CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2022

Item 11, Report No. 46, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 13, 2022.

11. IMPLEMENTATION OF EFFECTIVE GOVERNANCE AND OVERSIGHT TASK FORCE FINDINGS REPORT RECOMMENDATIONS

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Manager, dated December 12, 2022:

Recommendations

1. THAT Council receive this report for information.

Committee of the Whole (2) Report

DATE: Monday, December 12, 2022   **WARD(S):** ALL

TITLE: IMPLEMENTATION OF EFFECTIVE GOVERNANCE AND OVERSIGHT TASK FORCE FINDINGS REPORT RECOMMENDATIONS

FROM:
Nick Spensieri, City Manager

ACTION: FOR INFORMATION

Purpose

To provide Committee with implementation plans and for the Effective Governance and Oversight Task Force (EGOTF) findings report recommendations.

Report Highlights

- The EGOTF adopted seven recommendations in their Findings Report.
- Staff have reviewed the recommendations and provided their comments and implementation plans.

Recommendations

1. THAT Council receive this report for information.

Background

On June 28, 2022, Council adopted the following recommendation:

> 1) That the recommendations contained in the Effective Governance and Oversight Task Force Findings Report be received and referred to staff for a report regarding an implementation plan in November 2022.

On October 2, 2019, Council appointed the Effective Governance and Oversight Task Force and approved its Terms of Reference, with the following mandate:

> *The City of Vaughan Effective Governance and Oversight Task Force has an overall mandate to make recommendations that ensure the City is at the forefront of accountability, transparency and regulatory governance. This includes exploring how the City of Vaughan can further enhance its governance framework; improving City Council's decision-making processes and procedures; and clarifying roles and responsibilities.*

The Effective Governance and Oversite Task Force at its meeting of March 16, 2022, adopted the recommendations in the Findings Report, which are being presented with an implementation plan in this report.

Previous Reports/Authority
EFFECTIVE GOVERNANCE AND OVERSIGHT TASK FORCE – FINDINGS REPORT (REFERRED) - Adopted by the Council of the City of Vaughan on June 22, 2022

Analysis and Options
The Effective Governance and Oversite Task Force adopted seven recommendations in their Findings Report, which are outlined below with commentary from staff.

Recommendation 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.

> **Staff Commentary:** Staff agree with this recommendation and will include language as part of a new Management By-Law and draft Total Compensation Procedures to clarify the probationary period review for newly hired City Managers and any other direct reports to Council. The new Management By-Law and Total Compensation Procedures will be brought forwarded to Council for consideration in 2023.

Recommendation 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)*

Staff Commentary: Through the Office of the Chief Human Resources Officer and the Office of the City Clerk, staff will propose a robust process for the annual review of the City Manager's performance, expected to be presented to Council by the end of Q2 2023.

Recommendation 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. Effective Governance and Oversight Task Force Report and Recommendations to Council

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.

Staff Commentary: Staff agree with this recommendation and will update the Recruitment Policy and Procedures to include a section to define a clear and definitive process for the hiring of the City Manager by the end of Q2 2023.

Recommendation 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.

Staff Commentary: The City Manager will review options for scheduled reporting by SLT-E and report to Council by the end of Q2 2023.

Recommendation 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.

Staff Commentary: The Diversity, Equity and Inclusion Strategy and Multi-Year Action Plan as approved by Council is underway. The Strategy and Multi-Year Action Plan establishes a clear mandate and responsibilities of the Diversity & Inclusion Officer which includes quarterly reporting to Council.

Recommendation 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.

Staff Commentary: Bill 109, the *More Homes for Everyone Act, 2022* made amendments to the Planning Act that will result in the gradual refund of application fees based on the length of time to consider those applications. The

planning approval process is currently under review to address the changing legislation and will be reported to Council separately.

Recommendation 7

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.

Staff Commentary: The City's Procedure By-law 7-2011, as amended, includes a division of reporting that mirrors the recommendations of the EGOTF. Committee of the Whole (1) is intended primarily for planning matters, while Committee of the Whole (2) addresses other municipal matters. Staff are bringing forward a report on the establishment of ad hoc committees, task forces and sub-committees for the 2022-2026 Term of Council to the December 12, 2022 Committee of the Whole (2) meeting. It is appropriate to review the establishment of any new sub-committees through consideration of that report, so that it is done in a comprehensive manner.

Financial Impact
None.

Broader Regional Impacts/Considerations
None.

Conclusion
Staff have provided commentary and implementation plans for all seven recommendations that were included in the EGOTF Findings Report.

For more information, please contact: Todd Coles, City Clerk, ext. 8281

Attachments

None.

Prepared by

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Approved by

Nick Spensieri, City Manager