

# INTERIM REPORT OF THE EFFECTIVE GOVERNANCE AND OVERSIGHT TASK FORCE

September 2021

EGOTF  
ITEM 1  
ATTACHMENT 1

*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 underway which would meet the intent of any task force on effective governance and oversight; namely,

1. The creation of an audit committee, separate and apart from other functions (e.g., a part of a Finance, Administration & Audit Committee, or an Audit & Budget Committee, etc.). A separate audit committee, especially one populated by external, arms-length members meets the appropriate degree of transparency in any public function.
2. The creation of the position of Diversity & Inclusion Officer is recognition of the critical importance of such matters and such a position, an importance that should be further underlined by having the officer report directly to Council.

## RECOMMENDATIONS IN PROCESS

1. **Amend the Management By-law**, to provide that all newly-hired staff members, without exception, be subject to a six-month probationary period, and that the process for conducting such review at the senior-most level (i.e., the City Manager) be commenced by the City Clerk by a date no later than eight weeks prior to the subject-employee's six-month anniversary. The rationale for any proposed deviation from this rule, as presently stated in the Management By-law, must be provided in a written report to Council in closed session prior to approval of any employment contract.
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 term of achieving Council's strategic goals and enhancing the overall performance of the corporation's staff; such process to commence with the start of the annual budget cycle. 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.

- b. Signaling the commencement of the annual performance review process shall be the specific responsibility of the Clerk, reporting directly to Council
  - c. As recommended in the Marrocco Report on the Collingwood Judicial Inquiry:
    - i. the Office of the City Manager should fall within the purview of the Integrity Commissioner
    - ii. Termination of the City Manager permitted on a 2/3 vote prior to contract end
- 3. **Write a policy** to ensure written monthly updates on departmental portfolios, to ensure that Council is informed of progress being made on all front to achieve strategic priorities
- 4. **Amend the process by which Council receives legal advice** from internal or external counsel, by stipulating in departmental policy that such advice be provided in writing (either via confidential memorandum prior to closed session discussion of the advice, or at the closed session); that such advice not be limited to one option only, but that all reasonable options be included, and appropriately weighted as to risk. This recommendation would not apply to the range of advice that may be offered regarding an unanticipated legal issue that emerges as part of the normal deliberative process, either in public or in camera.
- 5. Opportunities for **Post Public-Hearing Consultation** between the local councilor, the regional counselors, and planning staff regarding the progress of technical reports on development applications.
- 6. **Revise the Committee Structure**

When the chair first joined Council in 1994, public hearings came toward the end of the approval process, with a technical report already done and less chance that the public's views would make a difference. Indeed, hearings were treated as quasi-judicial proceedings. (For example, members of Council were not permitted to leave the chamber during the hearing of an item---even in the case of a pressing "call of nature", just as jurors are forbidden to leave the courtroom while a trial is in session.) Subsequently, the public hearing was moved to the front of the process, so that now everyone knows what is being proposed from the very start, the public has a chance to register what they see as issues, and the technical report indicates what can be recommended by way as a solution consistent with provincial policy.

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, along the lines of the changes mentioned above about the place of public hearings in the process. What we recommend are committees with at least two members of Council that have the time to look at substantive issues with appropriate staff, rather than just receiving a report on how staff thinks such issues might be dealt with, along with the expectation that a committee of the whole will approve the recommendation, and if not, make up its mind by the time the item comes to Council.

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.

To give councilors a chance to deal more creatively with substantive issues at the appropriate level (neither weed-high nor from a distance), we propose the following:

<b>COUNCIL</b>					
Committee of the Whole		CW (Closed)		CW (Public Meeting)	
<b>Smart Technology</b>	<b>Finance &amp; Budget</b>	<b>Planning &amp; Infrastructure</b>	<b>Environmental Sustainability</b>	<b>Audit &amp; Risk</b>	<b>Programs &amp; Services</b>
Future-oriented issues/matters relating to built environment	Balancing income and outgo	Growing public assets, managing growth of private assets	Protecting and enhancing the natural environment	Ensuring money is well-spent, risks well-managed	Monitoring service delivery in a value-based manner
Heritage Vaughan		Vaughan Public Library		Accessibility Advisory	

## 7. 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 must 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. 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 profession-relevant organizations and associations should be notified.
5. Review of applications
  - a. After closing date for submission all applications will be reviewed by Human Resources (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 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 changes to the offer must be approved by the subcommittee.

Comments on this interim report are invited.