

## **COMMITTEE OF THE WHOLE (WORKING SESSION) – DECEMBER 7, 2009**

### **COUNCIL GOVERNANCE/COMMITTEE STRUCTURE AND SUBSTITUTE FOR THE MAYOR**

#### **Recommendation**

The Commissioner of Legal and Administrative Services and City Solicitor, and the City Clerk, recommend:

- 1) That direction be provided as to a preferred option for the Committee Structure to be adopted, and,
- 2) That direction be provided should Council want to pursue an alternate model with respect to who acts in place of the Mayor.

#### **Contribution to Sustainability**

Reducing the number of different committees to support will assist in staff's ability to sustain the workload demands with current complement.

#### **Economic Impact**

There is no direct economic impact associated with the adoption of this report.

#### **Communications Plan**

Any significant changes to the Committee Structure will be communicated closer to the date of implementation.

#### **Purpose**

The purpose of this report is to initiate discussions on revising the City of Vaughan committee structure in contemplation of it being in place for the new term of Council beginning in December, 2010.

#### **Background – Analysis and Options**

At Committee of the Whole (Working Session), June 22, 2009, staff were requested to bring back a report looking at options, including consideration of amalgamating or merging some committees.

#### **Role of Councils**

A key responsibility of any governing body is to attend to high level planning and policy-making, and to ensure that adequate resources, both human and monetary, are in place for the organization to achieve its stated objectives. The governing body therefore focuses on:

- working with top-level management in setting objectives and developing strategies
- providing oversight and control to ensure competence of top-level management
- providing a key public/community interface, independent of management

## Role of Committees

Committees are usually established when it is apparent that the issues are too complex and/or numerous to be handled by the entire governing body.

Committees perform certain functions such as carrying out specific tasks, as assigned, and conducting preparatory work leading up to Council decisions, such as developing policy options and recommendations for the consideration of Council. For ongoing major activities, standing committees may be established. For short-term activities, ad hoc committees are established. These should cease when the activities are completed. Therefore, each committee should have a specific set of well-defined tasks to address, written as goals, with measurable outcomes.

### Committee of the Whole versus Standing Committees

There are two primary models of governance which dominate municipal councils.

Councils may organize themselves into Standing Committees. The key features of the Standing Committee model are:

- A small number of subject-specific committees are struck
- Standing committees are comprised of some, but not all, of council, and a member of council may sit on one or more (but not all) standing committees; in this way, committees divide up the governance responsibilities of the council.
- Because of this, standing committees can work effectively with a larger council
- Standing committees meet at regularly scheduled dates/times throughout the year
- Reports to council touching on a specific subject are first presented to the relevant standing committee, and are discussed and debated fully at the standing committee; ideally, they are not further debated at council
- Sometimes the subject areas may align well with departments or commissions
- Staff from these depts. are typically in attendance at the relevant standing committee meeting, to respond to questions arising
- Typical municipal council standing committees might be Administration & Finance Committee; Planning Committee; Community Service Committee.

An alternative to the 'standing committee model' is a Committee of the Whole (or General Committee) model. The key features of the Committee of the Whole model are:

- Committee of the whole (also called 'general committee') consists of all council members
- Because of this, this model can work effectively with a small council
- Committee of the whole meets at regularly scheduled dates/times throughout the year
- All reports to council are first presented to committee of the whole and are discussed and debated fully at committee
- Because reports on all matters are discussed at committee of the whole, staff of most departments may need to be in attendance to respond to questions arising

### Role of Advisory Committees

Advisory Committees may serve one of several purposes:

- advisory committees established to provide input, particularly from staff with particular knowledge and expertise, to Council on a specialized area; these would typically have several staff in attendance, and therefore hold meetings during the daytime. These might be considered 'operationally-focused advisory committees'

- advisory committees established to provide an opportunity for participation from a particular community /community of interest; these would typically have several members from the community in attendance, and therefore hold meetings during the evenings. These might be considered 'community-based advisory committees'.
- issue or task-specific advisory committees, established to provide ground work on specific issues or initiatives. These have a finite or defined lifecycle which is completed upon the realization of a recommendation, implementation of an initiative, or some other definable achievement. These might be considered 'task forces'.

### Vaughan's Current Structure

Vaughan's current structure utilizes both the 'committee of the whole of council' model (Committee of the Whole), and the 'standing committees of council' model (Special Purpose Committees), resulting in a demanding workload, scheduling conflicts, and occasional lack of clarity as to appropriate role, function and reporting mechanisms of advisory committees. It is possible to broadly group Vaughan's existing committees generally as follows:

#### Special Purpose Committees

- Audit & Operational Review Committee
- Budget Committee
- Strategic Planning Committee
- Environment Committee
- Economic Development Committee

#### Advisory Committees with an operations focus:

(typically, these are scheduled for daytime meetings, to accommodate a preponderance of operational staff in attendance)

- Emergency Management Committee
- Heritage Vaughan
- Accessibility Advisory Committee
- Accountability & Transparency Committee
- Council/School Board Liaison Committee
- Safe City Committee
- Recreation Sports Injury Prevention Committee
- Taxicab Advisory Committee
- Economic Development Steering Committee
- Greening Vaughan Committee

#### Advisory Committees with particular community participation:

(generally, it is important to schedule these in the evenings, to accommodate representatives of the community whose participation & input is sought)

- Vaughan Youth Cabinet
- Arts Advisory Committee
- Community Equity & Diversity Committee
- Berton Artifacts & Memorabilia Committee
- Maple Streetscape Community Advisory Committee
- Concord West Streetscape Community Advisory Committee
- Vaughan Metropolitan Centre Advisory Committee

- Vaughan Tourism Advisory Committee
- Vaughan Business Enterprise Centre

Advisory Committees, which function like task forces:

(often these provide groundwork on issues/initiatives which have a finite or limited lifespan or when new initiatives are getting up and running, and whose life-cycle will be complete upon the realization of specific achievements)

- Access Vaughan
- Asian Long-Horned Beetle
- Off Leash Dog Park
- Official Plan Review Committee
- Highway 427 Extension Committee

Statutory Committees, decisions are final and not reported to Council:

- Committee of Adjustment
- Licensing Committee
- Property Standards Committee
- Committee of Revision

Factors to Consider in Re-Designing the Structure

Vaughan's Experience:

- Committee of the Whole structure works well for Council, given size of Council
- Citizens, public and administration are comfortable with CW model
- CW WS – unique to Vaughan, and works extremely well, in allowing less formal opportunity for discussion & debate, and to facilitate input
- Special Purpose Committees:
  - provide more informal opportunity for discussion, debate
  - allow sufficient opportunity to public/stakeholder participation
  - efficient business model, which allows recommendations to Council in timely manner
  - sustainable, in terms of cost, timing, staff support
  - underpinned by principle that:
    - role of staff is to bring forward research, information, options
    - role of a committee is to recommend
    - role of Council is to decide
- purposes of Committees sometimes overlap, especially in new topical areas
- significant matters brought to a Special Purpose Committee are referred to Working Session for broader discussion.
- the impetus for establishing Special Committees is sometimes to focus on developing a plan of strategy

Attachment 1 sets out options ranging from a continued 'hybrid' model with Committee of the Whole and all Special Purpose Committees, to a pure Committee of the Whole model in only a Finance Special Purpose Committee.

In addition to grouping Advisory Committees, several Committees should be considered for "sun setting" and/or amalgamating.

## Deputy Mayor Title/Position

The Strategic Planning Committee at its meeting of September 15th recommended that staff be directed to include options, including existing models of the Deputy Mayor title/position, in the "Council/Committee Structure" report. The Strategic Planning Committee recommendation was adopted by Council on September 21, 2009.

## Legislative Framework

### Ontario Municipal Act

Head of Council: Section 225 of the *Ontario Municipal Act* (the *Act*) defines the role of the Head of Council as follows:

- a) to act as chief executive officer of the municipality;
- b) preside over council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to the council;
- d) to represent the municipality at official functions; and
- e) to carry out the duties of the head of council under this or any other Act.

Acting Mayor: Section 242 of the *Act* provides for an acting mayor in the absence of head as follows:

A municipality may, by by-law or resolution, appoint a member of the council to act in the place of the head of council or other member of council designated to preside at meetings in the municipality's procedure by-law when the head of council or designated member is absent or refuses to act or the office is vacant, and while so acting such member has all the powers and duties of the head of council or designated member, as the case may be.

Deputy Mayor: The *Act* does not specifically provide for a Deputy Mayor.

### City of Vaughan By-law Number 90-2004

By-law Number 90-2004 appoints a substitute for the Mayor to act in the place of the Mayor and the order of appointment and circumstances are as follows:

That the Regional Councillor for The Corporation of the City of Vaughan who received the highest number of votes at the last municipal election held in the municipality or, in his or her absence, the Regional Councillor who received the second highest number of votes at the last municipal election or, in his or her absence, the Regional Councillor who received the third highest number of votes at the last municipal election be and is hereby appointed to act from time to time in the place and stead of the Head of Council in any of the following circumstances:

- a. when the Head of Council is absent from the municipality or refuses to act;
- b. when the Head of Council is absent due to illness; or
- c. when the Office of the Head of Council is vacant.

## Deputy Mayor / Acting Mayor Position

The Deputy Mayor or Acting Mayor may be selected by:

- (1) Council appointment; or
- (2) Highest votes.

### Options for Discussion and Consideration

1. Status Quo – Substitute for the Mayor

By-law Number 90-2004 sets out the circumstances and appointment to act from time to time in the place and stead of the Head of Council (refer to section under Legislative framework).

2. Modified Status Quo – Acting Mayor on a Rotation Schedule

The "acting" circumstances would be the same as defined in By-law Number 90-2004. The "acting" role could be on a calendar monthly rotation schedule.

3. Deputy Mayor

The position could be determined based on votes as set out in By-law Number 90-2004 or could be appointed by Council.

### Existing Models

Attachment #2 is a summary of the existing models in Peel Region, York Region and the City of Toronto.

### **Relationship to Vaughan Vision 2020/Strategic Plan**

This report is consistent with the priorities previously set by Council, particularly "demonstrate leadership and promote effective governance".

### **Regional Implications**

The meetings of Regional Council will have to be accommodated in any revisions to the City's Council/Committee structure.

### **Conclusion**

The commencement of a new term of Council and the move to a new facility provide opportunities for the re-examination of the Council and Committee structure. This report is intended to facilitate discussions in that regard.

### **Attachments**

1. Options
2. Deputy Mayor / Acting Mayor – Survey – Existing Models
3. Substitute for the Mayor By-law Number 90-2004

### **Report prepared by:**

Janice Atwood-Petkovski

Respectfully submitted,

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

Jeffrey Abrams  
City Clerk

ATTACHMENT 1

COUNCIL GOVERNANCE/COMMITTEE STRUCTURE

	STATUS QUO	OPTION 1	OPTION 2	OPTION 3
Committee of the Whole	Committee of the Whole CW/WS CW Closed CW Public Hearing	Committee of the Whole CW/WS CW Closed CW Public Hearing	Committee of the Whole CW/WS CW Closed CW Public Hearing	Committee of the Whole CW/WS CW Closed CW Public Hearing
Special Purpose Committees	<ul style="list-style-type: none"> <li>• Audit &amp; Operational Review</li> <li>• Budget Committee</li> <li>• Strategic planning</li> <li>• Environment</li> <li>• Economic Development</li> </ul>	<ul style="list-style-type: none"> <li>• Finance &amp; Operational Review</li> <li>• Strategic Planning</li> <li>• Environment</li> <li>• Economic Development</li> <li>* </li> </ul>	<ul style="list-style-type: none"> <li>• Finance &amp; Operational Review</li> <li>• Initiatives &amp; Stewardship</li> </ul>	<ul style="list-style-type: none"> <li>• Finance &amp; Operational Review</li> </ul>
Advisory Committees	<ul style="list-style-type: none"> <li>• <u>Operations Focus</u></li> <li>• Emergency Management</li> <li>• Heritage Vaughan</li> <li>• Accessibility Advisory</li> <li>• Accountability &amp; Transparency</li> <li>• Council/School Board</li> <li>• Liaison</li> <li>• Safe City</li> <li>• Recreation Sports</li> <li>• Injury Prevention</li> <li>• Taxicab Advisory</li> <li>• Economic Development</li> <li>• Steering Committee</li> <li>• Greening Vaughan</li> <li>• VBEC</li> </ul>	<ul style="list-style-type: none"> <li>• <u>"Operational Focus"</u></li> <li>• Emergency Management</li> <li>• Heritage Vaughan</li> <li>• Accessibility Advisory</li> <li>• Taxicab Advisory</li> <li>• VBEC</li> </ul>	<ul style="list-style-type: none"> <li>• <u>"Operational Focus"</u></li> <li>• Emergency Management</li> <li>• Heritage Vaughan</li> <li>• Accessibility Advisory</li> <li>• Taxicab Advisory</li> <li>• VBEC</li> </ul>	<ul style="list-style-type: none"> <li>• <u>"Operational Focus"</u></li> <li>• Emergency Management</li> <li>• Heritage Vaughan</li> <li>• Accessibility Advisory</li> <li>• Taxicab Advisory</li> <li>• VBEC</li> </ul>

\*EDSC, VMC and VT amalgamated into Economic Development; Greening Vaughan amalgamated into Environment.

	STATUS QUO “Community Focus”	OPTION 1 “Community Focus”	OPTION 2 “Community Focus”	OPTION 3 “Community Focus”
Advisory Committees (continued)	<ul style="list-style-type: none"> <li>• Vaughan Youth Cabinet</li> <li>• Arts Advisory</li> <li>• Community Equity &amp; Diversity</li> <li>• Maple Streetscape</li> <li>• Concord West Streetscape</li> <li>• Vaughan Metropolitan Centre</li> <li>• Vaughan Tourism</li> </ul> <p style="text-align: center;"><u>“Task Force”</u></p> <ul style="list-style-type: none"> <li>• Access Vaughan Steering Committee</li> <li>• Asian Long-Horned Beetle</li> <li>• Off Leash Dog Park</li> <li>• Official Plan Review</li> <li>• Highway 427 Extension</li> <li>• Berton Artifacts</li> </ul>	<p style="text-align: center;"><u>“Sunset”</u></p> <ul style="list-style-type: none"> <li>• Vaughan Youth Cabinet</li> <li>• Arts Advisory</li> <li>• Community Equity &amp; Diversity</li> <li>• Maple Streetscape</li> <li>• Concord West Streetscape</li> </ul>	<ul style="list-style-type: none"> <li>• Vaughan Youth Cabinet</li> <li>• Arts Advisory</li> <li>• Community Equity &amp; Diversity</li> <li>• Maple Streetscape</li> <li>• Concord West Streetscape</li> </ul>	<ul style="list-style-type: none"> <li>• Vaughan Youth Cabinet</li> <li>• Arts Advisory</li> <li>• Community Equity &amp; Diversity</li> <li>• Maple Streetscape</li> <li>• Concord West Streetscape</li> </ul>



DEPUTY MAYOR / ACTING MAYOR

SURVEY – EXISTING MODELS

Question	Peel Region Brampton	York Region Markham	Peel Region Mississauga	Halton Region Oakville	York Region Richmond Hill	City of Toronto
Does your municipality have a Deputy Mayor?	No	Yes	No	No	Yes	Yes
If yes, how is the position determined?	n/a	By the highest number of votes received by a Regional Councillor	n/a	n/a	By the highest number of votes received by a Regional and Local Councillor	Council appointment
If no, who acts in the absence of the Mayor?	Acting Mayor on a rotating monthly cycle. 10 members of Council (5 Regional Councillors and 5 City Councillors)	n/a	Acting Mayor on a rotating two month cycle. 11 Members of Council.	Acting Mayor on a rotating monthly cycle. 12 members of Council (6 Regional and Town Councillors and 6 Town Councillors)	n/a	n/a
If yes, does the Deputy Mayor receive additional remuneration? What is the remuneration?	No remuneration for acting role	Yes -\$6,636.00 more than the Regional Councillor	No remuneration for acting role	No remuneration for acting role	No remuneration for Deputy Mayor position	No remuneration for Deputy Mayor position

Note: Peel and Halton Regional Councillors are not elected at large.

*THE CITY OF VAUGHAN*

*BY-LAW*

BY-LAW NUMBER 90-2004

A By-law to appoint a substitute for the Mayor and to repeal By-law Number 237-92.

WHEREAS section 242 of the *Municipal Act, 2001* authorizes the appointment of a member of council to act in the place of the Head of Council when the Mayor is absent or refuses to act or the office is vacant;

AND WHEREAS By-law Number 237-92 was enacted by the Council for The Corporation of the City of Vaughan in the past and appointed the Regional Councillor who received the most votes at the last election or, in his absence, the other Regional Councillor to act in the place of the Head of Council when the Mayor was absent from the municipality, absent due to illness or when the office was vacant;

AND WHEREAS as of the November 10, 2003 municipal election there are now three Regional Councillors and By-law Number 237-92 requires clarification since, in the absence of the Regional Councillor who received the most votes at the last election, there are now two further Regional Councillors who would be eligible to act in the place of the Head of Council;

AND WHEREAS it is necessary and desirable to enact a new appointment by-law or resolution to appoint the appropriate member(s) of council to act in the place of the Mayor in certain circumstances;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That the Regional Councillor for The Corporation of the City of Vaughan who received the highest number of votes at the last municipal election held in the municipality or, in his or her absence, the Regional Councillor who received the second highest number of votes at the last municipal election or, in his or her absence, the Regional Councillor who received the third highest number of votes at the last municipal election be and is hereby appointed to act from time to time in the place and stead of the Head of Council in any of the following circumstances:
  - a. when the Head of Council is absent from the municipality or refuses to act;
  - b. when the Head of Council is absent due to illness; or
  - c. when the Office of the Head of Council is vacant.
2. While so acting, the said Regional Councillor shall have and may exercise all the rights, powers and authority of the Head of Council.
3. By-law No. 237-92 be and is hereby repealed.

READ a FIRST, SECOND and THIRD time and finally passed this 29<sup>th</sup> day of March, 2004

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Michael Di Biase, Mayor

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J. D. Leach, City Clerk