

3:03 p.m.

Wednesday, November 13, 1991

[Chairman: Mr. Bogle]

MR. CHAIRMAN: I'll officially open the meeting and ask members to look at the proposed agenda for today's meeting. Please note that we plan to deal with the salary for the position of the Ethics Commissioner, and I thought that just prior to getting into the salary, Alan, we would ask Grant to give us an update on the advertising and other matters that relate to that. Then we move on to discussions of Terms of Reference for the Senior Administrator Position, Salary for the Senior Administrator Position, and Time Line for Establishment of Senior Administrator Position. We have Other Business, Date of Next Meeting, and Adjournment.

When we get down to item 8, Date of Next Meeting, November 25 and 26, could I ask you to be thinking about the possibility of using those two days for budgets for the three offices? They were two of the days that we asked to be held. It's my understanding that Grant won't be ready for us at that point in time, so in order to use the time we have for other matters - i.e., budget preparation and our own committee's budget - we might want to focus on the 25th and 26th. That in turn will free up a bit of time later on, when Grant needs to come back for our screening process.

Are there any additions or alterations to the agenda, or is it acceptable as presented?

MR. FOX: Are there minutes from the last meeting, or will it be given to us next time?

MR. CHAIRMAN: No. In fairness, Louise, as you know, is working with our constitutional task force, and the federal committee had scheduled meetings this week in Alberta. Louise and I spoke last week, and I sensed that she was overloaded, so I suggested that we would hold the minutes and deal with them at our next meeting. Thanks for reminding me. I should have mentioned that at the beginning.

MR. SIGURDSON: Do we get more in transfer payments because of lending Louise and your expertise to the feds?

MR. CHAIRMAN: Just shows the talented gal we've got.

There's no problem with scheduling for this committee, is there? Okay; may I have a motion? Derek.

MR. FOX: I so move.

MR. CHAIRMAN: A motion to accept the agenda as presented. All in favour? Opposed? Carried. Thank you.

Grant, if we could go on, then, you could give us a bit of an update on where we are with advertising the position. Louise, if there's anything you want to supplement relative to the kinds of inquiries we're receiving, and then we'll move right into a discussion on the salary for the position.

MR. NICOL: Yes, Mr. Chairman. The position was advertised in the nine dailies throughout Alberta on November 8, 9, and 10. It was being advertised this week in the 124 weeklies in the province, all on different dates according to their publication dates. November 11, 12, and 13 are the most common dates. The ads have all now been placed, and everything seems to be in order there.

MR. CHAIRMAN: Okay. Thank you.

Louise, anything to supplement?

MRS. KAMUCHIK: The phone has been ringing quite constantly, as a matter of fact. About 65 inquiries have come in so far, as of noon today, and 43 mail-outs or faxes have been sent of either the position profile, a copy of the ad, or a copy of the actual Act. Inquiries run from what the salary is to what we mean by part-time and just general questions about the position. All of them are from Alberta with two exceptions: one from Saskatchewan and one from the Northwest Territories, but that gentleman was moving back to Edmonton.

MR. CHAIRMAN: Any questions of Grant or Louise?

MR. FOX: The closing date is?

MR. NICOL: November 29.

MR. CHAIRMAN: It's a tight time line.

MR. FOX: I'd say that's a substantial amount of interest shown in the initial phases.

MRS. KAMUCHIK: Actually, if I may, we've already received about 12 applications just today alone.

MR. FOX: Like, formal?

MRS. KAMUCHIK: Yes, actual. Not inquiries, just formal applications.

MR. CHAIRMAN: Okay. Are we ready to move on to . . .

MR. ADY: It's people from Saskatchewan trying to get out. Saskatchewan and B.C.

MR. FOX: Mr. Chairman, the Member for Cardston is being obstreperous.

MR. CHAIRMAN: Funny; I didn't hear anything.

MR. FOX: Hopefully, *Hansard* didn't either.

MR. CHAIRMAN: Okay, moving on to item 3, Discussion of Salary for the Position of Ethics Commissioner. You'll recall that during our past meeting, after we had determined that this would indeed be a part-time position, Jack raised the question of how we would ensure that it did remain part-time and that if we went with an hourly rate, indeed the amount paid to the commissioner could for all intents and purposes exceed what he or she might receive on a full-time basis. We then decided that was a matter we'd want to think about and come back to today. I've asked Louise just to circulate the salaries of the three officers who currently report to us, recognizing they're all full-time positions.

AN HON. MEMBER: So this is public.

MR. CHAIRMAN: It's in each annual report.

MR. HYLAND: Yeah, because we had to make a motion to put it into effect.

MR. CHAIRMAN: That's right.

First, any questions? Anything you want to supplement that with, Louise?

MRS. KAMUCHIK: No.

MR. CHAIRMAN: Okay. You've all got the figures before you. Jack.

MR. ADY: Mr. Chairman, just to follow along on comments I made in an earlier meeting, I'd be prepared to make a motion for a level of salary to be put on the table, and I guess prior to doing that, I'd like to have some feeling from the committee as to what portion of a day this job would take. Are we talking about a half-time position? Are we talking about less than that or more than that? In my mind, I would look at it to be somewhere as a half-time position. Perhaps the best thing to do would be to put a motion on the floor and let it be discussed. Based on that, I would make a motion that the salary be established at \$45,000 a year.

MR. CHAIRMAN: We have a motion that the salary for the Ethics Commissioner be \$45,000 per year.  
Tom.

MR. SIGURDSON: I'm finding it difficult to speak either in favour or opposed to the motion, Mr. Chairman, because at this point what we have before us are the salaries of the three officers of the Legislative Assembly, and there's a great range there. They all have different supervisory responsibilities. If it's at all possible, I would like to see some kind of salary chart that shows what a person that has responsibility for supervising one individual might be - I don't know if it's possible, if we've got a person that supervises only one individual - before we look at a figure of \$45,000.

MR. CHAIRMAN: Okay. I have a speaking list growing, but first why don't we pause? Do we have the answer to that question anywhere?

MR. NICOL: I don't think the salary determinant would be how many people are supervised.

MR. CHAIRMAN: Yeah; this is a very unique position.

MR. SIGURDSON: I'm aware that it's a unique position and they'll have the responsibility of administering an Act as well, but ...

MR. CHAIRMAN: We'll be getting into it later. We will have a full-time administrative support person based in an office.

Let's go around. On this specific point, Alan, because I have a list.

MR. HYLAND: They may say, Tom, that they may include the 83 MLAs, the 83 people they're responsible for.

MR. SIGURDSON: But they wouldn't supervise us, Alan.

MR. HYLAND: No. A lot of people have tried that through the years, and it hasn't worked.

MR. SIGURDSON: You've got 22,000 people to supervise, or however many thousands.

MR. CHAIRMAN: Okay. We've got Stan, Derek, and Alan.

MR. NELSON: I'm having a little difficulty with this whole issue, and I have had for some time. I guess a question I have - and I don't know whether anybody can answer this. As I recall from the materials supplied, the workload of an Ethics Commissioner on an average is about 10 to 12 hours a week over the year. Is my memory correct?

3:13

MR. CHAIRMAN: I think in some of the earlier information it was pointed out to us by Karen South and Eileen Fedor that from their work with the offices in other provinces, there's a great deal of work immediately following a general election, when you have new members coming in. The Ethics Commissioner and the senior administrative person work with those members on a one-on-one basis, assisting in getting their financial declarations in order. That's where the heaviest workload exists. It then tapers off considerably, and unless there's a major inquiry or investigation, it is very much a part-time position. Someone made the comment earlier today, which I think bears repeating, that it's like a retainer. You're contracting with a legal firm on behalf of your company or your business, and you're providing a retainer. Whether they use the full amount or not, they're there.

MR. NELSON: The motion read that the Ethics Commissioner would be paid \$45,000 a year?

MR. ADY: Correct.

MR. NELSON: That becomes a nonnegotiable increment when you are discussing the applications with prospective candidates and even the successful candidate. Maybe we could put a range in there rather than a set figure so that it gives the committee some area of negotiation with an individual based on his qualifications rather than a set salary. In other words, maybe we could put a range in there of, say, from \$35,000 to \$55,000 and deal with it in that realm rather than set an exact number. I feel uncomfortable with setting an exact number when our advertisement in fact reads that "salary is dependent on qualifications and experience," and we put a set number in there. I would rather we leave that option available to the committee to base that salary on the qualifications of the successful candidate. So I would not support the motion.

MR. CHAIRMAN: Well, just a moment. Was that coming forward as a friendly amendment? The question is whether or not it would be received as such by the sponsor of the motion.

MR. ADY: Is it coming forward as a friendly amendment?

MR. NELSON: Well, what I'd rather do is just have you change your motion.

MR. ADY: I guess I don't have a problem changing it to a range. I think that perhaps if we're going to do that, then we should have a bit of a discussion on what the range should be. I think your point's well taken that a range may wash better in negotiations.

MR. CHAIRMAN: Okay.  
Derek.

MR. FOX: We're really dealing with a difficult sort of hybrid here. To describe this job as we envisioned it, part-time, is not accurate, because it implies that it's only going to take part of your time and that you may in fact have time available to do something else, like another part-time job. But when this person

comes on duty on April 1, they're not going to have time to do very much of anything else. It's going to be, in fact, more than a full-time job, I would suspect, until he or she gains a working familiarity with the legislation and has a chance to implement it and work with the administrative assistant to set up some sort of routine. Once things calm down a bit, one would assume two or three months into the term, then you get a chance to reassess the scope of the job and how things should be done on an ongoing basis, what sort of review. Then there may be times, as we've all acknowledged, when it's not even part-time, where it's no-time.

It's really difficult to try and come up with something that would be fair here, and certainly if we're discussing a salary rather than a fee for service, I like Stan's idea much better. I think it gives us a range and some ability to negotiate with the people that we're interviewing. That flexibility is important, and the chairman mentioned to me in an earlier conversation that we have a chance as a committee to deal on an ongoing basis with the Ethics Commissioner. If there's a need to review the salary, well, we can do that, commensurate with responsibilities, but I feel like I'm going out on a limb describing this as a part-time job and putting a part-time salary associated with it.

I'm just wondering. Some of you have had a lot of experience in government and ministries. Grant, with your background, can you give us any idea if there's a position similar to this, where there is someone who works less than full-time on a fee-for-service basis? Like when we have a special committee reviewing something, the commissioner and the people are paid a fee for service or a stipend or an allowance or something. I'm not talking about those once-in-a-while things, but is there any position in government that is a senior position that's described as something less than full-time and that is fee for service?

MR. NICOL: There are some positions that are described as less than full-time, but I don't think there are any that would be on a fee-for-service basis unless they were a one-time responsibility. An ongoing responsibility is usually staffed on a half-time basis.

MR. CHAIRMAN: You'll find on the order in council list a number of appointments that are described as part-time, and there is a salary range.

MR. FOX: So it's within a range; it's not so much for whatever you end up doing.

MR. CHAIRMAN: It's within a range.

MR. FOX: I understand Jack's concern. If we set whatever the hourly rate for that kind of expertise is, it's almost a built-in incentive for that person to find lots of things to occupy their time. It's sort of like a blank cheque in that sense. I don't know if it's possible to set limits or to monitor.

Anyway, those are just things going on in my mind with respect to the issue of it being a salaried position.

MR. CHAIRMAN: Okay; Yolande.

MRS. GAGNON: Yeah, please. If I could first of all ask Grant a question. Did you have any recommendation to the committee as regards a salary range for not a part-time position but I guess what we would call a sporadic position in that sometimes you may not have work at all and other parts of the year you may be very busy?

MR. NICOL: I haven't a specific recommendation in terms of salary, but I guess I did have some of the people in my office do

just some reviewing across the country in terms of what the other positions were paid. It would appear that for a half-time position – I'll use the words "half-time" – the range of \$45,000 to \$52,000 or \$55,000 would be a reasonable salary for this level of a position.

MRS. GAGNON: Okay. Half-time is a much better way of describing the job.

With that, then, Bob, I'd like to say that I like the range, but I think \$35,000 is a little low considering the responsibilities of the person. I would certainly support something that's a little higher at the bottom end but capped at \$55,000 at the top end.

MR. CHAIRMAN: Do you have something at the bottom end you'd give us as an example?

MRS. GAGNON: Well, \$42,000 to \$55,000, I'd say.

MR. CHAIRMAN: Forty-two thousand to \$55,000? Okay. Anyone else wish to speak to the issue?

MR. HYLAND: Question.

MR. CHAIRMAN: Well, wait a moment. We have a motion on the books which Jack put out – and I appreciate him putting it out; at least it got the discussion moving – that the salary be set at \$45,000 a year. We then had Stan speak to the issue, suggesting it would be more appropriate to have a range, and Stan mentioned \$35,000 to \$55,000 as a possibility. We've had other speakers on the issue. Yolande was the last person who I heard come in with some figures, and hers were \$42,000 to \$55,000. Is there anyone who'd like to make a friendly amendment to Jack's motion with a figure, so that we can move? I did hear Jack indicating he'd accept a friendly amendment.

MR. NELSON: Well, I'll move my \$35,000 to \$55,000 as a friendly amendment. How's that?

MR. CHAIRMAN: All right; \$35,000 to \$55,000 is moved as a friendly amendment. Accepted, Jack?

MR. ADY: Yes.

MR. CHAIRMAN: Okay. Any further discussion on the motion? Ready for the question on the motion then?

MR. FOX: Well, in consideration of Yolande's suggestion, then, she'd be proposing an amendment to his amendment, that the bottom end . . .

3:23

MR. CHAIRMAN: If this motion is defeated, then we're back to square one, and I would be open to a new motion.

MRS. GAGNON: But if it passes, the question is closed. The bottom is \$35,000.

MR. CHAIRMAN: So I assume those who are not happy with \$35,000 at the bottom end would vote against the motion.

MRS. GAGNON: I would like a little more discussion, if you wouldn't mind. I think that it's just not very much money to ask someone to accept when you think of the fact that they are a senior person supervising another full-time position and really

looking after matters which are very, very important, I think, to Albertans. To me \$35,000 is just not enough compensation for that responsibility.

MR. CHAIRMAN: Okay.  
Don, and then Tom.

MR. TANNAS: I'm thinking maybe of my experience with Justice Greg Evans from Ontario in that case, who's a retired judge. I would think that \$35,000 would be on the low side, but I certainly like the idea of a range.

MR. CHAIRMAN: Okay.  
Tom.

MR. SIGURDSON: Well, I guess I know a number of people that work in supervisory capacities and have some senior administrative talents, and they're not paid \$35,000, and they work full-time. So I don't see \$35,000 as a starting point as an insult to anybody. We now have the flexibility, as Stan has pointed out, to move up. If we feel that there's a particular individual that comes before us and has great, shining stars, and we want to have that individual, and they demand a particular salary, we have the flexibility to move. But I don't think it's too much to start off at \$35,000, knowing what the economy's doing out there.

MR. CHAIRMAN: Thank you.

MR. FOX: I'm just wondering if anyone has any response to the concerns I was talking about relative to the liability of a fee-for-service versus salary. Does anyone have any insights on that?

MR. CHAIRMAN: Well, the Chair is just taking the fact that the entire discussion has focused around a figure or a range, that we wanted to stay away from the fee-for-service approach, and the fact that we do many of these through order in council – not we as a committee but government certainly does – with positions which are designated as part-time positions.

MR. FOX: It's just that in the beginning, if we envision – let's say the salary is set at \$48,000, just to make it easy. That's \$4,000 a month total salary. It would be paid out monthly, I would assume. Maybe they'll have to work 60, 70 hours a week for the first month or two to get things done; I don't know. As long as people understood deferring gratification or whatever, that their salary is balanced over the course of the year but the workload isn't. I suppose that's a matter for discussion.

MR. CHAIRMAN: I think when we're interviewing candidates – and I know Grant will be very conscious of this in his capacity – we have to ensure that all prospective candidates understand that it is not the same number of hours per week over a four-year period, that there's going to be a very heavy time. Then it should level off and will taper off very considerably.

MR. HYLAND: I think people that are going to apply or at least make the shortlist for this job – we don't have to worry that they're going to understand that. They're going to know what they're applying for, and the serious applicants that'll come to Grant will understand that. There might be some that won't. I think the majority will.

MR. CHAIRMAN: Anyone else wish to contribute to the motion? Are we ready for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: The motion is, just to repeat, that the range be from a low of \$35,000 to a high of \$55,000. All in favour? Opposed? Do you wish a recorded vote? No? Okay.

Then we've agreed the range is \$35,000 to \$55,000. Of course, we would be going through an annual review with the officer, as we do the other three officers, and a performance rating, so there is the opportunity for adjustments.

MR. HYLAND: Should that be in a motion? Do we need that in a motion because it's a new job we're starting?

MR. CHAIRMAN: That the annual review be treated as it is with the other three?

MR. HYLAND: That it be treated as it is with the other three.

MR. CHAIRMAN: It wouldn't hurt, just for clarity. I think that's a given.

MR. FOX: I think that's in the legislation.

MR. CHAIRMAN: What, that there's an annual review of the salary?

MR. FOX: That it's something that the committee establishes.

MR. CHAIRMAN: That the committee establishes.

MR. FOX: It means we try to move everybody to the same review date.

MR. CHAIRMAN: We did that by motion. I think Alan is merely saying: for the record should we indicate that the Ethics Commissioner's salary will be reviewed consistent with the other three officers'?

MR. HYLAND: On an annual basis consistent with the other three officers'.

MR. TANNAS: At a time consistent.

MR. FOX: Well, we finally moved to get them all on April 1, all beginning with this committee, and this starts then.

MR. HYLAND: Then we're bound to review it.

MR. CHAIRMAN: Okay.  
That's a motion, Alan?

MR. HYLAND: Yup.

MR. CHAIRMAN: Further discussion on the motion? All in favour? Carried unanimously. Thank you. Anything else on the Ethics Commissioner position before we move on to item 4?

Okay; item 4, the terms of reference for the senior administrative position. All right; Grant, would you like to lead us through this, please?

MR. NICOL: Okay. Similar to what I did for the Ethics Commissioner, I developed a position profile for this position, although it's not as lengthy as the one for the Ethics Commissioner. Maybe

I can go over the position summary quickly. The position is seen as

reporting directly to the Ethics Commissioner, the Senior Administrator manages the operations of the Office of the Ethics Commissioner and develops and maintains all related support systems.

The major responsibilities. Administrative responsibilities:

- manages the operations of the Office, which includes:
  - handling routine correspondence and inquiries from the media and the public;
  - developing and maintaining records for each member, on the advice and recommendations of the Commissioner and on inquiries and investigations held;
  - developing appropriate tracking systems to ensure records are [accurate] and legislated time frames are met;
  - arranging for space, equipment and any other necessary services for public inquiries; and
  - making travel arrangements and completing expense claims for the Commissioner as required.
- reviews *Hansard* and daily newspapers for items to be brought to the Commissioner's attention
- prepares the draft Annual Report for review and approval of the Commissioner and arranges for transmittal to the Assembly pursuant to the Act
- assists in the development of informational literature for distribution to the Members and the public
- liaises with other jurisdictions to ensure the Office is aware of developments across the country.

Then I've got a section on responsibilities related to members:

- develops and distributes private disclosure forms to Members as required
- arranges meetings between individual Members (and spouses where applicable) and the Commissioner
- attends meetings between Members and the Commissioner relating to discussions of information for public disclosure statements
- from private disclosure statements, under the direction of the Commissioner, prepares public disclosure statements for final review by Members and for transmittal to the Clerk of the Assembly
- transmits information on direct associates to the Clerk of the Assembly and to the Provincial Treasurer
- develops forms and procedures for notifying Members of investigations commenced and concluded.

Supervisory responsibilities. The person is responsible for managing the office and the work of the office, but the supervisory responsibility will be arranging for temporary staff, as I understand it, when required and supervising the assignment of work.

Financial Responsibilities:

- prepares the annual budget for the approval of the Commissioner and transmittal to the Standing Committee on Legislative Offices
- approves invoices for payment
- reviews fixed asset requirements
- reviews expenditure printouts

Contacts:

- Members and Former Ministers of the Legislative Assembly.

Now, the qualifications suggested are "Academic Background: University degree" or formal training "in a related discipline," some "knowledge of the operation of the Legislature."

MR. CHAIRMAN: Just a moment, please.

MR. NICOL: I'm sorry. Am I going too fast?

MR. CHAIRMAN: Does everyone have that? No? Wait a minute. Before we deal with that, let's see if there are any questions or comments on the two-page document you've just led us through, Grant.

3:33

MR. NICOL: Oh, okay. Fine.

MR. CHAIRMAN: Any questions on the administrative responsibilities, responsibilities related to members, supervisory responsibilities, or financial responsibilities?

Alan.

MR. HYLAND: Does the Act say that stuff has to go to the Provincial Treasurer? Maybe I'm wrong, but I thought it was just Leg. Assembly. Why Provincial Treasurer? I thought it was commissioner and Leg. Assembly.

MR. SIGURDSON: Have we got the Act, Louise?

MR. CHAIRMAN: Grant's just checking.

MR. SIGURDSON: It's section 16, I think.

MR. NICOL: "The Commissioner is required to file the return with the Clerk of the Legislative Assembly and also provide a copy to the Provincial Treasurer." I'm reading from the Ethics Commissioner's position profile. That's on direct associates as defined under the Act.

MR. FOX: There is a section there relating directly to the Provincial Treasurer.

MR. HYLAND: "... prepare a report showing in respect of each person who was a Member during that fiscal year." Oh, okay. We've transferred the reporting from the Leg. Assembly to the Provincial Treasurer in the Act.

MR. NICOL: On direct associates, yeah.

MR. HYLAND: Because he publishes that list.

MR. FOX: I would assume that some of these procedures are already in place in the Parliamentary Counsel's office, because members have been filing statements. There is an annual requirement for some disclosure now, so I think some of the procedures will not be difficult to establish and the person that is hired for this position can gain a leg up on the whole process through contact with the Parliamentary Counsel. Is that correct, Grant?

MR. NICOL: I would assume so, yes, Derek, although I think the actual establishment of all the processes and flows of documents and forms needed, et cetera, and so forth still has to be completed, is what I understand. That would be the responsibilities of this position.

MR. FOX: Uh huh.

Looks good to me. I think it describes what the Act's responsibilities are and lays it out pretty comprehensively. That person will have to be able to prioritize things and understand what needs to be done first in terms of getting ready for the opening of the office and stuff.

MR. HYLAND: I'm still on this Provincial Treasurer thing. The way I read it is that the Ethics Commissioner files the names with him but not necessarily the persons with whom they're associated, not necessarily the documents of net worth, all that stuff, but the names so that he can put those names to the accounts to see if they got paid and publish that. I'm not sure. Maybe it's academic in the job profile, but I think it's just the names that the Provincial Treasurer needs of the member and/or associates who are directly - whatever the wording is - affected people, versus why does the

Provincial Treasurer need that whole sheet of stuff. That's supposed to be in the Leg. Assembly.

MR. NICOL: I might be reading this wrong. This is what I thought this says: the transfer of "information on direct associates to the Clerk of the Assembly." Is that not the list? I interpreted it as the list of names.

MR. HYLAND: Yeah. Okay. Then I'm interpreting what you're saying differently, that he's getting the whole package, not just the direct . . .

MR. CHAIRMAN: Just the names.

MR. NICOL: No. Just the names.

MR. FOX: I think we have to remember here that it's the Act that determines what the senior administrator and the officer do.

MR. CHAIRMAN: That's correct.

MR. FOX: We're just trying to give a general description here.

MR. HYLAND: That's where I was going wrong. I was understanding that everything was going, then reading the Act and the Act says "names."

MR. CHAIRMAN: That's okay. When in doubt, flag it. Derek's point is very valid. When we're in doubt, we go back to the Act.

MRS. GAGNON: So will he or she, yeah.

MR. FOX: That's what they'll refer to too.

MR. NICOL: I was assuming just the names.

MR. CHAIRMAN: Okay; anything else on the senior administrator's profile, office of the Ethics Commissioner, that we've just gone through? Can I have a motion to accept it then? Tom. Further discussion? All in favour? Carried unanimously. Thank you.

Okay. Now we can go on to the second document, Classification Level.

MR. FOX: Sorry, Mr. Chairman. There were some additions to that document that Grant started reading. It was passed out to us: contacts, the person, academic background, and stuff.

MR. CHAIRMAN: Where is that?

MR. FOX: It was just passed out to us. It must have been a subsequent draft of the position profile.

MR. NICOL: On page 2.

MRS. KAMUCHIK: It's part of the position profile.

MR. HYLAND: Oh, it's the back. Okay.

MR. FOX: Yeah, I know. You remember; you stopped him when he was going through it so we could get it passed out.

MR. CHAIRMAN: Well, then I'm sorry. The page 2 I have ends with the financial responsibilities, and Grant went through that.

MR. SIGURDSON: There are two other handouts, Bob.

MR. HYLAND: It's in the back part of that.

MR. NICOL: Is that not in your copy?

MR. CHAIRMAN: Yes, it is, at the back. All right. It helps if we all have the same document.

MR. NICOL: On page 2 the only thing we didn't cover is the qualifications, Mr. Chairman, at the first.

MR. CHAIRMAN: That's why I stopped you where I did. I was out of paper.

MR. FOX: No comment.

MR. CHAIRMAN: What a great opening I gave you, Derek.

MR. NICOL: I stopped at that point because I thought you wanted to go into the person profile directly.

MR. NELSON: Yeah, we want to do that.

MR. NICOL: The qualifications of the person. For academic background I put the usual: "University degree in a related discipline" or formal training in a related discipline.

"Knowledge and Experience: Knowledge of the operation of the Legislature." By that I meant really just somebody that in fact has a general knowledge and a feel as to how the Legislature operates. I don't mean knowledge of the legislative office or anything like that but general knowledge of the Legislature. "Experience dealing with senior officials of Government." Now, that could be replaced by "senior officials," period, not necessarily of government, but I think that was maybe an important experience. "Experience preparing and co-ordinating budgets, Extensive related administrative experience." I'm suggesting that management experience would be an asset. I guess I'm suggesting that because this is a half-time Ethics Commissioner and I can see the person being responsible for answering a lot of inquiries and managing the office and being there when in fact the Ethics Commissioner's not there.

MR. SIGURDSON: The only comment I've got to make is with respect to the academic background. I'm not sure if a university degree is all that it's cracked up to be. I know a number of people that have university degrees, and I wouldn't want them as my administrator. I know of other people that haven't university degrees, and I'll tell you, I would do an awful lot to keep them in certain positions. I don't know, quite frankly, what a "related discipline" would be.

MR. NELSON: I agree with you.

MR. SIGURDSON: So I would like to drop the academic background qualification. I think that we don't need to have the university qualification for this position.

MRS. GAGNON: What would you have, Grade 12? You have to have something. Grade 8?

MR. SIGURDSON: Well, Grade 12 as a minimum, and related experience, and then we've got the list of other related experience that shows how important the position is to us.

MR. CHAIRMAN: If you're searching for something, if you look at the note on page 3, "An equivalent combination of education and experience will be considered," is that a comfort statement that could be worked in?

MR. SIGURDSON: Sorry; we're into different papers again.

MR. ADY: It's this one, the note at the bottom.

MRS. GAGNON: No, this one. The person profile.

MR. SIGURDSON: Oh, okay. I was looking at the person profile as opposed to the position profile. I'm sorry.

On the position profile I've got no problem. It's with the person profile.

MR. CHAIRMAN: Okay, but the position profile – you were on a good point about "university degree in a related discipline." Now, what is "a related discipline" when you're dealing with the Ethics Commissioner?

MR. NICOL: I'm sorry; I was relating it more, I suppose, to administration, to business, to business management. That was more what I would relate the degree to rather than to the Ethics Commissioner.

In terms of a university degree, that certainly doesn't need to be a requirement. I would suspect that probably most candidates won't have a university degree. It indicates that a level of training would be desirable. We could put in there that a university degree in a related discipline would be an asset. Or we could leave it with just formal related training and just leave that open. Or formal training in administration: let's put it that way. That indicates course work or some formal education in administration.

3:43

MR. CHAIRMAN: Actually, that's good. That gives us more flexibility.

MRS. GAGNON: No. I would not agree.

MR. CHAIRMAN: What would you like to see, Yolande?

MRS. GAGNON: I would like to see a university degree as a necessity.

MR. CHAIRMAN: Well, make a motion, and we'll vote on it.

MR. SIGURDSON: If I could trouble Grant for the wording of his suggestion to change the academic background from university degree to formal . . .

MR. NICOL: Formal training in administration.

MR. SIGURDSON: Formal training in administration. I would move that as a motion.

MR. CHAIRMAN: Okay. We have a motion. Discussion on the motion?

MR. HYLAND: Question.

MR. CHAIRMAN: The question is called. All in favour? Opposed? That's carried.

MR. ADY: You're against everything today, Yolande.

MRS. GAGNON: Well, say something I'll be for.

MR. CHAIRMAN: Anything else on the position profile?

All right. Personal profile. Can we take just a five-minute coffee break, please, while we wait for one member to return?

[The committee adjourned from 3:45 p.m. to 3:49 p.m.]

MR. CHAIRMAN: Now that all members are back, we can turn to the personal profile for the senior administrator, office of the Ethics Commissioner.

MR. SIGURDSON: Mr. Chairman, again I think that we've got to make the necessary change . . . We are on the person profile now?

MR. CHAIRMAN: Yes.

MR. SIGURDSON: Yes. We've got to make the necessary change to section (B).

MR. NICOL: Yes, that change will be reflected; that change will be made.

MR. SIGURDSON: Okay; fine.

MR. CHAIRMAN: Yes. That's a given with all the committee members?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Okay.  
Grant.

MR. NICOL: The first part, the hon. member indicated, is that the academic background will be changed to agree with the position profile. The knowledge and experience statement is exactly the same as it was in the position profile, which you've already agreed to.

I guess then we come to the personal skills, and those are the skills that we will assess in our office. We're looking at somebody that has "Organizational Ability: Ability to Plan and Organize," particularly an "ability to work independently and effectively plan and organize" their "work and direct and assist others to plan and organize their work." We'd also look carefully at "Communication Skills: speaking ability, ability to effectively express oneself, listening ability. Writing ability" is seen as important.

"Decision-making skills: ability to analyze information, ability to interpret available information concerning a situation, concept or problem." Those are very broad words, but what it really means is some analytical skills, to be able to read and understand and interpret what the person is reading.

"Creativeness: ability to generate imaginative solutions to problem situations."

I guess we can see the person being responsible for managing, administering the office, and in terms of making that office work effectively, to have someone that in fact can independently come up with methods that will ensure that the office operates as efficiently as possible is really what we'd be measuring there.

Interpersonal skills. We'd be looking at "Interpersonal sensitivity, an ability to handle contacts with tact and diplomacy."

Tolerance to stress. We see some stress: "Ability to work under stress. These, Mr. Chairman, are some of the personal qualities.

MRS. GAGNON: Just to clarify, this is to be advertised only in-house.

MR. CHAIRMAN: Yeah, in-house advertising, but this personal profile does not go out.

MRS. GAGNON: No, we can turn it back in if you want, whatever.

MR. CHAIRMAN: No, it doesn't matter.

MR. FOX: Does it go to prospective applicants then? Can it be sent to them personally?

MR. CHAIRMAN: The personal profile?

MR. FOX: No, just the position profile.

MR. HYLAND: The personal profile is for you to use to cover your interviews, a checklist in your interview.

MR. FOX: Oh, I see, as a reference point. Okay.

MRS. GAGNON: When we interview.  
Are we going to interview the second position?

MR. CHAIRMAN: Okay. We're coming to that right now, if we're all agreed with the personal profile document as amended.

HON. MEMBERS: Agreed.

MR. CHAIRMAN: We need a motion. Don.

MR. TANNAS: Okay. I would move.

MR. CHAIRMAN: Further discussion? All in favour? Carried unanimously. Thank you.

Now we can move to the competition schedule. Grant, there's one thing. You and I have not discussed this in advance, but wherever the word "chairman" appears it should be "committee."

MR. NICOL: Okay.

MR. CHAIRMAN: So when we come down to December 16, "Review of Screening Reports and selection of candidates for Preliminary Interview," that should be the committee.

MR. NICOL: All the way down?

MR. CHAIRMAN: Yes.

MR. NELSON: Are you suggesting another date?

MR. CHAIRMAN: Well, the next thing I was going to do was to see whether or not the dates when the committee is to be involved will coincide with other dates that we've held. When do we next meet as a committee?

MR. ADY: The 9th and 10th.

MR. CHAIRMAN: December 9 and 10.

MR. FOX: The 25th and 26th.

MR. NICOL: Okay.

MR. CHAIRMAN: The 25th and 26th.

MR. TANNAS: Of November.

MR. CHAIRMAN: Right.

MR. FOX: But that's budget stuff.

MR. CHAIRMAN: Well, we could . . .

MR. FOX: If there's something to do, we could do it.

MR. CHAIRMAN: I think we could work it in.

MR. NELSON: You're not going to be able to fit those into that because of the time line that Grant's outlined here.

MR. CHAIRMAN: Well, is the committee comfortable to leave this with Grant and myself and Louise? We will attempt to mesh these dates together so that we're not looking at more meetings but working the selection process into the dates we already have identified.

MR. NICOL: Yeah. It's easy to work that out.

MR. CHAIRMAN: And that means that if on November 25 and 26 we're working on budgets and we need some time to deal with this position, we'll take the necessary time.

MR. NELSON: We've got December 9 and 10 also.

MR. CHAIRMAN: Yes, we do.

MR. NICOL: One thing I didn't realize, Mr. Chairman - well, I wasn't sure. I assumed you would advertise it only in *The Bulletin*, so therefore it's early. I put *Edmonton Journal* and *Calgary Herald*, so I'll take those off. We're not advertising that in the media.

MR. CHAIRMAN: Well, if it's in-house, it's in-house. Otherwise, you're back into why those papers and not others.

MR. HYLAND: Okay. On an in-house one, are you going to say that anybody that's employed outside of government cannot apply for the job?

MR. SIGURDSON: No; that's a closed competition. It could be an open competition. There are open competitions that are advertised in *The Bulletin*.

MR. CHAIRMAN: It's merely that it's advertised through *The Bulletin*.

MRS. GAGNON: Anybody could apply.

MR. CHAIRMAN: Yeah, it's open-ended, through *The Bulletin*, across the province.

MR. FOX: Job seekers get *The Bulletin*.



MR. HYLAND: Yeah. There's a wide circulation of that thing.

MR. NICOL: Open-ended: *The Bulletin*.

MR. CHAIRMAN: All right.

MR. FOX: So we are looking at a schedule that would see this person employed before the end of February. That would give them a month to work on establishing the office prior to the commencement date for the Ethics Commissioner. The successful applicant may, in fact, be known – I just forget what our time line was for that.

MR. HYLAND: The successful applicant could be known about the time this person is working.

MR. FOX: Depending on the negotiations with the successful applicant for the Ethics Commissioner job, there may be an opportunity for that person to have some input to the initial phase-in of the office.

MR. CHAIRMAN: Maybe.

Okay. We'll be working as a committee on the budget for the Ethics Commissioner office in February. Anything else on the competition schedule, Grant?

MR. NICOL: I don't think so, Mr. Chairman. I think it's fairly clear.

MR. CHAIRMAN: Do we have a motion to approve it as presented?

MR. NELSON: I'll make the motion.

MR. NICOL: Just one comment about the competition is that I'll be working on the Ethics Commissioner as well. I intended to have two of my professional staff members work with me on this competition, and they'll do quite a lot of the work.

MR. CHAIRMAN: That's fine.

MR. NELSON: If I may, in agreeing to this . . .

MR. CHAIRMAN: We're not agreeing to the dates. We're agreeing to the process.

MR. NELSON: Okay. That's fine, then, just as long as that's understood.

MR. CHAIRMAN: Yeah, because we just stated that we're going to mesh these dates in with the dates we've already identified between now and February 12. Okay?

Any further questions? All in favour? Carried unanimously. Thank you.

MRS. GAGNON: I voted yes.

MR. CHAIRMAN: Yeah; a friendly group today. So noted, Yolande.

MRS. GAGNON: I mean, you gave me so many dirty looks, I was starting to shrink in the chair. The shrinking violet.

MR. FOX: When we were looking at expected meeting dates, we didn't go beyond December, did we?

MR. CHAIRMAN: We went up to and including February 12.

MR. NELSON: February 2 and 3 and February 10 and 11.

MR. FOX: Okay. I've got three days in February written down: the 10th, 11th, and 12th.

MR. NELSON: And the 2nd and 3rd.

MR. CHAIRMAN: The 3rd and 4th.

MR. FOX: The 3rd and 4th; okay. But January was the time . . .

MR. CHAIRMAN: We're not meeting in January.

MR. FOX: Okay. So these final interviews . . .

MR. CHAIRMAN: If you look under tab 8, is it?

MRS. KAMUCHIK: Yes.

MR. FOX: Okay. Good. So we'll have to move the final interviews and such for this position into February, if we're doing that.

MR. CHAIRMAN: The way I read it, that's what Grant was proposing. That's what makes me believe we can accommodate Grant's time lines and our own schedule and hopefully move this process along. Okay.

MR. FOX: Because if we're involved in reviewing with Grant . . .

MR. CHAIRMAN: And we are.

MR. FOX: . . . the final reports and selecting candidates for final interview as well as the final interviews – Grant, you have them both scheduled for January. If the committee doesn't have any January meetings scheduled, then we'll have to look at February.

MR. NICOL: I think I did that, Derek.

3:59

MR. CHAIRMAN: We've got, as you note, February 3 and 4 identified, and by doing the bulk of the budget work – and I'm getting a bit ahead of myself, because that's on the agenda – on November 25 and 26, we're freeing up those early February dates to do this, and we still leave ourselves flexibility in mid-February to come back and finalize the budgets for the other three officers. Okay?

MR. NICOL: I didn't know at that time whether the whole committee would be interviewing this position, and that was another reason why . . .

MR. CHAIRMAN: Yeah. You and I haven't dealt with that, but we will. Okay, thank you.

Item 5, Discussion of Salary for the Senior Administrator Position. Grant, do you have some material or information to share with us on that?

MR. NICOL: Within the classification section of PAO I have the duties and responsibilities that were given to me, and I had them look at that and make some comparisons. It's a little bit difficult because there are not any positions directly comparable to this one, but what was examined were some positions like the position in the Ombudsman's office and also looking generally across at some of the other administrative positions. I guess we could see the position in terms of looking at the independence and responsibility as being classified probably at a manager III level, although you might make an argument for a lower level than that: administrative officer I level. We see it having some managerial responsibility, and the manager III level would have a salary of \$40,632 to \$59,412. Some of the positions that you know that are paid at that level would be the director of administration of the Ombudsman's office; also the Clerk Assistant is classified at that level. Those are the types of positions within the Legislative Assembly area that are classified at that level.

MR. CHAIRMAN: Excuse me. Repeat the title, and repeat the low and the upper end of the range for us, if you would, okay?

MR. NICOL: Okay; \$40,632 to \$59,412 for manager III.

MR. FOX: What was the one just below that?

MR. NICOL: Administrative officer I, and the salary range on that is \$26,472 to \$35,152.

MR. FOX: There's nothing in between those two positions in terms of the public service?

MR. NICOL: No, except they could be classified at a manager II or a manager I level, and that salary would be somewhat lower.

MR. FOX: So manager III is higher than manager II; that's how it goes?

MR. NICOL: That's right.

MR. FOX: So what are those two, managers I and II? It seems like there's a big gap there between . . .

MR. NICOL: I'm sorry; I don't have those salary ranges right here. I should. I was seeing it more as a manager III, but I can get those ranges for you.

MR. CHAIRMAN: I've asked Louise to distribute the information from the Ontario office, and you'll note that the position is an executive assistant position; it's classified as an AM18. The maximum salary range is \$57,155, so that's very close to the maximum manager III range that Grant has just mentioned.

MR. FOX: What's the salary range for the executive assistants assigned to ministers? Do we know what that is?

MR. NICOL: It's all over, but it's usually a manager III.

MR. FOX: Well, Mr. Chairman, would it be possible to ask Grant to get that information – manager II, manager I – just for . . .

MR. CHAIRMAN: Certainly. We'll take a short coffee break. Grant, see if you can get that information for us now.

[The committee adjourned from 4:04 p.m. to 4:06 p.m.]

MR. CHAIRMAN: Okay; Grant.

MR. NICOL: The salary for the manager I classification level – and these range over that – is \$32,074; the max is \$47,916. The manager II is \$36,396, and the max is \$52,704.

MR. FOX: Do you have any examples for us, Grant, of current manager II positions – you named a couple that are manager III positions – to give us an idea? Do you have any sense of that?

MR. NICOL: I don't have any examples; sorry, Derek. I'm not working in the classification and pay area, and I don't have any specific examples of people at the II level. The way these ranges work is that these I, II, and III, if you like, are sublevels of one class, so therefore somebody could be hired as a manager I and could be reclassified to a II and then to a III sort of thing: move to a II and III. These ranges move back and forth. I guess most of the positions that I know at this level are at the III level.

MR. FOX: Yeah.

MR. CHAIRMAN: All right.

Does anyone wish to make a motion?

MR. FOX: I just wish we had a better sense of comparable positions. When you hire people, especially in the civil service, they're very aware of what other people are classed as; maybe not exactly what they're making within the range, but there is, you know, an important . . . We've done a lot of work describing the position and the responsibilities, but in terms of relating it to something else, there's little I can find.

MR. CHAIRMAN: Well, we can relate it to exactly the same position in Ontario, and there we see the maximum salary range as \$57,155. So if you want to come in as close as possible to that, you go with a manager III, which has \$40,632 at the low end and \$59,412 at the high end, and there you are.

MR. FOX: Well, the one position that was described to us, the director of administration in the Ombudsman's office – maybe that's a good one to look at. Do we equate this with that job?

MR. CHAIRMAN: The number of staff that are supervised in the Ombudsman's office is very different.

MR. FOX: I don't think this is an equivalent position myself.

MR. CHAIRMAN: Does anyone wish to move a motion so we can debate it? Yes, Alan.

MR. HYLAND: I'll move that we put the classification as manager III, the salary range at \$40,632 to \$59,412. That probably should say "present salary range," because of that change to the category.

MR. CHAIRMAN: Yeah, if we're locking in on manager III and we're listing the current salary range for manager III.

Further discussion? Tom, was your hand up?

MR. SIGURDSON: Yeah. I find myself in opposition to all this. By putting a person into a manager III position, I think we're starting a bit high. I find the position but not necessarily the income high. Given the nature of the office at this point, as I envisage it to be, I think I'd be more comfortable with a person at

a lower managerial level and perhaps at the higher end in terms of their rate of pay. I'd like to see them starting off at a lower classification and then perhaps move them up, if that's necessary over the course of time when we start reviewing the position.

MR. FOX: Or the Ethics Commissioner, who's supervising it.

MR. SIGURDSON: Yeah. So I'm finding myself in opposition.

MR. CHAIRMAN: Okay.

Anyone else on the motion? Yes, Derék.

MR. FOX: I agree with Tom. I don't think we can describe this as a manager III position if they're comparing it to the Clerk Assistant or the director of administration in the Ombudsman's office. This is going to be a challenging position for sure, but it's not, as I see it, a senior management position. These are sort of moot points, but I would think manager II would be a little more appropriate range.

MR. CHAIRMAN: Okay.

Stan.

MR. NELSON: I'm betwixt and between with the manager II/manager III. The biggest difficulty I have is that I don't think this person is going to be very busy a lot of the time. However, I think you've got to be looking for a fairly unique type of individual that has, number one, certain qualifications and certain types of abilities to do investigative work, and number two, is to be trusted with confidentiality and what have you. I think you're going to have to pay this unique person you're looking for accordingly and also give them the position. I guess that's the one argument I have relative to Alan's motion, because my gut feeling originally, when Grant was bringing out some of these other salary ranges, was to suggest that maybe - in fact, I said to the chairman, "That sounds pretty good on that management II item." I've been trying to sit here and think and reflect that we're going to have to hire this unique type of individual that is going to have access to a lot of information that is very, very sensitive, and I think you're going to have to pay to hire a person of the quality that we're going to look for and give him a title that reflects that responsibility. I don't think you can compare that position with another type of position, because it will be a unique job.

So to try to compare it to an apple and apple situation - I don't think you can. I think it's an apples and oranges thing. At the same time, he or she will have to be a self-starter, not have a considerable amount of direction, I don't expect. I'm trying to pull some background experience from years ago, so I guess I would have to in some respects reluctantly support the motion that is before us because we can determine that again by that range.

MR. CHAIRMAN: Alan.

MR. HYLAND: I think Stan said it all. In that category we're looking at - what? - a \$19,000 variance of salary. Mind you, it's manager III, but I think that because of the uniqueness of it, you've got to set it apart.

MR. CHAIRMAN: Anyone else? Are you ready for the question? The question's been called. All in favour of the motion? Opposed to the motion? All right. I took that as a vote of 4 to 3 in favour of the motion, with one abstention. Is that right?

MRS. KAMUCHIK: No abstainers.

MR. CHAIRMAN: No abstainers. All right.

MR. ADY: No; I voted.

MR. CHAIRMAN: I'm sorry. May I call the question again? All in favour of the motion? Thank you. Opposed to the motion? Five to 3. Thank you. I'm sorry, Jack; I missed seeing your hand the first time. Okay.

MR. FOX: You were blinded by the white lightning.

MR. CHAIRMAN: Right. It's that halo that gets me all the time.

MR. ADY: Of righteousness.

MR. HYLAND: Bogle was worried he was going to have to vote.

MR. CHAIRMAN: The one thing I hate doing is making decisions.

MR. NELSON: Spoken like a true politician.

MR. CHAIRMAN: All right. Do we have anything under Other Business?

Okay. We're down to item 8, Date of Next Meeting. We've agreed that we will meet on November 25 and 26. Grant, there will in all likelihood be something on one or both of the positions? Well, you and I will deal with that.

MR. NICOL: There won't be anything on the Ethics Commissioner.

MR. CHAIRMAN: Nothing on the commissioner; there may be something on the senior administrator. You keep in touch with Louise on that, and if you need some time with us, we'll certainly make it available.

The primary purpose of the two meetings . . .

MR. NICOL: We need at least two weeks for the position to be open, so I think there wouldn't be anything by then.

MR. CHAIRMAN: There won't be anything that early.

MR. NICOL: No.

MR. CHAIRMAN: All right.

MR. ADY: What time are we meeting on the 26th?

MR. CHAIRMAN: Well, we're coming to that. What are those days? Monday and Tuesday? All right. Monday: if we start at 1:30, we'll deal that day with the Ombudsman and the Auditor General.

MR. FOX: From 1:30 until . . . I'm just wondering; I have . . .

MR. CHAIRMAN: To 5:30. Is that okay?

MR. SIGURDSON: I have a 4:30 engagement with the Catholic hospitals convention.

MR. FOX: Yeah, the Catholic Health Association.

MR. CHAIRMAN: Here in Edmonton?

MR. SIGURDSON: Yes.

MR. FOX: It's at the Hotel Macdonald. It's held in conjunction with the Alberta Hospital Association convention, but it may involve other members. So if we could start earlier in the day . . .

4:16

MR. CHAIRMAN: From 1 to 4?

MR. FOX: Yeah.

MR. CHAIRMAN: All right. I'm reluctant to call a meeting before 1 o'clock on a Monday because of those who drive in. And on Tuesday . . .

MR. ADY: I have a heritage fund committee meeting in the a.m. of that day.

MR. CHAIRMAN: On the Tuesday? Okay.

MR. SIGURDSON: Until what time, Jack?

MR. ADY: It's scheduled from 10 till 12.

MR. HYLAND: Why don't we go 8 till 10, then in the afternoon have a long break?

MR. CHAIRMAN: What's wrong with 1 to 5?

MRS. GAGNON: I'm going back Monday night. I have a meeting Monday night.

MR. CHAIRMAN: What time do you need to leave?

MRS. GAGNON: Oh, I'm great for Monday as long as we don't . . .

MR. CHAIRMAN: And Tuesday?

MRS. GAGNON: Tuesday, I'd love 1 o'clock, so I wouldn't have to be back here by 8.

MR. CHAIRMAN: What about 1 o'clock for you, Yolande? We won't have an 8 o'clock meeting.

MRS. GAGNON: Till?

MR. CHAIRMAN: From 1 to 5.

MRS. GAGNON: It doesn't matter. Is that enough? Seven and a half hours is enough?

MR. FOX: Does this give us enough time, Mr. Chairman, to do the budget? We've done a preliminary boo at them.

MR. CHAIRMAN: I think, since Grant doesn't need any of our time on those dates, that should be sufficient.

MR. HYLAND: If nobody's got anything booked, if it ends up we run over 5 o'clock, it's okay.

MRS. GAGNON: Mr. Chairman, instead of splitting it into two days, how about if we start Tuesday morning and just go Tuesday

and do it all in one day? It would save a lot on transportation, for one thing.

MR. HYLAND: We've got heritage.

MRS. GAGNON: Oh, I'm sorry. I forgot. You're busy in the morning. Yeah; okay.

MR. CHAIRMAN: We've already agreed to the dates. It's just a matter of getting the times on the dates. So it's 1 to 4 on Monday and 1 to 5 on the Tuesday. All right?

Anything else? Okay. John made the motion to adjourn. All in favour? Carried.

[The committee adjourned at 4:19 p.m.]