

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 11, 2012

Item 6, Report No. 14, of the Finance and Administration Committee, which was adopted, as amended, by the Council of the City of Vaughan December 11, 2012, as follows:

By receiving Communication C15 from Ms. Carrie Liddy, dated December 11, 2012.

6

CITY MANAGER'S BY-LAW

The Finance and Administration Committee recommends approval of the recommendation contained in the following report of the City Manager, dated December 3, 2012:

Recommendation

The City Manager in consultation with Councilor Sandra Yeung Racco, Councilor Alan Shefman and the Commissioner of Strategic & Corporate Services recommend:

That the Personnel Administration section of the City Manager's By-law No. 403-2003 be amended substantially in the form provided as Attachment 1.

Contribution to Sustainability

The periodic review and update of documents that create the governance structure for the City ensures that they continue to be relevant and meet the needs of a growing and evolving municipality.

Economic Impact

None.

Communications Plan

None.

Purpose

The purpose of this report is to make recommendations resulting from a review of the Personnel Administration section of the City Manager's By-law that was requested by Council.

Background - Analysis and Options

The Municipal Act contains a provision that Council can appoint a Chief Administrative Officer (City Manager) who shall be responsible for exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality. The City Manager's By-law further defines the general duties, roles and responsibilities of the position.

The most recent substantive update of the City Manager's By-law was in 2003. A copy of the Personnel Administration section of the current By-law No. 403-2003 is provided as Attachment 2. Since that time the City has continued to grow in size and complexity. The population in 2003 was approximately 220,000 and now exceeds 300,000. Earlier this year Council requested that the City Manager, in consultation with Councillor Sandra Yeung Racco and Councillor Alan Shefman conduct a review of the Personnel Administration section of the By-law and report back to Council.

The review focused on the authority and responsibility for personnel administrative matters as it relates to Commissioners and Directors. Included in the review were inquiries about the personnel administration practices of other organizations, best practices and the efficiency of processes.

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Certainly Council is directly involved in the recruitment of the City Manager and other personnel matters relating to that position. It was also not uncommon for there to be a requirement for the City Manager to make recommendations to Council with respect to the appointment or dismissal of Commissioner's, i.e. those senior staff that are two (2) levels below Council. The role of Council in the appointment varies across municipalities. When speaking to all nine (9) municipalities within the Region of York, including staff at the Region they indicated that Council does not get involved in personnel matters three (3) management levels down from Council. In the City of Vaughan that reference would be to Director level positions. It's important for Council to have the confidence that they have the right staff in place to manage their respective functions. Council's direct involvement in the appointment or dismissal of Commissioners provides that opportunity. Council's involvement in the appointment, dismissal or other personnel matters below the Commissioner level raises some issues. It can undermine staff accountability and it can lengthen processing times. For example coordinating interview schedules when there is a large number of individuals on the interview panel can be a challenge and processing times are lengthened for recruitments or to initiate discipline when reports to Committee and Council are required for approval.

Consequently staff are recommending that Council continue to be directly involved in personnel administration matters relating to the City Manager and in the appointment or dismissal of Commissioners. Staff also recommends that Council not be involved with personnel matters relating to Directors, with the exception of those positions noted below.

Notwithstanding the comments above, the City Manager would continue to make recommendations to Council with respect to the appointment or dismissal of individuals with respect to the following positions:

- City Clerk (Municipal Officer)
- City Treasurer (Municipal Officer)
- Chief Building Official (appointment required by the Building Code Act)
- Fire Chief (appointment required by the Fire Prevention and Protection Act)
- Director of Internal Audit (reports directly to Council)

Once approved, staff will make the necessary changes in the relevant documents.

Performance reviews were also discussed. Regular performance reviews are important for the growth and development of staff and as a way for the corporation to communicate and align its goals and objectives with the efforts of staff. As part of the 2013 budget process it is being recommended that the performance review process for non-union staff be reviewed. Funds to assist in this regard have been requested in the 2013 operating budget.

Relationship to Vaughan Vision 2020/Strategic Plan

Assigning appropriate authorities and accountabilities, coupled with a performance review process is critical to achieving Staff Excellence, Organizational Excellence and ultimately the goal of Service Excellence to the residents and businesses of Vaughan.

Regional Implications

None.

Conclusion

No changes are recommended with respect to the administration of personnel matters relating to the City Manager. The changes that are recommended will stream line some of the personnel

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administrative processes for other senior staff, improve accountability and continue to allow Council to be involved in the appointment and dismissal of Commissioners, Officers under the Municipal Act, appointments required under other applicable legislation and the Director of Internal Audit who reports directly to Council.

Attachments

1. Revisions to the Personnel Administration section of the City Manager's By-law No. 403-2003
2. Current Personnel Administration section of the City Manager's By-law

Report prepared by:

Clayton D. Harris, CA
City Manager

(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.)

Abrams, Jeffrey

C15
Rpt 14
Item 6

CL - December
11/12.

From: Carrie Liddy <carrie.liddy@sympatico.ca>
Sent: Tuesday, December 11, 2012 12:33 PM
To: Abrams, Jeffrey
Cc: Racco, Sandra; Rosati, Gino; Schulte, Deb; Carella, Tony; Shefman, Alan; Marilyn Iafrate; DeFrancesca, Rosanna
Subject: Today's council meeting

Mr Abrams

Please include this email as written deputation to council.

Re: Attached amendment to bylaw 403-2003

Dear Council members

Please note that ALL actions taken by the City Manager are the responsibility of COUNCIL., whether they are delegated or not. Also please note that ALL expenses incurred by or on behalf of the Council and/or taxpayers of Vaughan MUST be accounted for in the annual budgets.

This bylaw, I believe, is problematic for Council, given the enormous scope increase of responsibilities and power assigned to the City Manager. I do not believe this new bylaw has the required checks and balances necessary to meet the Municipal Act.

Specifically: NO money can be spent by staff, except as accounted for in the annual budget. If a member of staff is fired, dismissed, etc. there is very likely to be monetary consequences. Therefore, based on this, the City Manager cannot make this decision, as it affects the budget of the City.

I believe that should any money be paid to the staff members, the money comes out of taxpayer funds and because it may be a dismissal, and has not gone before council, the money is being spent outside of the annual budget. As such, this money exceeds the approved budget, and essentially means the city will operate in a deficit position. Deficits are prohibited, as is spending money outside of the approved budget.

Additionally, there are limits to the powers that can be delegated to staff by council.

I urge you to read the Municipal Act.

Thank you

FINANCE & ADMINISTRATION COMMITTEE – DECEMBER 3, 2012

CITY MANAGER'S BY-LAW

Recommendation

The City Manager in consultation with Councilor Sandra Yeung Racco, Councilor Alan Shefman and the Commissioner of Strategic & Corporate Services recommend:

That the Personnel Administration section of the City Manager's By-law No. 403-2003 be amended substantially in the form provided as Attachment 1.

Contribution to Sustainability

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Economic Impact

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The review focused on the authority and responsibility for personnel administrative matters as it relates to Commissioners and Directors. Included in the review were inquiries about the personnel administration practices of other organizations, best practices and the efficiency of processes.

Certainly Council is directly involved in the recruitment of the City Manager and other personnel matters relating to that position. It was also not uncommon for there to be a requirement for the City Manager to make recommendations to Council with respect to the appointment or dismissal of Commissioner's, i.e. those senior staff that are two (2) levels below Council. The role of

Council in the appointment varies across municipalities. When speaking to all nine (9) municipalities within the Region of York, including staff at the Region they indicated that Council does not get involved in personnel matters three (3) management levels down from Council. In the City of Vaughan that reference would be to Director level positions. It's important for Council to have the confidence that they have the right staff in place to manage their respective functions. Council's direct involvement in the appointment or dismissal of Commissioners provides that opportunity. Council's involvement in the appointment, dismissal or other personnel matters below the Commissioner level raises some issues. It can undermine staff accountability and it can lengthen processing times. For example coordinating interview schedules when there is a large number of individuals on the interview panel can be a challenge and processing times are lengthened for recruitments or to initiate discipline when reports to Committee and Council are required for approval.

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Once approved, staff will make the necessary changes in the relevant documents.

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Regional Implications

None.

Conclusion

No changes are recommended with respect to the administration of personnel matters relating to the City Manager. The changes that are recommended will stream line some of the personnel administrative processes for other senior staff, improve accountability and continue to allow Council to be involved in the appointment and dismissal of Commissioners, Officers under the Municipal Act, appointments required under other applicable legislation and the Director of Internal Audit who reports directly to Council.

Attachments

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Report prepared by:

Clayton D. Harris, CA
City Manager

Respectfully submitted,

Clayton D. Harris, CA
City Manager

CITY MANAGER'S BY-LAW NO. 403-2003

REVISIONS

2. PERSONNEL ADMINISTRATION

- 2.1 To have authority to recommend to Council the appointment or dismissal of a Commissioner and to have the authority to discipline a Commissioner.
- 2.2 To have authority and responsibility to appoint, promote, demote, suspend or dismiss employees of the Corporation below the position of Commissioner in accordance with the lines of authority that are defined in the organization chart with the exception of the appointment or dismissal of individuals with respect to the following positions:
- City Clerk (Municipal Officer)
 - City Treasurer (Municipal Officer)
 - Chief Building Official (appointment required by the Building Code Act)
 - Fire Chief (appointment required by the Fire Protection and Prevention Act)
 - Director of Internal Audit
- 2.3 To have authority and responsibility to appoint, promote, demote, dismiss all other employees of the Corporation in accordance with the procedures contained in all collective agreements and in accordance with the lines of authority that are defined in the organization structure.
- 2.4 To coordinate the collective bargaining with all unionized Corporation employees, and to recommend to Council collective agreements concerning wages, benefits and terms of service and upon approval of Council, to direct the administration of such collective agreements.
- 2.5 To carry out performance evaluations of all Commissioners and initiate action to reward performance and correct deficiencies and improve overall individual or department performance. This may be done in consultation with Council.

CITY MANAGER'S BY-LAW NO. 403-2003

CURRENT VERSION

2. PERSONNEL ADMINISTRATION

- 2.1 To have authority to recommend to Council the appointment, promotion, demotion, suspension or dismissal of a Commissioner and Director.
- 2.2 To have authority and responsibility to appoint, promote, demote, suspend or dismiss employees of the Corporation below the position of Director in accordance with the lines of authority that are defined in the organization chart.
- 2.3 To have authority to appoint, promote, demote, dismiss all other employees of the Corporation in accordance with procedures contained in all collective agreements and in accordance with the lines of authority that are defined in the organization structure.
- 2.4 To coordinate the collective bargaining with all unionized Corporation employees, and to recommend to Council collective agreements concerning wages, benefits and terms of service and upon approval of Council, to direct the administration of such collective agreements.
- 2.5 To administer all salaries and performance reviews of employees who are subject to the supervision of the City Manager, within the limitation of any salary plan or salary contract agreement, in consultation with and subject to the approval of Council.
- 2.6 To carry out an annual performance evaluation of all Commissioners and initiate action to reward performance and correct deficiencies and improve overall individual or department performance, in consultation with and subject to the approval of Council.