

COMMITTEE OF THE WHOLE - MARCH 25, 2008

DEPUTATION – MR. PAUL DE BUONO WITH RESPECT TO MATTERS RELATING TO THE CITY'S TENDERING PROCESS

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor recommends that this report be received for information.

Economic Impact

There is no economic impact as a result of this report.

Communications Plan

The deputant will be advised of Councils' receipt of this report.

Purpose

The purpose is to report back to Council as directed by Council on September 25, 2006.

Background - Analysis and Options

On September 18, 2006 Mr. Paul De Buono appeared on deputation respecting matters relating to the City's Tendering Process and submitted a five page document to the Committee of the Whole. Page 4 of that document, which is attached as Attachment #1, is a severed copy of a portion of a letter to Mr. De Buono from York Regional Police Chief La Barge dated July 7, 2005. On September 25, Council directed:

"that the correspondence submitted by Mr. De Buono be referred to staff for a report to a Committee of the Whole meeting following the review of the full contents of the letter from York Regional Police addressed to Mr. De Buono, dated July 7, 2005".

Further to Council's direction, staff contacted Mr. De Buono to obtain an unsevered or more complete copy of the July 7, 2005 letter. Mr. De Buono declined to provide any other copy to the City.

Staff wrote to the York Regional Police requesting a more complete copy of the letter. The York Regional Police advised that without Mr. De Buono's written consent to the release of the contents of the letter, they were not at liberty to disclose it.

On September 27, 2006 staff filed a request for access to information with the York Regional Police Freedom of Information Office. On November 1, 2006 the York Regional Police advised that, as the request "may affect the interests of a third party", that party "is being given an opportunity to make representation concerning disclosure of the record".

On November 17, 2006 the York Regional Police issued a decision denying access to the requested record. On December 5, 2006 staff filed an appeal of the denial of access by York Regional Police to the Information and Privacy Commissioner of Ontario.

The City submitted that Section 4(2) of the Act obliges the York Regional Police to disclose as much of the responsive record as can reasonably be disclosed and to sever material which is exempt, while at the same time protecting the personal information that is exempt from disclosure. The decision letter from the York Regional Police did not identify the type of personal

information that is exempt from disclosure, nor provide any information to justify why the personal information is exempt from disclosure.

On December 17, 2007 the Information and Privacy Commissioner issued Order MO-2253, requiring the York Regional Police to disclose those parts of the record "that are not highlighted" no later than January 23, 2007. On January 22, 2008, the partial record was sent by the York Regional Police to the City of Vaughan. That partial record is attached as Attachment #2.

The severed portion of the letter released in January 2008 by the York Regional Police contained one additional line more than the severed portion of the same letter provided by Mr. De Buono in September 2006, as follows, "While York Regional Police assigned one officer, D/Cst. Palmer, to the investigative team, the investigation was managed, directed, and eventually closed by the OPP." Therefore, staff is unable to "review of the full contents of the letter".

As can be seen from Attachment #2, the letter is not readable.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

Not applicable.

Conclusion

Staff have taken the steps available to obtain a more complete version of the letter dated July 7 2005 from the York Regional Police to Mr. De Buono, which Mr. De Buono submitted on September 18, 2006. As Mr. De Buono has declined to provide the full contents of the letter, the matter is at an end.

Attachments

1. Document from Paul De Buono dated July 7, 2005.
2. York Regional Police Partial Record.

Report prepared by:

Janice Atwood-Petkovski

Respectfully submitted,

Janice Atwood-Petkovski
Commissioner of Legal and Administrative Services and
City Solicitor

ATTACHMENT #1



York Regional Police

Chief of Police
Armand P. La Barge

17250 Yonge Street, Newmarket, Ontario, Canada L3Y 4W3
1-866-8POLICE TTY 1-800-668-0398 Fax 905-853-5810 www.police.york.on.ca

PCIB #INQ 05-11

July 7, 2005

Mr. Paul De Buono
9983 Kelle Street Suite 105
Vaughan, Ontario
L6A 3Y5

Dear Mr. De Buono:

[REDACTED]

[REDACTED] A preliminary investigation by Detective [REDACTED] and Detective [REDACTED] of the Major Fraud Bureau led to a conclusion that further investigation was warranted. The Ontario Provincial Police agreed to conduct the investigation, having been requested by our service to do so.

As you indicated in your letter, that investigation commenced on or about April 8, 2004.

[REDACTED]

[REDACTED]

[REDACTED]



ATTACHMENT #2

York Regional Police

Chief of Police
Armand P. La Barge

17250 Yonge Street, Newmarket, Ontario, Canada L3Y 4W5
1-866-8POLICE TTY 1-800-668-0398 Fax 905-853-5810 www.police.york.on.ca
PCIB #INQ 05-11

July 7, 2005

Mr. Paul De Buono
9983 Kelle Street Suite 105
Vaughan, Ontario
L6A 3Y5

Dear Mr. De Buono:

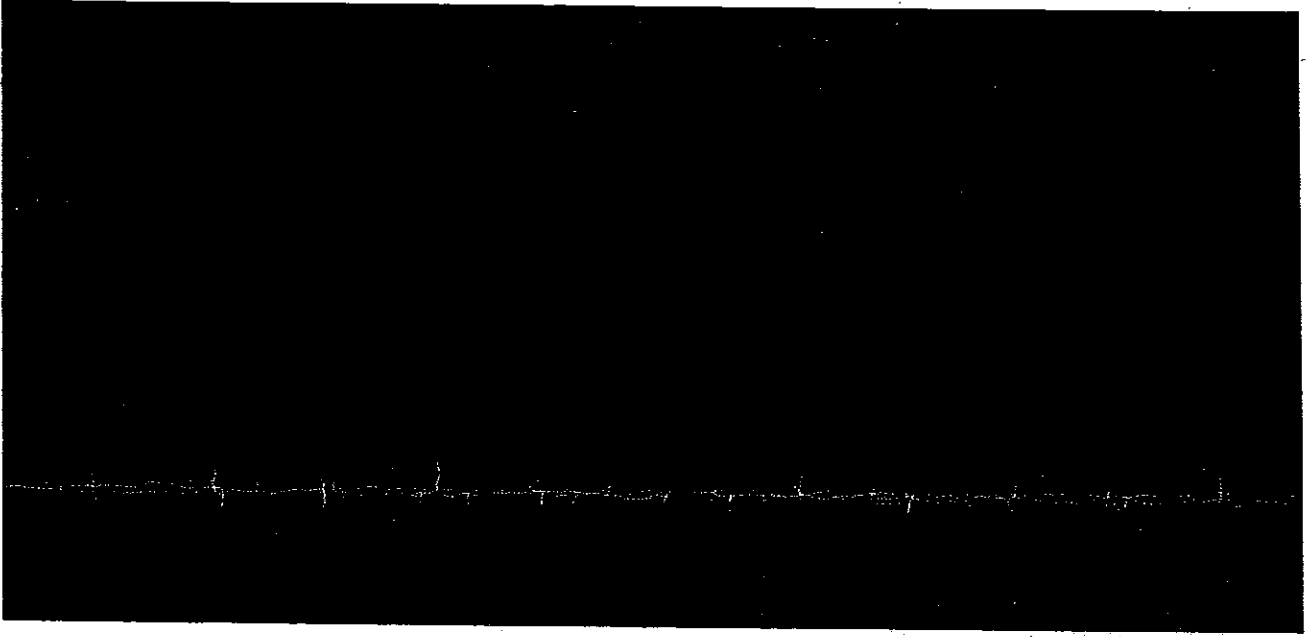
[REDACTED]

[REDACTED] A preliminary investigation by Detective Constable Chris Palmer #920 and Detective Ben Hengeveld #445 of the Major Fraud Bureau led to a conclusion that further investigation was warranted. The Ontario Provincial Police agreed to conduct the investigation, having been requested by our service to do so.

As you indicated in your letter, that investigation commenced on or about April 8, 2004. While York Regional Police assigned one officer, D/Cst. Palmer, to the investigative team, the investigation was managed, directed, and eventually closed by the OPP. [REDACTED]

[REDACTED]

"Deeds Speak"



2