

CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 19, 2007**

Item 1, Report No. 11, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on March 19, 2007.

**1 BILL 130 AMENDMENTS TO MUNICIPAL ACT, 2001 – IMPLEMENTATION PLAN**

The Committee of the Whole (Working Session) recommends:

- 1) That staff explore opportunities for providing municipal services through corporate entities as provided for in Bill 130 and bring forward a report to a Committee of the Whole (Working Session) meeting;
- 2) That staff provide additional information relating to the rules and regulations governing meetings of Council or Committees, including where such meetings may be held and the scope of meetings;
- 3) That staff report back on opportunities available to establish a local appeal planning board;
- 4) That staff report back on opportunities available to establish any other board to encourage good government;
- 5) That staff report back on expanded enforcement powers, particularly powers of entry for inspection and the impact to the municipality;
- 6) That staff provide a detailed report on the role of Members of Council and Head of Council;
- 7) That the Policy on Corporate Policy Development be approved in principle contingent upon an updated version being brought forward to the Committee of the Whole meeting of April 16, 2007 incorporating Members of Council's comments, including the following:
  - a) That the Process for Corporate Policy Approval outlined in the Policy on Corporate Policy Development be amended by deleting "approval by City Manager to proceed to Council" and substituting "review by City Manager prior to proceeding to Council"; and
  - b) That staff provide a clear definition of what constitutes a "Corporate Policy" and other forms of policies that may be considered under the Policy on Corporate Policy Development; and
- 8) That the report of the City Manager and the Commissioner of Legal and Administrative Services & City Solicitor, dated February 27, 2007, be received.

**Recommendation**

The City Manager and the Commissioner of Legal and Administrative Services & City Solicitor, recommend that:

1. This report be received for information;
2. That the Policy on Corporate Policy Development, in Attachment No. 1 to this report, be adopted by Council;
3. That the City Manager monitor the progress of the implementation plan.

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#### Economic Impact

The economic impacts arising from this report are within the existing budget.

#### Communications Plan

In order to reflect the current policy emphasis on accountability and transparency at all levels of government, their institutions, policies and operations, the following steps are suggested:

To further emphasize the transparency of the City's policies, all Administrative policies adopted by Council should be available to the public on the City's Website;

A hard copy of any policy should be available to any member of the public upon request;

A communication plan will accompany each new policy or policy revision. An important component of the communication will be to ensure that all Employees and Council (as necessary) are familiar with duties and responsibilities under relevant Corporate Policies as they are revised and adopted, and training and acknowledgment will be documented.

#### Purpose

The purpose of this report is to highlight recent amendments to the *Municipal Act, 2001*. The report identifies actions to be taken by Vaughan Council to ensure the City is in compliance with the amended legislation, together with actions that require further review and analysis by City staff.

#### Background – Analysis and Options

##### Status

The *Municipal Statute Law Amendment Act, 2006* ("Bill 130"), was introduced for 1<sup>st</sup> Reading on June 15, 2006. The Bill was proclaimed into force on January 1<sup>st</sup>, 2007, with the exception of a limited number of sections to afford municipalities the time required to enact required by-laws or approve appropriate policies, together with sections that require the Province to develop and finalize additional regulations. Previous reports were provided to Council on April 4, 2006 dealing with the then proposed City of Toronto Act, 2006 ("Bill 53") and subsequently dealing with proposed Bill 130 on September 25, 2006. These reports provided a detailed summary of amendments included in the Bills and made recommendations for additional amendments.

A number of new and amending regulations were filed in late December and published in mid-January 2007. The regulations relate to various matters in the *Municipal Act, 2001* that have been amended by Bill 130 or to streamline existing regulations including: the Dissolution of Local Boards, Restructuring Proposals, Licensing, Fees and Charges, Local Improvement Charges, Municipal Service Corporations, Tax Sales, Area Rating, Debt-related Financial Instruments and Financial Agreements (Lease Financing), Bank Loans, Eligible Investments and Related Financial Agreements, and Minimum Standards for Municipal Highways (amending the section 1 Table classifying Municipal Roads).

#### Bill 130 Highlights

A number of the Bill 130 amendments establish a more flexible legislative framework and give municipalities much of the broader authority and tools they have requested for many years. **For the City of Vaughan, there are no mandatory compliance issues.** This authority and these tools are required by municipalities to make decisions and deliver services in accordance with public expectations in individual local communities and the financial realities that have developed over time. These changes include:

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#### ***Broader general powers and less prescriptive specific powers***

- The general powers of municipalities in sections 8, 9, 10 and 11 of Part II – General Powers have been expanded to give municipalities underlying broad powers with authority “to provide any service or thing that the municipality considers necessary or desirable for the public,” subject to the Section 11 division of powers and conflict provisions. In addition, the general by-law authority in the areas set out in subsections 10(2) and 11(2) have been redefined and broadened. These broad powers, taken together, are then reinforced by reference to the broad powers throughout the Act, including those Parts providing special authority for certain matters, such as highways, parking, licensing, waste collection, natural environment, fees and charges, and so forth. As a result, with the exception of taxing powers, financial powers, offences and penalties or enforcement powers, and other strictly regulated powers, the broad powers will now be interpreted as underlying powers which may be relied upon by a municipality where a matter has not been referenced in another Part.

#### ***Rules for Delegation of Authority***

- Reinstatement, streamlining and clarification of delegation authority, providing municipal councils with specific authority to delegate responsibilities to staff, committees and others.

#### ***Streamlined Parking and other Specific Powers, and broader Parking Penalties***

- Streamlining and more flexibility added related to matters such as highways, parking, culture and parks, fences, signs, animals, economic development, nuisance, natural environment, retail business closing hours, and so forth, and, most importantly, the power to impose administrative monetary penalties for parking infractions (conditional upon Regulation by Ministry of Attorney General). For example, an administrative penalty, such as a monetary penalty, could be provided by by-law, without the delay involved in laying charges, attending provincial court with City witnesses and risking the trial delay due to witness’s inability to attend, ongoing Justices of the Peace shortages, or an unsuccessful outcome at trial.

#### ***Streamlined Licensing Powers and broader Licensing Penalties***

- Streamlining and more flexibility added to the Part IV – Licenses, as well as the important authority to impose administrative penalties for non-compliance with licensing requirements.

#### ***More flexible Powers related to Municipal Service Boards and Local Boards***

- More flexibility for municipal councils to establish or modify municipal service boards and local boards.

#### ***Corporations***

- Greater flexibility for municipalities to establish corporations for delivery of municipal services, conditional upon the Regulations.

#### ***Meetings***

- Addition of a specific exception to the meeting rules, authorizing council or committees to hold closed meetings for training and educational sessions.

#### ***New Accountability and Transparency Provisions***

- As a corollary to the expanded powers provided in Bill 130 for municipalities, with less prescriptive rules and oversight, additional roles of council are identified in clauses 224(d) and (d.1):

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- “to ensure that administrative *policies (new)*, practices and procedures are in place to implement the decisions of council;” and
- “*to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality.*”
- Discretionary authority has been added so that municipalities can adopt additional protections related to accountability and transparency of municipal decision-making processes, operations and procedures, appearing in a new *Part V.1 – Accountability and Transparency*, with others added as amendments to existing Parts of the Act. In the new Part V.1, if appropriate, there is now authority for the appointment of the following:
  - ***Integrity Commissioner*** (full-time or part-time, not required to be a municipal employee), whose functions will include overseeing compliance with any code of ethics and conduct for Members of Council, investigating complaints regarding alleged breaches of the Code by a member, or other restrictions on a member’s actions, conducting inquiries, and reports to Council and, where appropriate, referring findings to other appropriate authorities, and providing advice to Members of Council regarding potential conduct, accountability and other issues or concerns. At the Committee of the Whole meeting of February 19, Committee directed a report be brought to the April 16 Committee of the Whole;
  - ***Lobbyist Registrar and Registry***, where a Lobbyist Registry is put into effect, compliance issues related to registration or alleged breach of a code of conduct, may require investigation.
  - ***Ombudsman*** (full-time or part-time, not required to be a municipal employee), whose functions will include investigating decisions, recommendations, and any acts or omitted acts in the administration of the municipality, boards or specified municipal corporations, and will possess the Provincial Ombudsman’s section 19 powers (*Ombudsman’s Act*) relating to inquiries, and to make reports to Council including conclusions and recommendations;
  - ***Auditor General*** (full-time or part-time, not required to be a municipal employee), whose functions will include assisting council in holding itself and its administrators accountable for the quality of stewardship over public funds, and other duties as assigned by Council.
  - ***Investigator Closed Meetings*** Under S.239.2 (not yet proclaimed) a complaint that a meeting was improperly closed may be investigated. The delay in proclamation allows municipalities to appoint an Investigator for such purpose. Staff will be bringing a separate report to a future Council meeting regarding options and recommendations on appointment of such an Investigator.

#### ***Role of Members of Council and Head of Council***

- The roles of the Mayor and Members of Council include a specific duty “to ensure that policies,” in addition to practices and procedures as in the past, “are in place to implement the decisions of council and to ensure the accountability and transparency of the municipality, including the activities of the senior management” (clauses 224(d) and (d.1)). The provision permitting the appointment of a chief administrative officer has been retained. The role of the head of council includes as well, to “provide information and recommendations to council with respect to the role of council described in clauses 224(d) and (d.1).”

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#### ***Public Notice of Meetings***

- Removal of prescriptive notice requirements in different parts of the Act, in favour of a requirement to adopt policies on notice to the public, such as advertising, consistent notice periods, and requiring notice provisions be contained in the Procedural By-law.

#### ***New Mandatory Administrative Policies***

- Removal of detailed sections regarding disposition of land, hiring of employees and procurement of goods and services, in favour of a mandatory requirement that Councils and local boards adopt policies on each of these matters, and that Councils adopt policies on the delegation of its powers and duties, as well as on how Council will ensure its accountability to the public for its actions and how it will ensure its actions are transparent to the public (subsections 270(1) and (2)).

#### ***Expanded Enforcement Powers***

- Harmonization and enhancement of municipal enforcement powers, including increased maximum fines and penalties and a range of other enforcement powers for continuing offences, related to corporate entities - including increased fines, powers of entry for inspection, and numerous other clarifications.

#### ***Provincial Regulation Authority***

- The Province continues to have the broad authority to make regulations under Bill 130.
- A regulation provision in the Act that now permits the Province to suspend any municipal by-law by regulation for a period of 18 months does not reflect the principle that municipalities are an accountable and responsible level of government and, again, may have negative impacts on municipalities since it increases the uncertainty for municipalities and businesses, industry or other organizations dealing with them.

#### **Next Steps: Plan of Action: Implementation**

##### **(1) *Delegation Policy and Areas of Potential Delegation:***

With the introduction of general delegation powers in sections 23.1 to 23.5 and the mandatory requirement in subsection 270(1) 6 that Council adopt a policy on the delegation of its powers and duties (not yet proclaimed), staff will carry out a review of areas that might benefit from delegation and report to a future Council meeting.

##### **(2) *Parking Administrative Penalty System:***

Once a regulation is filed by the Province authorizing administrative penalties for parking infractions under section 102.1, staff will report to Council setting out options for a system of administrative penalties, cost-benefit analysis, required amendments to the Parking By-law and all other matters.

##### **(3) *Licensing By-law and Penalties:***

Staff will bring a report to a future Council meeting outlining options for a system of administrative penalties, cost-benefit analysis, required amendments to the Licensing By-law, 2006 and all other matters. The Act now allows traditional licensing rules to apply to a broad range of municipally

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regulated activities such as sign permits, road cut permits, and any other 'permissions' established by the City. As well, indirect costs may now be included in determining fees. The 5-year sunset provision on Licensing By-laws, requiring re-enactment, has been eliminated.

**(4) *Integrity Commissioner/Ombudsman/Auditor General:***

As previously directed by Council at Committee of the Whole on February 19, staff will be bringing a report on the appointment of an Integrity Commissioner to the April 16 Committee of the Whole meeting.

**(5) *Code of Conduct for Members of Council:***

To be reviewed in concession with report on Integrity Commissioner April 16.

**(6) *Code of Conduct for Municipal Employees:***

Staff will be reviewing the existing policy and will report to a future Council meeting.

Members of Council have been provided with two Comparison Tables delivered under separate cover, providing examples of current and recently up-dated Codes of Conduct for Members of Council and Codes of Conduct, or a Conflict of Interest Policy for Municipal Employees.

**(7) *Review of Policies required by Section 270 Amendments:***

These will be reviewed by staff and any necessary revisions will be brought to a future Council meeting.

**(8) *Review of Procedure By-law required by Subsection 238(1) and (2.1) Amendments :***

The By-law will be reviewed for compliance and necessary revisions, and brought to a future Council meeting.

**(9) *Review of Relevant Corporate Policies:***

The review of the City's Corporate Policies, commenced in spring 2006, will include the recommended adoption of new policies, as necessary, to support the objectives of transparency and accountability.

The review process falls into 3 categories:

- (i) Policies to be deleted consisting of redundant policies in different sections, policies that have been superseded by statute or a by-law, etc.;
- (ii) New policies to be developed for approval by Council – these policies would include a Policy on Corporate Policy Development, a Policy on Staff Responses to Inquiries by the Public, amendments as required to ethics and conduct policies, hiring and other policies and required new policies or amendments to existing policies due to the Bill 130 amendments;
- (iii) Revisions to existing policies as required.

**Relationship to Vaughan Vision 2007**

This report is consistent with the Vaughan Vision 2007.

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**Regional Implications**

This report does not have regional implications.

**Conclusion**

This report provides an outline of the required review of existing by-laws and policies in light of the Bill 130 amendments to the *Municipal Act, 2001* and staff are proceeding with the various actions highlighted in this report to implement the necessary amendments and changes for compliance with the Act.

**Attachments**

1. Proposed Policy on *Corporate Policy Development*

**Report Prepared By**

Janice Atwood-Petkovski, Commissioner of Legal and Administrative Services & City Solicitor  
Carolyn P. Stobo, Solicitor/Special Services

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 2, Report No. 11, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on March 19, 2007.

**2 HUMAN RESOURCES STRUCTURE AND PRIORITIES**

**The Committee of the Whole (Working Session) recommends that this matter be referred to the City Manager and the Senior Management Team for review prior to being brought forward to a future meeting.**

**Recommendation**

The Commissioner of Legal and Administrative Services & City Solicitor, and the Director of Human Resources, recommend:

THAT this report be received; and

THAT the revised Workplace Harassment Prevention Policy, the Disciplinary Procedures Policy, the Employee Recognition Policy, the Local Transportation Policy; and the Hiring and Nepotism Policy be discussed.

**Economic Impact**

The economic impact of implementing the recommendations in this report are within Budget. With respect to Training & Development, \$40,000.00 has been included in the 2007 Budget for Human Resources to provide 'dollar matching' as an incentive to Departments to encourage staff to pursue the Corporation's Training opportunities.

**Communications Plan**

To date the revised organizational structure has been communicated to the department in a series of departmental meetings. In addition, a report was prepared and provided to the senior management team outlining the changes that have occurred along with the staff assigned to the new positions. The HR Consultants have begun meeting with the Directors and Managers within their assigned areas to communicate the new structure and the support that is available. This report has been prepared as is being presented to the Committee of the Whole outlining the changes that have occurred to address the conclusions raised in the Hewitt Study.

With regard to the rolling out of approved policies the Human Resources Department will provide training to various management staff with regard to the policy and those management staff will be provided with the materials to present the new policies to the staff in their areas. In addition, approved policies will be made available on the VIBE and will be provided in hard copy as appropriate to update policy manuals. For policies such as the Workplace Harassment Prevention policy, all employees will be required to sign off acknowledging that they have been provided with a copy and that the policy has been explained to them.

**Purpose**

This report provides an update to the Committee of the Whole with respect to the review of the findings of the Hewitt Study conducted in 2006 along with the changes that have been made to address the issues in the Study. In addition, the report will provide the Committee of the Whole with information as to the goals and priorities of the Human Resources Department for 2007.



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#### **Background and Analysis**

In 2006, Hewitt Consultants were hired by the Corporation to review the current Human Resources structure and service provision. The Consultant provided a report which outlined a number of conclusions with respect to the service levels. (See Appendix A) In addition, the Director of Human Resources met with all members of the Senior Management Team to determine what services required improvement. The results of the reviews were consistent in identifying key areas for service improvement.

In light of the information received and the conclusions drawn from the review it was determined that the current structure did not support the corporate requirements adequately. As a result a revised structure was implemented in the fall of 2006 to address the variety of issues that had been raised. By realigning functions among the existing staff complement, the revised structure introduced new positions called HR Consultants whose role it is to provide direct support to specific assigned Commissions. The role will work with the Departments to develop management staff, support management staff in their duties as managers and will help to develop and support the staff in each area. Further, the new structure establishes a Learning and Development area which is primarily responsible for providing Training and Development opportunities as well as employee Recognition and Retention strategies. A revised Organizational Chart is attached as Appendix B.

This new structure will assist in meeting the Vaughan Vision 2007 goals including Developing Our Staff, Serving Our Citizens, Running Our City and Managing Our Resources.

The current Human Resources staff have been realigned and are currently training to meet their new responsibilities while at the same time training those who are taking over their previous responsibilities. In addition, with the assistance of Thomas Plant, the departmental staff have met and developed visions for each of the area within Human Resources as well as goals and objectives for 2007. The Strategies and Goals and Objectives are attached for your information as Appendix C.

The Human Resources Department has completed a number of large projects in 2006 including a revamping and roll-out of the Take Our Kids to work Day program, finalized the Vaughan Professional Firefighters Attendance Management program, revised the organizational structure within the Human Resources Department, established the new jobs and job descriptions to support the new structure, drafted a revised Occupational Health and Safety Manual, implemented a new Attendance tracking System to track vacation sick and lieu time throughout the organization, developed and launched a comprehensive Learning and Development Manual to all departments providing learning opportunities including current skill based learning to assist staff in their current roles as well as management training courses to assist management staff in achieving the goals in the Vaughan Vision 2007.

Finally, we have reviewed all of the organizational policies as they related to Human Resources and compared that to other municipalities to determine what policies need to be updated, what policies need to be drafted and which policies are appropriate at this time to ensure that we have a complete set of current appropriate policies. To date, we have reviewed and drafted revised policies for Workplace Harassment Prevention, Disciplinary Procedures, Employee Recognition, Local Transportation and Hiring and Nepotism. The draft revised policies are included in this package for the Committee's consideration at Appendix D.

#### **Relationship to Vaughan Vision 2007**

This new structure will assist in meeting the Vaughan Vision 2007 goals including Developing Our Staff, Serving Our Citizens, Running Our City and Managing Our Resources and is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

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**Regional Implications**

This report does not have any regional implications.

**Conclusion**

The staff in the Human Resources Department has embraced the conclusions of the Hewitt study and the changes implemented through the new Director of Human Resources. Policy review and revisions are on-going and revised policies will be brought to Council for adoption. We continue to develop relationships and review and adjust the services provided within the Human Resources Department to ensure that we assist the organization in meeting its strategic goals based on the Vaughan Vision 2007.

**Attachments**

Appendix 'A' 2006 Hewitt Consultants Report  
Appendix 'B' Revised Organizational Chart  
Appendix 'C' Strategies, Goals and Objectives  
Appendix 'D' Draft Policy – Disciplinary Procedures  
Draft Policy – Employee Recognition  
Draft Policy – Local Transportation Policy  
Draft Policy – Hiring and Nepotism  
Draft Policy – Workplace Harassment Prevention Policy and Procedure

**All attachments are available in the Clerk's Department**

**Report Prepared By**

Janet Ashfield, Director of Human Resources

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)