mr. Cooper.

**Mr. Cooper:** Thank you. I just have a couple of clarifying points, one with respect to your comments. I don't have the benefit of the – I guess nowhere in a motion, to the best of my knowledge, did it speak specifically about a second run in advertising. Perhaps I've been mistaken. I've just had a quick perusal of the minutes, so perhaps I'm wrong. Listen, I recognize that we use e-mail motions from time to time and there are some changes there, and I am just hoping to review some of the *Hansard* there, but it is – oh. Maybe it is. Okay.

Then the only other thing that I might add is that one of my major concerns or my points of contention isn't necessarily the second run of advertising, although according to Mrs. Littlewood there have been incredible amounts of uptake and perhaps we didn't need to do it because of the number of people that are contacting her office, but part of the challenge is that we advertised at a time that was over the Christmas holidays that many, many members of the committee

expressed significant concern about, including members of administration, on the timing of the advertising.

You know, let the record show that advertising in the mainstream media is a reasonable thing. I think it's important that there is at least a newspaper that sticks around over the next couple of years, but the point is that while we might have seen the Auditor General advertised twice or while we've approved additional runs for the Auditor General search, we didn't advertise on the 29th of December, the 2nd and the 3rd or whatever the dates were, with significant opposition being voiced at that time. The exact results took place of what was warned by – if you don't like us, which is fine, hopefully at some point in time you'll listen to administration when they provided some feedback and guidance that this probably isn't going to be as useful as it could be. That is the primary concern with respect to the advertising. Now, we likely wouldn't have had to advertise again if we had listened the first time. That is a major, major challenge that I have with the process.

**10:30**

With respect to my initial comments around the motion and all of those details, I'm more than happy to be corrected on how things actually transpired on that day, but in my quick perusal of the minutes it certainly didn't reflect that, anyway.

**The Chair:** Thank you, Mr. Cooper.

I, like yourself, do not have the benefit of the *Hansard* in front of me for the specific discussions on that day. I do recall that there was discussion around that question and that was added in with the communications plan. I do have a copy of that communications plan as amended at the direction of the committee here from the clerk which states, "Note: If directed to book another print ad campaign on or around January 13, 2018, the costs of the above will double accordingly," so that amendment was made to allow for that possibility.

In regard to the other procedural parts of that, again, it's not to my knowledge outside any of the procedural norms of committees that we move forward with that via e-mail. That's something that we have done with this committee before in other circumstances, where that power has been given to move forward in order to not need to call an additional meeting of the committee for the purpose of holding a single vote.

I'd certainly be happy to review the *Hansard* on that, and if there are specific concerns, I guess, about how that was added to the communications plan, et cetera, we can look at that. Again, I do recognize that you do have other concerns. Certainly, you have the right to log those on the record, so thank you for doing so.

I have Ms Woollard and then Mrs. Pitt.

**Ms Woollard:** Thank you, Mr. Chair. I just was thinking along two different lines. One is that when you're working in an area in which you're looking for someone for a professional position, somebody with, you know, I'm not going to say high qualifications but they're going to need a pretty high criteria of experience and qualifications, then I think it's really important and in most professional venues there is a fair degree of flexibility to make sure that the ads, the awareness is going out to enough people that you've got a good pool of qualified people applying. And if you don't get enough, you will stretch out your ads. You're going to make sure that more people are aware of it. I think that this is pretty standard for most professions, that they're going to allow for that, make that a part of the search process, to make sure that enough qualified people are aware of the position being available.

Secondly, I do remember this being talked about, the possibility of a second run. I remember thinking that it was a good idea. Being

as I worked in a lot of different areas before politics, I was quite aware of the concerns about advertising over the Christmas holiday. But after January 9 in most or many areas of work people are available and are keeping their eyes on their newspaper or their e-mail or whatever source they're getting information from, and they are essentially keeping tabs on what's going on in the professional world. So I was not concerned about people being aware of it at that time. Maybe that's me, but I don't see a difficulty with that. If \$20,000 for a second run of the ad secures an enlarged and, you know, a more varied pool of possibilities, I think that it's money well spent.

Thank you.

**The Chair:** Thank you, Ms Woollard.

**Mrs. Pitt:** Mr. Chair, I know you noted concerns from my colleague in regard to the e-mail and the process that was sent out to approve the additional \$20,000. The concern that I would stress is: in the 18 hours and 19 minutes that we had to respond – and most of those would probably be normal sleeping hours for most – who voted, and should that not be on the record? That was not addressed in the short time frame where members were allowed to vote, and I want to state that on the record.

I guess the second question that I would have is: is that time frame normal in committees? It's been stated that this type of approval for ad buys has been done in the past, but has there been, you know, such a short time frame to respond?

**The Chair:** Thank you, Mrs. Pitt.

Again, in my work as chair I rely on the staff that are made available through Parliamentary Counsel and the legislative affairs office to ensure that due process is followed at all points, and that is indeed what I did in this case. Again, I was contacted by the committee clerk and asked if I wished to contact the committee then to put this question forward as the deadline was approaching and it had been something that had been before the committee. At her suggestion, then, I did have that e-mail sent out. The committee clerk contacted me to let me know that a majority of members had responded in favour of moving forward, and at that point I gave my go-ahead for that to proceed.

So it was my understanding from the information that was provided to me by Parliamentary Counsel and through the committee clerk that this was due process and proper procedure based on previous decisions that had been made by the committee.

**Mrs. Pitt:** May I have a point of clarification? Is that 10 a.m. the next day deadline a normal procedure?

**The Chair:** That would be a question, I suppose, for Parliamentary Counsel.

**Ms Dean:** Mr. Chair, I believe the deadline was driven by the deadlines for the advertising.

**Mr. Hanson:** If I could get clarification on your statement there. You said that the clerk said that the majority of the committee members responded in favour, or was it just the majority of the people that responded that were in favour?

**The Chair:** A majority of committee members.

Any decision that is made by this committee is made by the majority, right? So, yes, if committee members are in a room and there are some members that are absent, then it's voted on by the people that are in the room. In the case of an e-mail vote my understanding – and I am open to being corrected if I'm incorrect

on this point – in that situation was that we had to have a majority of all the committee members that voted in favour. It is my understanding from the message that I received from the clerk that that is indeed what we had. So it was not a question of eight people responded and, of those, five approved. It was a question of the total number of committee members on this committee, a majority of that number, so half the committee plus one, at least, responded and were in favour of moving forward with the ad.

**Mr. Hanson:** Okay. So they all would have responded by e-mail, then?

**The Chair:** That is correct.

**Mr. Hanson:** We should be able to get a copy of that record, then?

**The Chair:** I don't know what the normal procedures are in terms of that, how that operates in terms of freedom of information.

**Mr. Hanson:** Okay. Thank you.

**The Chair:** Is there any further discussion, then, on this particular point?

If not, I understand, MLA Horne, that you had another item you wished to raise under other business.

**Mr. Horne:** I suppose I certainly can. I was just hoping that we could – I don't believe that we've had much of a conversation around the timeline for receiving the distribution of applications and screening reports from the Legislative Assembly Office.

**The Chair:** I will note on that item that I was advised by the clerk and didn't have the opportunity to mention earlier that, of course, all further steps as we move forward during this process are dependent on the availability of services through executive search, so we do have to work in tandem with them and the resources they have available at any given time. In that regard we should also just note that there may be further applications that will come in before the 19th. In fact, it is not unusual for a number of applications to be made during the final week. We will be working with the determination, I guess, of those final numbers, and that will determine to some extent the ability of executive search.

Did you have a motion you wished to move, or which direction did you wish to go with that?

10:40

**Mr. Horne:** I certainly can move a motion in that regard. First, I would just like to comment that, of course, this is, I suppose, the idealized timeline that we're talking about and the realities of work and the number of applicants will of course play a factor. But I still stand and think that it is not unreasonable to aim for January 25 for distribution, and I would be happy to move a motion in that regard.

**The Chair:** Thank you.

Clerk, do you have a suggestion on how that motion might be framed?

**Mrs. Sawchuk:** Thank you, Mr. Chair. Moved by Mr. Horne that the date for the distribution of applications and screening reports for review by committee members be changed to January 25.

**The Chair:** Okay. [interjection] Right. So, I guess, since we did not in fact actually adopt the timeline, basically we just would be – did you have a comment, Clerk, on how we should best approach this?

**Mrs. Sawchuk:** That

the date for the distribution of applications and screening reports for review by committee members be set at January 25, 2018.

**The Chair:** Thank you, Clerk.

Mr. Horne, does that reflect your intent?

**Mr. Horne:** Yeah, that captures it.

**The Chair:** Thank you.

I see Mrs. Littlewood and Mr. Cooper.

**Mrs. Littlewood:** Thank you, Mr. Chair. I just wanted to say that I'm glad that this process is moving forward. You know, the advertisement for this position has gone about twice now, with the intent of ensuring that we have the best people that are applying for this position. I know that we have seen applicants for other positions come from across the country, so that can take some time for those individuals to put their information together on their end. So I think it'll be good to see who has come forward.

I think it's important that we continue to work on transparency in our democratic process and ensure that this process is also open and transparent. I think it's important that Albertans need to know that their democracy is being restored and that it's being protected from big dark money that continues, unfortunately, to be coming in from outside of this province. You know, the Leader of the Official Opposition, the UCP, still has not disclosed donors. I guess you can cheer that he has not disclosed all of his donors if you would like, but that's not something I would be proud of, personally. I think it would be important for someone who was the former interim leader of the UCP to buy into the process and support transparency in this.

**Mr. Cooper:** Point of order.

**The Chair:** Do we have a point of order?

**Mr. Cooper:** Thank you, Mr. Chair. I guess I'd like to start the point of order. I was going to wait till Mrs. Littlewood concluded her comments. However, given the nature of the debate and the discussion around this particular motion I'd just like some clarification on whether or not this motion is, in fact, in order.

Mr. Horne has attempted to move this motion on more than one occasion. The motion was withdrawn. The committee made a decision about the timeline already once. I'm curious to know if this motion would be considered in order – it's debating a decision that's already been made by the committee with respect to whether or not we can proceed on this particular point – given the fact that he already withdrew this exact motion once earlier in the meeting.

**The Chair:** Thank you, Mr. Cooper.

I think there is an important point of distinction here. What Mr. Horne had moved previously was an amendment to the draft timeline, the draft timeline on which we had a vote. I mean, he withdrew that particular amendment. We had a vote on that draft timeline, and that draft timeline was set aside. In this case Mr. Horne is not returning to that draft timeline. He is instead proposing a specific date for a specific step of the work that we're moving forward with in the committee. I'm advised by the clerk that that is enough of a distinction that I don't believe it's necessary to rule this out of order.

Thank you.

**Mr. Cooper:** Thank you. I'll continue with the rest of my point of order. Thank you for ruling on the first half of that.

With respect to Standing Order 23(h), (i), and (j), making allegations against another member, I would suggest to you that

Mrs. Littlewood implied what I did or didn't do and, as such, made an allegation of what I did or didn't support. I don't believe that in the confines of this committee – while she may disagree with the position that the Official Opposition would take, she implied what I would have done or what I did do as the interim Leader of the Official Opposition. My suggestion would be that she withdraw that implication and apologize for her remarks.

**The Chair:** Mrs. Littlewood, did you have a comment on the point of order?

**Mrs. Littlewood:** Thank you. I was merely asking the member to provide some leadership on a very important subject, that being where the power of our democracy lies. I apologize if that hurt the member's sensibilities, and I will withdraw it.

**The Chair:** Thank you, Mrs. Littlewood.

With that retracted, I see no reason to continue, then, with that point of order unless you had anything further on that, Mr. Cooper.

**Mr. Cooper:** No, not on the point of order.

**The Chair:** Thank you.

Please proceed, then, with your comments, Mrs. Littlewood. Did you have anything further?

**Mrs. Littlewood:** I'm good. Thank you.

**The Chair:** Thank you, Mrs. Littlewood.

Mr. Cooper, did you have any further comments?

**Mr. Cooper:** Thank you. I'm happy to support the motion. We're talking about four days on a timeline that is just that, a timeline. I don't understand. We've been over this. We talked about this for an hour in the earlier portion of the meeting. Mr. Horne agreed that it didn't make much sense at the time. I don't know what's changed in the last hour, but I'm happy to support the motion so that we can proceed on the timeline.

What's the most important portion of this is that the government members ensure that we have an appropriate timeline that takes place over the duration of this process. It is of critical importance that we listen to members of the committee, who often provide quality feedback in terms of ensuring the process is reasonable and appropriate, open and transparent, not rushed, that we don't waste \$20,000 between December 29 and the 1st and 2nd of January, these sorts of pieces of advice.

I will conclude my comments by addressing just some additional comments made by the government members, and that is that the Official Opposition – and I won't speak for everyone. In fact, I will speak for everyone. I'm totally fine to do that. The Official Opposition supports ensuring an open and transparent democratic process. It supports ensuring that those that want to engage in the democratic process do so appropriately. It becomes tiresome when members of the government continue to make accusations about what we will or will not do when at the same time the Alberta Federation of Labour and other groups that support their organization accept donations from out of province.

The government would like to create a narrative where they say one thing and do another. It is critical that we all take steps to make sure the democratic process is upheld and that we all move forward together on that, just like it's critical that we continue to support the good work that the Chief Electoral Officer does and will do during this process. I have full confidence in his ability to complete investigations and continue along the process.

**10:50**

With any communications that are contrary to that, implying that investigations aren't getting done or that somehow Albertans or political organizations or those that would like to engage in the political process are breaking the rules or continue to have dark money in politics, nothing could be further from the truth. There is legislation in place that would prevent that, and the Chief Electoral Officer executes his duties on a daily basis in a diligent and timely manner. I think it's unfortunate that we are here, but I have hope that we can move forward through this process, on reasonable timelines, getting things in place.

So, in a spirit of collaboration and goodwill, I'm more than happy to support Mr. Horne's motion.

**The Chair:** Thank you, Mr. Cooper.

Is there any further discussion on the motion on the floor?

If not, I will call the question. All those in favour? And on the phones? Any opposed? That motion is carried.

Mr. Cooper.

**Mr. Cooper:** A motion to adjourn.

**The Chair:** We have a motion from Mr. Cooper to adjourn.

I'll just note, then, that our next meeting will transpire sometime after the 25th and will be at the call of the chair.

All those in favour of the motion to adjourn? Any opposed? This meeting stands adjourned. Thank you.

[The committee adjourned at 10:53 a.m.]











