

## THE EFFECTIVE GOVERNANCE AND OVERSIGHT TASK FORCE REPORT AND RECOMMENDATIONS TO COUNCIL

*The proper office of a representative assembly is to watch and control the government.*

John Stuart Mill

*Quite as important as legislation is vigilant oversight of administration.*

Woodrow Wilson

*Oversight bridges the gap between policy and practice.*

Unknown

### INTERACTIONS

In exercising its governance and oversight responsibilities, Council interacts with a wide range of stakeholders. These include the citizenry it represents as a whole and the separate electorates of each ward who vote for only one local councilor who, effectively, is accountable only to them. Interactions within the corporation include the City Manager, Deputy City Managers, statutory officials (e.g., the Clerk, Chief Building Official) and others who report directly to Council (e.g., the Integrity Commissioner, the Director of Internal Audit)

### DIRECTIONS ALREADY BEING PURSUED

It is gratifying to note developments already completed which would meet the intent of any task force on effective governance and oversight; namely,

1. The creation of a stand-alone audit committee, separate and apart from other functions, especially one populated by external, arms-length members meets the appropriate degree of transparency in any public function.
2. The process of receiving legal advice by council – a departmental directive has been established outlining a framework of providing written legal advice to Council and Committees of Council at Council and Committee meetings. In essence:
  - a. Legal advice is to be provided to Council and Committee in a written manner, other than in circumstances where it is not practicable to have such advice provided in writing (ie. “on the floor” matters arising at a council and committee meeting; or where there is not sufficient opportunity to provide a written report in advance of or at the council meeting such as last minute, sudden and urgent matters);
  - b. Reports to Council and committee must be objective and include all reasonable options outlined in a clear and concise manner, with the risks of each option identified and explained.

### RECOMMENDATIONS IN PROCESS

1. **Amend the Management By-law** to clarify probationary period review for newly hired City Managers and any other direct reports to Council. It is recommended that the process for conducting such review be scheduled by the City Clerk at a Committee of the Whole (Closed Session) meeting at a date no later than eight weeks prior to the subject-employee’s six-month anniversary.

- 2. Amend the City Manager's By-law** to include a robust process for the annual review of the City Manager's performance, both in terms of achieving Council's strategic goals and enhancing the overall performance of the corporation's staff. Such process should be implemented taking into consideration the anniversary date of the City Manager's employment with the City as well as other scheduling factors such as Council summer or election hiatus. In addition,
- a. The by-law should clearly state the responsibilities of the City Manager regarding conflicts of interest, integrity, codes of conduct, ethics, risk, diversity, inclusion, equity, and sustainability, if not already covered in other City employee policies and procedures.
  - b. The annual performance review process shall be scheduled by the Clerk as a Committee of the Whole (Closed Session) item.
  - c. As recommended in the Marrocco Report of the Collingwood Judicial Inquiry:
    - i. A process for complaints regarding the City Manager should be established. Such complaints should be reported to the Integrity Commissioner. (Recommendation #83)
    - ii. Termination of the City Manager before the end of his or her term of employment should require a 2/3 vote of members of Council. (Recommendation #85)

### **3. City Manager Recruitment**

Through discussion at the Task Force and at Council from time to time there it is clear that there is a need to define a clear and definitive process for the hiring of the City Manager. The process needs to lay out a step-by-step approach in detail but also must have enough flexibility to respond to the need to ensure the most efficient and results oriented procedure.

- 1) Time Frame:
  - a) The recruitment process should be completed within 3 months.
- 2) Council subcommittee:
  - a) A subcommittee composed of 3 members of Council shall be appointed to facilitate the administrative aspects of the recruitment.
- 3) Job Description for recruitment purposes:
  - a) A draft of the job description/advertisement information shall be prepared by Human Resources and submitted to the Council subcommittee for review and approval.

- 4) Professional recruitment:
  - a) Upon the advice of Human Resources, the subcommittee shall consider the means to inform potential candidates of the position being available. This may include hiring a recruitment agency or direct placement of advertisements in the appropriate places currently available. As well, relevant organizations and associations should be notified of the posting.
- 5) Review of applications
  - a) After the closing date for submission, all applications will be reviewed by Human Resources (and or recruitment agency) and those applications that are not qualified will be excluded. All remaining applications will be rated, based on the established criteria. The five highest rated applications will then be reviewed by the Council subcommittee. The subcommittee will then recommend the applicants it believes should be formally interviewed for the position.
- 6) Interviews
  - a) All Members of Council will participate in the interviews of the recommended applicants.
  - b) The materials used in the interviews shall be prepared by Human Resources (or recruitment agency) and reviewed by the Council subcommittee.
  - c) After interviews and assessments, the final candidates---a minimum of two, a maximum of three--- shall be offered a second interview by all Members of Council.
- 7) Decision
  - a) The decision to hire a candidate must be made by two thirds of the Members of Council.
  - b) Terms of the offer shall be prepared by Human Resources and approved by the Council subcommittee.
  - c) During negotiations of the offer with the candidate, any decisions on the offer must be approved by the subcommittee.
  - d) If, in the course of employment contract negotiations, a request by the prospective candidate to waive probationary period is supported by the subcommittee, a written report in closed session shall be provided to Council seeking such exemption prior to approval of any employment contract.

4. **Establish by policy** that portfolio heads (e.g. City Manager and Deputy City Managers) provide written quarterly updates to Council to ensure that Council is informed of progress being made on all front to achieve strategic priorities.

5. The position of **Diversity & Inclusion Officer** has now been created in recognition of the critical importance of diversity, equity and inclusion in our organization and our policy making as government. As the next step, there should be a Council policy established clearly stating the mandate and responsibilities of the Officer and to ensure that the Officer provides quarterly reports to Council in addition to the development of the overall Diversity, Equity and Inclusion Strategy for the City.

6. Establish a process/structure for opportunities, in consultation with Planning and Growth Management staff, for **Post Public-Meeting Consultation** between the local councillor, the regional councillors, and planning staff regarding the progress of technical reports on development applications, as appropriate.

## 7. Revise the Committee Structure

In their years on Council, the chair and vice chair have been participants in a number of committee-structure models. Recognizing that there must be a middle ground between models that result in committees “well into the weeds” or too far away from operations to see “what’s really going on”, the task force recommends the following re-structuring of council committees.

Similar to current structure, the following committees will report directly to Council:

- Committee of the Whole 1 (Planning & Development)
- Committee of the Whole 2 (General)
- Committee of the Whole (Closed Session)
- Committee of the Whole (Working Session) to be scheduled as needed

In addition to these four committees, all members of Council sit on Committee of the Whole (Public Meeting), which is arranged to provide the required statutory public meeting under the *Planning Act* for planning applications. Matters that are heard at that meeting will be referred back to staff, who will subsequently prepare technical planning reports for Committee of the Whole 1 (Planning & Development). This is similar to existing practices.

There are also no changes recommended for Committee of the Whole (Closed Session) or Committee of the Whole (Working Session).

### *Committee of the Whole 1 (Planning & Development):*

It is recommended that Committee of the Whole 1 be dedicated to Planning & Development matters, unless a matter is required to come before committee on an urgent basis. This will allow sufficient time and focus to be spent on planning matters in our fast growing municipality.

### *Committee of the Whole 2 (General):*

It is recommended that Committee of the Whole 2 be dedicated to all non-planning and development matters, again, unless a planning and development matter requires urgent consideration by the Committee. In addition, it is recommended that the following subcommittees be established, which will report to CW2:

1. Smart Technology: future-oriented issues/matters relating to Smart Cities initiatives
2. Finance & Budget: consideration of income and expenditures and other financial matters
3. Environmental Sustainability: protecting and enhancing the natural environment
4. Audit & Risk: ensuring money is well-spent and risks are well managed
5. Program & Services: monitoring service delivery in a value-based manner

For these subcommittees, we recommend at least two members of Council sit on each of the subcommittees and they would consider substantive issues with appropriate staff, similar to the current Committee of the Whole (Working Session) meetings, rather than just receiving a

report on how staff thinks such issues might be dealt with. Similar to current CW (Working Session) meetings, not every matter within these categories will necessarily go to these subcommittees. However, matters that require extensive discussions and deliberations should be brought forward to these subcommittees before they come to CW2. The proposed structure allows for detailed consideration of key issues before Council by the most interested Members of Council and Staff prior to the item coming before the Committee of the Whole. It allows for the unique insight of members of Council to be a component of the item as it goes forward for consideration and approval.