

**CITY OF VAUGHAN  
EFFECTIVE GOVERNANCE AND OVERSIGHT TASK FORCE  
AGENDA**

Wednesday, October 28, 2020

5:00 p.m.

Electronic Meeting

Vaughan City Hall

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**Pages**

This is an Electronic Meeting.

1. **CONFIRMATION OF AGENDA**
2. **DISCLOSURE OF INTEREST**
3. **COMMUNICATIONS**
4. **DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION**
  1. DISCUSSION WITH SCOTT SOMERVILLE, FORMER CEO  
Discussion with respect to the above.
  2. PRESENTATION BY CORPORATE AND STRATEGIC  
COMMUNICATIONS UPDATE ON COMMUNITY ENGAGEMENT  
Presentation with respect to the above.
  3. CITY MANAGER'S BY-LAW PRESENTED FOR REVIEW AND  
DISCUSSION AT THE NEXT MEETING  
By-law with respect to the above is attached.
  4. OUTSTANDING LIST, DATED OCTOBER 28, 2020  
The above noted is attached.
5. **ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION**
6. **CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION**
7. **NEW BUSINESS**

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## 8. ADJOURNMENT

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 012-2013**

**A By-Law to amend By-Law 403-203 that defines the general duties, roles and responsibilities of the City Manager.**

AND WHEREAS the Council of the City of Vaughan enacted By-Law 403-2003 on the 15<sup>th</sup> day of December, 2003;

NOW THEREFORE the Council of the City of Vaughan enacts as follows:

1. That By-Law No. 403-2003 is hereby amended by deleting the Schedule "A" thereto and replacing it with Schedule "A" attached hereto.
2. That this By-Law comes into force on the day it is passed.

Enacted by City of Vaughan Council this 29th day of January 2013.

\_\_\_\_\_  
Hon. Maurizio Bevilacqua, Mayor

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Jeffrey A. Abrams, City Clerk

## **SCHEDULE "A"**

### **CITY MANAGER**

#### **GENERAL DUTIES, ROLES AND RESPONSIBILITIES**

##### **INTRODUCTION**

The City Manager shall carry out the general duties, roles and responsibilities set out herein in accordance with any and all relevant and applicable by-laws and resolutions that may be enacted from time to time by Council.

Nothing contained in this document shall be deemed to empower the City Manager to perform, do or direct any act which shall be in any manner or extent whatsoever that will encroach upon the legislative powers of Council.

##### **1. GENERAL DUTIES AND RESPONSIBILITIES**

Subject to the provisions of the Municipal Act, and as hereinafter provided, the duties and responsibilities of the City Manager shall be as follows:

- 1.1 To coordinate, lead and direct the Commissioners in the administration of the business affairs of the Corporation in accordance with the by-laws, policies and plans established and approved by Council.
- 1.2 To meet with the Council to review performance and salary and benefit provisions on an annual basis. The Council will meet with the City Manager to establish a set of objectives for the next fiscal year and will confirm those objectives after the approval of the capital and operating budgets. The City Manager and the Council will conduct a periodic review of performance against the established set of objectives at the end of each quarter of the fiscal year.
- 1.3 To be responsible for the overall efficient operation of the Corporation's administration, and to be responsible for motivating and developing the skills of the Commissioners and their staff to foster productivity, professionalism, high morale, initiative, innovations and open communications.
- 1.4 To coordinate and facilitate the flow of information between the Administration and the Council and Committees of Council, including the preparation and distribution of agenda's for Council meetings, after review with the Commissioners, who shall have the right and obligation to add items to the agenda for any matter which they believe is just and should be considered by the Council. The City Manager to consult with Commissioners, where appropriate, on matters to be dealt with at closed sessions of Council.
- 1.5 To coordinate, lead and direct the Commissioners in the preparation of plans and programs to be submitted to Council for the construction, maintenance and rehabilitation of municipal property and facilities, the development and improvement of municipal services and the development and redevelopment of land in the municipality.
- 1.6 To coordinate, lead and direct the Commissioners in the implementation, management, enforcement and evaluation of all by-laws, programs and services approved by Council.
- 1.7 To present to Council, reports and information regarding progress and accomplishments of programmes and projects, the status of revenues and expenditures, status of strategic planning activities and the general administrative management of the Corporation.
- 1.8 To direct the periodic review of the corporate organization, its structure, management and communication systems.
- 1.9 To attend Council and Committees of Council with the right to speak, but not to vote thereat.
- 1.10 To provide all necessary and relevant information to Council for purposes of decision making approving by-laws.
- 1.11 To direct the activities of all Corporation employees, as per the approved organizational chart and through established reporting lines, and ensure that and hold accountable all employees for the proper supervision and performance of their subordinates, and to take any disciplinary action where appropriate or seek approval where required, as per established procedures, except where such direction would contradict the statutory duties of such officers as are appointed under statute and whose duties are prescribed by statute.
- 1.12 To develop and maintain for reference purposes a comprehensive manual of all the Corporation's policies approved by Council.

- 1.13 To attend to the interests of the Corporation on federal, provincial, regional or local municipal intergovernmental issues and with boards, agencies and commissions at the administrative level.
- 1.14 To delegate appropriate duties and responsibilities to the Commissioners within the organizational structure for the purpose of establishing an efficient and effective administrative structure.
- 1.15 To lead and carry out the strategic and long range planning process for the corporation, as established by Council.
- 1.16 Without limiting the generality of the foregoing, to perform any additional responsibilities and to exercise the powers incidental thereto which may, from time to time, be assigned by Council.

## **2. PERSONNEL ADMINISTRATION**

- 2.1 To have authority to recommend to Council the appointment or dismissal of a Commissioner and to have the authority to discipline a Commissioner.
- 2.2 To have authority and responsibility to appoint, promote, demote, suspend or dismiss employees of the Corporation below the position of Commissioner in accordance with the lines of authority that are defined in the organization chart with the exception of the appointment or dismissal of individuals with respect to the following positions:
- City Clerk (Municipal Officer)
  - City Treasurer (Municipal Officer)
  - Chief Building Official (appointment required by the Building Code Act)
  - Fire Chief (appointment required by the Fire Protection and Prevention Act)
  - Director of Internal Audit
- 2.3 To have authority and responsibility to appoint, promote, demote, dismiss all other employees of the Corporation in accordance with the procedures contained in all collective agreements and in accordance with the lines of authority that are defined in the organization structure.
- 2.4 To coordinate the collective bargaining with all unionized Corporation employees, and to recommend to Council collective agreements concerning wages, benefits and terms of service and upon approval of Council, to direct the administration of such collective agreements.
- 2.5 To carry out performance evaluations of all Commissioners and initiate action to reward performance and correct deficiencies and improve overall individual or department performance. This may be done in consultation with Council.

## **3. FINANCIAL MANAGEMENT**

- 3.1 To oversee the preparation and presentation to Council of the annual budgets for operating and capital programs.
- 3.2 To direct the presentation, at least on a quarterly basis, to the Council, of a report, including a statement of the revenues and expenditures and work in progress, with a comparison of estimates and the implications on the long range plan and the capital budget and any other matter, in the opinion of the City Manager, that should be reported to Council.
- 3.3 To exercise financial control over all corporate operations by exercising administrative direction of Council approved programs and budget expenditures in each year.
- 3.4 To direct the control of all municipal purchasing, the sale of assets and for and in the name of the Corporation, enter into any contract of routine occurrence involving the expenditure not exceeding the follow:
- (i) Approval on a non-budgeted consultant selection, providing extraordinary services, where the estimate fee including disbursements does not exceed \$15,000.
- (ii) Approval on non-budgetary, emergency items under \$15,000.

And to report to Council details of these expenditures, in a timely manner, for ratification by Council.

**4. ADMINISTRATIVE ORGANIZATION, MANAGEMENT AND POLICY DEVELOPMENT**

- 4.1 To create and reorganize such departments of the City as may be considered necessary and proper to fulfill obligations of the Corporation, subject to final approval of Council for proposed changes.
- 4.2 To develop, approve and implement procedures and practices that are considered administrative in nature.
- 4.3 To meet regularly with the Commissioners, for discussion of matters of policy approved by the Council and to coordination departmental activities.
- 4.4 In the event of any uncertainty or ambiguity or in the event of material occurrence with respect to the affairs of the corporation, the City Manager shall refer all such matters to Council, who may undertake any steps or action which the Council deems just.

## EFFECTIVE GOVERNANCE & OVERSIGHT TASK FORCE OUTSTANDING LIST

OCTOBER 28, 2020

Meeting / Date	Rpt(Item) / Title	Issue Outstanding/Question	Comments	Date Complete
June 24/20	Rpt 4(2) Outstanding List	<p>Councillor Shefman, Chair, requested that the Members submit questions that are essential to governance.</p> <p>The Internal Auditor advised that he would prepare a report with bench marking options.</p> <p>Fausto Natarelli requested that timelines be prepared.</p>		
June 18/20	Email from K. Kestides	“future item for “Governance of Internal Audit”. This was raised at CoW the other day in conjunction with Kevin Shapiro’s Internal Audit Policy and Charter item. Councillor Carella thought it would be good to have this as an item for EGOTF.”		
June 5/20	Letter to Previous Councillors, Senior Staff	Letter requesting contribution to the EGOTF.	<p>Sent June 18/20 Waiting for comments. Responses received from: Meffe, Racco, Somerville, Caron, Abrams <b>Note:</b> Sept 17/20 no further responses were received.</p>	Complete 08/20 Contributors will be scheduled to attend meetings and provide their comments.
June 5/20	Email from Councillor Carella	Please add to the long-term agenda for EGOTF “why should we have a separate audit committee?”		
May 19/20	RPT 3(1) PRESENTATION ON MUNICIPAL ACT	<p>Q - How does the City’s Lobbyist Registry compare to Toronto and other municipalities? Are we planning on reviewing it? (JR)</p> <p>Q - Should there be a periodical review of Statutory Committees? (FN)</p> <p>Q – Attachment 1 to this document – questions submitted by Fausto Natarelli</p>		

Meeting / Date	Rpt(Item) / Title	Issue Outstanding/Question	Comments	Date Complete
May 19/20	RPT 3(2) DISCUSSION ON GOVERNANCE AND ADMINISTRATION - REFLECTIONS FROM DR. LEBLANC'S PRESENTATION	Deferred to a future meeting.		
May 19/20		Questions from Fausto Natarelli	Attachment 1 to this document.	Questions were answered September 2020 and are appended to this document.



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***Answers provided September 2020 (1 to 25 answered by Councillor Carella. 26 to 42, answers provided by Wendy Law, Deputy City Manager, Administrative Services and City Solicitor.)***

Governance and Oversight (General)

- 1) When was the last time someone had a fundamental look at the function of council, committees and related supports? What were the findings of that effort? Were the recommendations implemented and if not why?

A - 1. "Fundamental looks" at Council functions are reserved to the province as it assign responsibilities. Sometimes it adds more by way of a download, less frequently it uploads some duties. As to how committees are arranged, that has typically been steered the CM of the day or the Clerk (in the case of J Abrams). To date, those colleagues who want a very different structure have been unsuccessful, in the absence of political (i.e., Council) will on the matter.

- 2) Is there an intent to review and comment on the governance structure say once every 5 years?

A - 2. We can comment any time, but in the absence of a groundswell movement to change the governance structure of municipalities, it's really the province's call.

- 3) What's appointment process for City of Vaughan boards and committees?

A - 3. The details of the appointment processes are left to Council. Typically, there is a call for applications. Council reviews the applications and makes selections, with an eye to balancing representation across the wards. Note that some committees are statutory (e.g., Committee of Adjustment), other City-driven, such as this task force. All have either provincially-mandated terms of reference, or locally composed ToRs.

- 4) What is the current state or character of the relationship between Council and the Administration and what efforts are made to ensure effective collaboration?

A - 4. This is THE governance issue. We don't run the operation, the CM does, and we oversee it all, trying to stay out of the weeds. To do our job, we need a constant flow of information that paints a clear picture of what's going on. Sometimes we are spared unpleasant details, sometimes we have to find things out on our own. But mostly we get good and accurate information.

- 5) Are respective roles and responsibilities generally well known and understood? Is there a clear appreciation of the political-administration dichotomy?

A - 5. Again, this is a constant tension within the arrangement, and key points must be made and remade all the time, as everything is in flux.

- 6) What approaches are used to arrive at a determination of the *public interest*, to help guide the City's decisions and actions in particular circumstances? Are there general guiding principles used?

A -6. Jeremy Bentham probably defined it best as the greatest good for the greatest number. The problem is that's presumes altruism on the part of most of the public. I suspect the public interest is

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best served when all individual interests are held in check relative to every other interest. It's a balancing of interests that creates the public interest. (Cf the foolishness of speaking about public opinion. All I ever see is public opinions!!!!

- 7) How does Council know that the discretion that is often conferred on administration officials is being reasonably exercised?

A - 7. We rely on our constituents and their readiness to bring issues to our attention to know whether staff's discretion is being unreasonably exercised.

- 8) Is there a lessons-learned culture within the City? If so, what might be the proof-points?

A - 8. I hope so. Next week we have the first real meeting of a new committee that will look at post-pandemic issues. My first question is and has been for some time: what are we learning from this experience that we want to continue afterwards. What of the old ways do we need to scrap?

**Presentation: *Best Organizational Governance Practices* – Dr. LeBlanc**

- 13) How would the City determine what is in the best interest “of the organization as a whole”?

A - That is a perennial and, indeed, constant question and would begin with a staff recommendation on some issue (since staff, at present, sets the agenda) and would be tempered by the views of various members of Council and ultimately determined by a vote, if it came to that. I think it safe to say that, ideally, every vote by Council expresses the majority's view as to what is in the best interests of the organization.

- 14) What has been the City's experience with COI and how has it modified its practices in response to these developments?

A - As to conflicts of interest, I can only recall one instance in which a resident launched a court action against a member of Vaughan council---which was the appropriate means of dealing with such matters at the municipal level, according to the Municipal Conflict of Interest Act of that time. The action failed and the council member awarded costs. Despite some minor changes, that regime is still in place, as mandated by the provincial government. As is clear from Dr. LeBlanc's presentation, how such conflicts of interest are dealt with in the corporate world (i.e., in public, private, and not for profit corporations) is left to corporate boards to decide, to the extent that these matters are not covered in applicable legislation.

- 15) What is the City's approach to the determination, establishment and maintenance of 'Duty of Care'?

A - That's a big topic. Most commonly, the issue turns on whether the city cleared snow from a street or sidewalk soon enough to prevent a resident from injuring themselves when slipping on ice. These cases are the most common when it comes to duty of care, frequent in winter obviously, and dealt with by our insurer. Staff training is clearly important. But insurance costs rise every year.

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16) What's the reaction to suggestions on pg 17?

A - Again, these are suggestions useful to boards other than municipal councils whose procedures are set in legislation. By the way, the stated first priority of municipals councils, in law, is to protect the health and safety of the citizenry.

17) How does the City currently try to achieve the considerations on pg 19?

A - We've been moving in this direction over the last number of years, with whistleblower policies and opportunities, staff surveys, an internal auditor who reports directly to Council. Being members of the same local community, we also have many opportunities to hear complaints from constituents, even those who work for the city!

18) What would the City's answers be to the questions on pg 25?

A - I saw no questions on page 25, but again, the context of the cartoon is definitely not municipal. In fact, we have a slew of Term of Council Strategic Priorities---what we want to see in key areas over the four years we are in office and we get regular updates. Strategic planning is definitely not a "last ten minutes of the minute" activity.

19) What's the City's approach to ensuring strategic focus and achievement of key outcomes (as per suggestions on pgs 28 & 29?)

A - Again, we do a lot of this sort of stuff (usually termed SWOT analyses) as part of the strategic planning process, as do a lot of different sorts of corporations, but it is clear that municipal services in Canada are not under threat from new private sector initiatives (cab companies that don't own cabs). However, I have heard of one municipality somewhere in the US where the only full time permanent employees are the city manager and his assistant, because every typical municipal service is contracted-out, including the office that oversees contracts!

20) How does the City contend with disrupters and disruption?

A - Not sure what is meant by disrupters, but I think it fair to say that those who challenge incumbent members of Council qualify as disrupters, and the pandemic is the best example of disruption I can think of. The former are dealt with in elections (and sometimes prove to be successful, as I did the third time I ran) and the latter requires adaption and patience and following the directions of those either in the know (public health) or with superior power (the province).

21) How does the City ensure that it is not saddled with old think and traditional high-cost administrative models and practices? What about 'nudging' or 'freak-economic' evidence to bring about desired constituent behaviours with few unintended consequences?

A - As Council committed years ago to tax increases under 3% (and it looks like 0% is coming in 2021), high cost traditional practices are very few if not non-existent, and the pandemic has pointed

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the way to other means of cost savings. It's a perennial focus because what citizens want us to do is always more and more for less and less taxes.

- 22) How does the City's performance monitoring process compare to the "Strategic Value Creation" cited on pg 32?

A - Quarterly financial reports along with regular updates on Term of Council Strategic Priorities (all part of the public record) cite all variances and the reasons for same. Also, anyone, including any citizen, can attend meeting where these matters are discussed and ask any questions.

- 23) How does Council strive to leverage competencies or traits of its members to either lead or contribute to sub-committees?

A - During this term, the creation of a number of task forces is the opportunity for such leveraging. I am chairing two such task forces, because diversity and inclusion and effective governance and oversight have always been important to me. I've been on the board of every sort of non-profit group over my career----arts, ethnic community, sports, health, social service, etc.---so I have seen a lot of governance in action and have even presented papers on the subject at sector conferences. Diversity and inclusion is more important than ever given the fact that certain racial and ethnic groups have historically been and are currently the victims of prejudice and bigotry which is not acceptable for any reason.

- 24) What does the City's overall committee and decision-making structure look like and how does it compare to considerations on pg 51? What is the flow and character of supporting information?

A - I don't disagree with anything on that page, once translated into the municipal framework. They are basic principles of good governance. One thing to be appreciated is that the members of a municipal council are very much in a spotlight all the time (the scope of which is determined by the size of the municipality), a level of scrutiny much more intense than that focused on any member of any private, public or not for profit board I've ever been on. If any of us step too far out of line, someone is going to make an issue of it, and very often the issue raiser winds up running against the offending member of council at the next election.

- 25) How is City accounting for risk (both financial and non-financial)?

A -As the business of any government is the business of those it governs, we know there is a price to pay for any action in respect of which some degree of risk analysis has been conducted. If when I depart this job and this life, and if my remains are subject to an autopsy for any reason, I am sure the word LIABILITY will be found etched into my brain. It's the one word I have heard mentioned more than any other in the twenty years I have been at this.

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Presentation: *Municipal Act and Governance* – City of Vaughan

26) What processes and procedures does Council have for ensuring that the City's by-laws, policies, practices, and activities remain in compliance with applicable *Governing Legislation*?

- This is one of the critical functions of the Administration – to stay apprised of changing legislation and to propose programs and initiatives to council that would adapt to these changes. Such proposed changes will be done through council reports for council approval, unless the changes are administrative in nature and/or delegation of authority has been granted by council. For example, with the provincial orders that are enacted for COVID 19, enforcement activities of staff may change in order to implement and enforce those orders. That does not require council approval as enforcement is administrative in nature, and delegations are in place. With the changes to the Planning Act and Community Benefits Charges, however, the Administration will review the legislation, propose recommendations after conducting appropriate studies and consultation, for Council's consideration.

27) How does the City ensure that its authorities granted as "natural persons" are not abused? Is there a process for example to review and react to pertinent case law developments and if so, what does that process look like?

- Natural persons powers are not specific powers. It does not detract from the fundamental legal principle that the City is a creature of statute and we derive our powers from legislation. Natural persons powers would allow the execution of legal instruments for example, but those legal instruments must be in line with existing legislative framework and jurisdiction.
- Similar to all powers granted to a municipality, it is the role of the Administration to advise Council and to make recommendations, and for Council to approve or reject or modify.
- The role of Legal Services is to provide legal advice and support to Council and Administration so that the City would operate within the legal framework.

28) How does Council delegate authority to administration staff and is there a periodic review to ensure that delegation is being exercised in the public interest?

- Council delegates authority by bylaw to staff and may require regular reporting as appropriate. Most delegations are specific delegations however. For example, staff may bring a report to council seeking authority to enter into an agreement with a third party to deliver a service. If council approves, then council delegates the authority to staff to execute the appropriate agreements.

29) Same for delegation to local boards, committees, municipal service boards, municipal services corporations etc?

- Yes, Council can only delegate through bylaw and the delegation would include reporting requirements.

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30) How does Council keep track of the implementation of its direction? Is there a secretariat within the City Manager's Office that compiles reports and/or KPIs? As per Section 227 of the Municipal Act and pg 16 of the presentation?

- Council directions are provided by bylaw and kept by the Clerk's office. It is up to the staff delegated with the authority to execute Council's direction. At the top of the Administration is the CAO, who supervises through senior management, to ensure Council's directions are implemented.

31) What "other duties" are assigned to the CAO (City Manager) and how is that process managed? Are the duties on-going, or time-limited or both?

- The CAO is in charge of the Administration, and to ensure that Council's direction is executed. The City Manager's Bylaw specifies the delegation given to the City Manager (attached).

32) Are there specific arrangements and protocols in place that pertain to the authority of Statutory Officers? If so, what are they?

- They are part of the Administration so all policies and procedures in place for staff would apply to them. In addition, they are required to comply with the legislative powers and requirements granted/imposed on them by the specific statutes applicable to them.

33) What is Council's relationship with its various Accountability Officers and is it responsive to their reports and findings? How so? Are the interactions post-facto only?

- At the City, Suzanne Craig is the Integrity Commissioner and Lobbyist Registrar. The City has not created other accountability offices.
- Members of Council can seek advice from the Integrity Commissioner at any time as they wish on matters relating to the Council's Code of Conduct and their obligations under the *Municipal Conflict of Interest Act*.
- The Integrity Commissioner may also conduct education sessions for members of council, in addition to her role to investigate complaints and report to council of same.
- It may be of interest to review the most recent report from the Integrity Commissioner and Lobbyist Registrar to Council dated \_\_\_\_\_ (attached).

34) Does the City have a preferred or ideal Bylaw Development Process that clearly sets out expectations for quality, thoroughness, due diligence, comprehensiveness, adherence/compliance to various internal strategic objectives, mandatory policies, operational requirements?

- Legal Services approves all bylaws as to form prior to them being presented to Council for adoption to ensure they meet legal requirements as a legislative instrument.
- Each department works with Legal Services as appropriate to develop and draft bylaws but the business unit would be responsible for conducting all necessary research, consult with appropriate stakeholders, and present the recommended approach to Council for their consideration, taking into account all necessary and appropriate considerations.

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35) How does Council know that it is effective and efficient in regards to its role as per page 13 of the presentation and Section 224 of the Municipal Act?

- Council would rely on reports and professional advice from the Administration, external consultants (e.g. external auditor).
- Practically speaking, there is also the media, increasing public participation and scrutiny, and ultimately the polls every 4 years.

36) Are the “Other governing docs” cited on pg 17 available/accessible? If so how?

- Included
- Please note that for Delegation of Authority, most of the direction authorizing staff to execute Council’s will are contained in each report and applicable bylaws – they are individual matter based. There are a few standing Delegation of Authority Bylaws, one of which is 144-2018 as attached.

37) How does Council know that delegation of authority as indicated on pg 18 is unfolding as intended? What is the monitoring or feedback mechanism? Are policy/procedure/practice attestations used in the City?

- Please see responses above (Q26-29)

38) Transparency is key to accountability. How does Council ensure it strives for maximum transparency? What principles or practices does it strive to follow? How would the City tell a compelling story that it is a leader in regards to the obligations/practices on page 21?

Some examples:

- There are various statutory obligations that the City must follow to achieve transparency. For example, there are annual reporting requirements from the Treasurer, the Integrity Commissioner.
- Council requests reports on matters as they arise and those reports are in the public domain unless they fall within the limited scope of closed meeting exemptions.
- Council deliberations to pursue the business of the municipalities are in the public domain, as closed meetings are only permitted under certain exemptions.
- City records are subject to freedom of information requests.

39) What has the City’s performance been vis-à-vis the complaints submitted to the Provincial Ombudsman (pg 21)? Assuming they have jurisdiction since a Municipal Ombudsman has not be established in Vaughan?

- Not aware of any

40) What has the City’s experience been with its Code of Conduct (pg 22)? They can be well-meaning but challenging to implement given the many situation specific considerations that may arise.

- Please refer to the Integrity Commissioner’s report.

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41) What might be the legal tests for the examples of Bad Faith cited on pg 31? Wouldn't unethical or unprofessional conduct also constitute Bad Faith? How does one prove "improper motive"?

- That would be a factual finding to be conducted by a judge in the case of litigation, on a case by case basis. Unethical or unprofessional conduct may or may not be, as bad faith usually involves intent or what amounts to gross negligence. So errors in judgement may not necessarily trigger a successful bad faith argument.

42) How does the City know that it is achieving the desired outcomes of the Governance elements cited on pg 37?

- This is a matter of continuous improvement and it requires consideration by both Council and Administration on the most optimal way to implement these elements.
- Overall, Justice Bellamy's report is still very relevant to municipal governance even though it was written a number of years ago. As noted in the presentation, it is a worthwhile read to understand more the roles of Council and Administration, as well as other considerations as raised in these questions.