

**Excerpt from
Toronto Computer Leasing Inquiry
Toronto External Contracts Inquiry
REPORT
Volume 2: Good Government
The Honourable Madam Justice Denise E. Bellamy, Commissioner
2005**

City Manager

85. Although the Mayor can properly be involved in hiring the City Manager, there should be a clear division of responsibility between the Mayor and the office of the City Manager—a separation of the political from the administrative. The Mayor and the City Manager should acknowledge each other's roles and respect each other's spheres of authority. The relationship between Council and the City Manager is a very important one. The City Manager is a leadership position, the head of the Toronto Public Service. Council should give the City Manager clear and unequivocal responsibility and accountability for the overall management of the administration of the City. Not doing so undermines the City Manager's effectiveness. A detailed description of the mechanism of authority should be set out as between the City Manager, department heads, and the Mayor and Council. (p. 72)

**Excerpt from
Transparency and the Public Trust
Report of the Collingwood Judicial Inquiry
Associate Chief Justice Frank N. Marrocco Commissioner
Volume I Executive Summary and Recommendations
2020**

Chief Administrative Officer

It was apparent in the matters I examined in Parts One and Two of the Inquiry that the importance of the chief administrative officer (CAO) in the proper functioning of the Town was not appreciated. This lack of appreciation manifested itself in the manner that the role was treated publicly and in the approach to the role taken behind closed doors. This failure weakened a key pillar in the structure of the municipality, contributed to the blurring of the boundary between Council and staff, and made it easier to avoid proper procedure in the pursuit of Council's goals. It was also detrimental to the staff's confidence and morale and interfered with their efforts to provide objective information to Council.

The CAO is a full-time position that comes with significant responsibility. Someone with the education and experience required to maintain a culture of integrity and to provide the best information and advice to Council should always fill the CAO role. The CAO must operate independently, advising Council and carrying out Council's direction while remaining unaffected by political influence.

The recommendations that follow focus on providing a clear framework for the CAO role, including hiring, training, tenure, responsibilities, and a mechanism for addressing complaints about the CAO's conduct.

Amendments to the Ontario Municipal Act, 200158

70 The Province of Ontario should amend section 229 of the Municipal Act to mandate that municipalities the size of the Town of Collingwood appoint a chief administrative officer.⁵⁹
Recommendations 37

71 The Province of Ontario should amend the Municipal Act to describe fully the role and responsibilities of the chief administrative officer.

Town of Collingwood

72 The Town of Collingwood should establish in a bylaw the position of chief administrative officer (CAO) and must appoint a person to that position. This bylaw should define and describe the role and responsibilities of the CAO at the Town of Collingwood.

73 As head of the public service, the chief administrative officer should have clear responsibilities and accountability for managing the administration of the Town, which must be described fully in the bylaw.

74 The bylaw should state that there must be a distinct separation between the administrative role of the chief administrative officer and the political role of the mayor and Council members.

75 The bylaw should state that the chief administrative officer (CAO) provides advice to Council, and receives instructions and policy directions from Council, and that the CAO must work with staff to ensure Council's directives are carried out.

76 The bylaw should state that the chief administrative officer (CAO) has a responsibility to provide impartial advice to Council. It should also state that the CAO has the ultimate responsibility for the accuracy of information presented to Council.

77 The chief administrative officer (CAO) should be the only member of staff who reports to Council. All other staff report ³⁸ Collingwood Judicial Inquiry Volume I to the CAO. Where the CAO delegates his or her authority, such delegation should be explicit.

78 The bylaw should state that the chief administrative officer (CAO) must have the authority to direct staff at the Town of Collingwood and ensure that staff respect the separation between elected members on Council and staff. It is the role of the CAO, not the mayor or other members of Council, to direct staff.

79 The bylaw should state that the chief administrative officer is responsible for leading and fostering a "culture rooted in the highest ethical standards" for staff at the Town of Collingwood.

80 There should be training for new chief administrative officers at the Town of Collingwood on the role and responsibilities of the position, codes of conduct and policies on ethical obligations, Town bylaws, and relevant statutes such as the Municipal Act and Municipal Conflict of Interest Act.

81 There should be training for the mayor and Council members on the role and responsibilities of the chief administrative officer.

82 The chief administrative officer's term should be a six-year nonrenewable term.

83 A process for complaints regarding the chief administrative officer should be established. Such complaints should be reported to the integrity commissioner.

84 Any reprisal or retaliation against a complainant, witness, or other persons for providing information to the integrity commissioner should be prohibited. Similarly, it should also be prohibited for the chief administrative officer (CAO) to obstruct the integrity commissioner in her or his investigation. Recommendations Such behaviour on the part of the CAO should result in the imposition of an appropriate penalty.

85 Termination of the chief administrative officer before the end of his or her term of employment should require a two-thirds vote of members of Council. (pp. 36-39)