



memorandum

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| c. 11 |
| Communication |
| CW: SEPT 7/16 |
| Item: 32 |

DATE: SEPTEMBER 1, 2016

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: JEFFREY A. ABRAMS, CITY CLERK, in consultation with
DANIEL KOSTOPOULOS, CITY MANAGER

RE: COMMITTEE OF THE WHOLE, ITEM 32
CLOSED MEETING INVESTIGATION REPORT

This is further to Item 32 in the Committee of the Whole meeting agenda for September 7, 2016, entitled "Closed Meeting Investigation Report Regarding the Special Meeting of Committee of the Whole for the City of Vaughan in Closed Session on April 13, 2016." In the report to Committee it is noted that staff had insufficient opportunity at the time of submission to fully analyze the Closed Meeting Investigator's report attached to the item.

The report of the Closed Meeting Investigator is advice to Council. It does not invalidate any decision taken in the substantive matter considered by Council. The Closed Meeting Investigator's report responds to a complaint and conveys the Investigator's opinion about the City's compliance with the open meeting provisions of the *Municipal Act*. It may inform the refinement of practices and procedures that support Council's meeting practices, but Council is not obliged to amend existing procedures.

This is particularly so given the unique context in which the Investigation occurred. The circumstances leading to the meeting in question, the complaint, and the City's closed meeting practices in this instance all relate to a complex human resources recruitment involving appointments to the highest administrative positions in the organization. Nothing more may be said in this public communication that details the circumstances of the recruitment decisions. That is the purpose of the confidential communication which accompanies this document.

The process begins with the Council meeting of March 22, 2016, at which time the closed meeting resolution for the Committee of the Whole (Closed Session) meeting of April 2nd was adopted to authorize a discussion in closed session regarding:

"CITY MANAGER RECRUITMENT (personal matters about identifiable individuals)"

The following chart, compiled for the purposes of the Investigation and supplied to the Investigator, sets out the meetings which occurred from that point:

| April 2016 | | | | | | |
|--|-----------|--|--|-----------|-----------|---|
| ◀ March | | | | | | May ▶ |
| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
| For reference: Council Meeting March 22, 2016 +/- 1:00 p.m. | | | | | 1 | 2 Special Committee of the Whole (Closed Session) Meeting +/- 9:00 p.m. |
| | | | | | | |
| 3 | 4 | 5 Resumption of Special Committee of the Whole (Closed Session) Meeting +/- 4:00 p.m. | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 Special Council Meeting +/- 5:00 p.m. | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 Special Council Meeting +/- 1:15 p.m. | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |

(Note that the meeting of April 13 2016 was a meeting of Council, meeting in closed session and not as indicated in the report either a meeting of Committee of the Whole or Committee of the Whole (Closed Session)) .

As noted above, the human resources information associated with the meetings noted above cannot be disclosed in public given the personal information elements. Matters related to human resources are complex and require confidentiality. The personnel decisions involved some of the most senior administration positions within the City, and Council is obligated to act within the interest of the parties by protecting personal information. The report does not take issue with human resources issues being considered in closed session, nor did it in any way criticize the merits of the appointees.

The issue in question is a procedural matter which will be reviewed in detail with the intention of informing future processes for maintaining procedural compliance with Municipal Act requirements. The advice provided in the investigator's report does not invalidate the outcomes of Council's appointments. The Investigator's findings were in respect of compliance with the open meeting procedures of the *Municipal Act*. There were no findings that the decisions taken by Council were without authority, made in bad faith, or 'illegal'.

Respectfully submitted,

Jeffrey A. Abrams, City Clerk