

## Background Paper

# Discussion Papers on Selected Urban Governance Models and Practices

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## Introduction

In 2005, Toronto City Council appointed a three-member advisory panel to assist in a review of the city's governance system. In August 2005, the panel retained Lionel D. Feldman Consulting Ltd. And Katherine A. Graham, CMC, Management & Research Consultant to prepare two discussion papers on selected urban governance models and practices. The papers were to focus on the political governance models in London (UK), Chicago, New York and Vancouver (Paper A) and a comparative review of legislative processes and systems (Paper B).

This report presents the results of our two reviews. They are presented in a single report because results of our research on the two papers need to be placed in a common context. This context has two elements. The first relates to what we understand to be the principles of good governance. The second is what we have identified as different scenarios for thinking about the future political foundation of the City of Toronto. After setting this context, the report presents our key findings about comparative urban governance and legislative decision making. Although, in each case, we present an assessment of our findings in the Toronto context, specific recommendations for how best to proceed were outside the scope of our mandate.

## Principles of Good Governance

The City of Toronto aspires to a structure and procedures that speak to the principles of good governance. There are a number of statements of principle that inform this goal. First are the eight elements of good local governance endorsed by the United Nations:

- Participation
- Rule of law
- Transparency
- Responsiveness
- Consensus oriented
- Equity and inclusiveness
- Effectiveness and efficiency
- Accountability

There are also some principles of good governance underlying the panel's own mandate. The panel's work is guided by nine study questions. They speak to the principles of:

- Strategic capacity
- Political power sharing
- Citizen and community engagement and representation
- Recognition of diversity
- Professionalism and probity in the civic service

There is a final principle that the panel acknowledges is important – the principle of *subsidiarity* – the assignment of responsibility for policy and the delivery of particular

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functions of government to the lowest level possible. This principle has profound implications for government structure and citizen engagement.

We think it is important to realize that there is an issue of tradeoff among some these principles. One might think of particular principles as inherently contradictory, arguing, for example, that rich citizen and community engagement can reduce strategic capacity. The question of balance and emphasis must, therefore, be considered.

### **The Political Foundation for the City Of Toronto in the Future**

The panel is working in a very turbulent and uncertain environment. One important element is the current negotiation between the city and Ontario regarding possible changes to the *City of Toronto Act*. There is good reason to believe that these negotiations will conclude with reforms that give the city a substantially new and unique legislative framework. However, it may be premature at this point to view this as a certain outcome. Accordingly, we have developed two scenarios under which the panel may want to consider its recommendations.

#### Scenario 1: No substantial legislative change

- There may be some room for adjustment at the margin eg: enhancing delegation, development of principles for establishment of task forces, advisory committees etc. to engage citizens but not have gridlock;
- Council could still decide to have an Executive Committee that has some teeth;
- There could be enhanced use of the deputy mayors as Chair of council, even within framework of the existing *Municipal Act*;
- The community council system could be reformed (strengthened/weakened, broader responsibilities/narrower responsibilities);
- Council could reform its procedural bylaw;
- There could be “consensual practice” about the relationship of the city manager and deputies to council and to the mayor.

#### Scenario 2: Significant legislative change

- In the context of delegation, a distinction between the executive and legislative functions of the city government;
- The size of council might change;
- The resulting system could be either “an executive mayor” or a parliamentary model;
- Either way, the role of the mayor would be changed and strengthened. The mayor would become the real CEO of the city and would assume specific executive powers over budget, senior staff hiring;
- Either way, the role of council would become more one of deliberation, engagement with citizens and other stakeholders and informed decision-making;
- Either way, council would have checks and balances on the mayor;
- If the US model found in a number of US jurisdictions were to emerge, the mayor could have a veto power, subject to council override, on matters initiated by council and on council decisions;
- There could be a Cabinet system with members chosen either by the Mayor (US, Montreal) or by council (GNWT, Nunavut);
- Either way, there would be clear implications for the reporting relationships of senior staff to the mayor and (if in place) Cabinet;
- The specific model that is implemented would drive council procedure.

Each scenario has implications for the role and character of council and the role of individual councilors.

Under scenario 1:

- Councilors could become much more active in community and citizen engagement – either through the community councils or acting independently in their wards;
- Council would still have a substantial executive and legislative authority;
- If an Executive Committee were established with specifically defined powers of agenda creation and recommendation to council, the executive and legislative functions would be somewhat more clearly distinguished and separated. This would also occur if an extra-ordinary majority of council was required to overturn an Executive Committee decision;
- If the deputy mayors were more frequently in the chair at council meetings, members of council could more appropriately ask substantive questions of the mayor and, potentially hold the mayor to account.

Under scenario 2:

- Collectively, council would become a legislative body;
- Council would have considerable scope and time for citizen engagement and a variety of means at its disposal;
- The mayor would be very clearly accountable to the public and council in areas of executive authority – eg: proposed budget priorities;
- From a political perspective, a veto arrangement creates both a check and a balance on the actions of both the mayor and council. As such, it would be used with great care;
- The city manager and deputies would be clearly aligned with the mayor of the day. This would enhance the transparency of lines of accountability from the administrative to the political level;
- If a parliamentary system were in place, councilors with responsibility for specific portfolios would also have clear accountability to council, as well as to the mayor;
- Councilors with portfolios would also interact directly with general managers, as well as with the deputy city managers and city manager.

The results of our comparative research inform possibilities for change under these two scenarios. The research was “high level” (ie: from primary and secondary sources, but no in depth independent evaluation). It is intended to provide guideposts to the panel as it continues its deliberations.

As mentioned in the Introduction, detailed information on each jurisdiction has already been provided to the panel. The two sections that follow will deal with our findings thematically and with some reference to the apparent relevance of practices in other jurisdictions to moderate reform or more fundamental change in the governance of Toronto.

### **Urban Governance Practices**

We have provided, under separate cover, detailed information on the political and administrative structure of each of the jurisdictions reviewed for this paper –Chicago, London, New York and Vancouver. This report will provide an overview of some key questions:

- What is the role of the mayor vis-a-vis council?

- How are over-arching strategic issues dealt with?
- How are neighbourhoods and other communities engaged?

Given that each of these cities has a party-based system, we will conclude with an assessment of the extent to which parties are a necessary pre-condition for the system to function.

### ***The Role of the Mayor vis-à-vis Council***

- In Chicago, London and New York, the Mayor is effectively the CEO of the city:
  - Council plays a legislative and oversight role;
  - As such, the mayor has independent powers: appointment of senior staff, responsibility for the budget and, in the case of London, responsibility for the development of strategic plans and transportation.
  - In Vancouver, like Toronto, the Mayor has no independent authorities.
  - In Chicago, London and New York the mayor does not chair nor is the mayor a member of council.
  - Except for Vancouver, where there is no ward system, only the mayor has a city-wide electoral base.

How are over-arching strategic issues dealt with?

- In Chicago, London and New York, the mayor plays a strong leadership role in dealing with strategic issues. This is in part because of the formal authorities vested in the office.
- In London, the mayor's main role is the development of strategic plans.
- The mayor in each of these cities has dedicated staff capacity to work on strategic issues as a result of authority for recruiting senior staff.
- In Vancouver, the mayor leads by moral authority and, often by virtue of being a member of the dominant party on council.
- In each jurisdiction, council plays a legislative and oversight role on strategic issues. The legislative role entails the passage of bylaws and budgets to implement strategic initiatives.
- In New York, council plays a dominant role in development issues
- Veto systems exist in Chicago and London:
  - In Chicago, the mayor must approve or veto all ordinances passed by council. The veto can be overturned by a two thirds vote of council. The mayor's annual budget is subject to approval by council;
  - In London, the budget, which is the responsibility of the mayor can be modified or overturned by a two thirds vote of the London Assembly. The Greater London Assembly scrutinizes the mayor's performance on a quarterly basis. They can criticize but not change the mayor's course of action.

Citizen engagement (including engagement with neighbourhoods and other communities) takes a variety of forms:

- Chicago uses the Mayor's Speakers Bureau to broadcast information on city initiatives to various groups. There is a mandated monthly meeting in each ward which is the main point of neighbourhood engagement.
- London's boroughs, which themselves are divided into wards, are the main point of citizen engagement on specific planning and development matters. Boroughs are also a formal tier in the London system and are the main service providers.

- New York has more localized representation on a city-wide basis through the borough presidents, who act as advocates for their boroughs. NYC also has an elaborate system of Community Service Boards (CSBs), each serving approximately 250,000 people. City councilors nominate half of appointees for each CSB in their ward and the borough president appoints all members. CSBs play an important role in dealing with land use, zoning, city budget and service delivery. They also have dedicated city staff support.
- Vancouver has no ward system to reflect neighbourhoods or communities. At the staff level, it relies on integrated service teams to respond to the complex needs of particular areas of the city. It also has integrated the need for dealing with a diverse population into its Planning Department, with a designated position of multi-cultural planner. Vancouver also has mounted elaborate consultation exercises around neighbourhood plans and city plans.
- Vancouver's planning approval process was identified as being of particular interest. Vancouver's legal and institutional context is different from Toronto's in a number of important respects. The *Vancouver Charter* predates establishment of the Province of British Columbia. One consequence is that there is no provincial oversight body on planning and other matters similar to the Ontario Municipal Board (OMB). City decisions are final. Further, the charter has enabled Vancouver Council to delegate planning permission to appointed officials. Officials are advised by two bodies as they carry out their planning approval duties. These are the Development Permit Advisory Panel (DPBAP) and its sub-committee, the Urban Design Panel (UDP). DPBAP is comprised of the Director of Planning (Chair), the City Engineer and the City Manager (or designate), two community representatives appointed by Council and two representatives from the development industry. The Urban Design Panel is a panel of experts nominated by the BC Architects' Society, BC Institute of Planners. City staff may seek the advice of these bodies on any development application. Typically however, their role is focused on major or otherwise contentious development proposals. Both panels have a wide scope for consultation and other types of inquiry on matters that come before them. This approach has been in use since 1974.

### **Assessment in the Toronto Context**

- Vancouver is closest to Toronto in terms of its basic structure of governance. Two key differences are that Vancouver has no wards and is a charter city. The latter difference means that there is no provincial oversight on areas within its mandate. This has enabled development of a planning approval process that would not be possible in Toronto without significant changes in the *City of Toronto Act* and the provincial *Planning Act*. These would include removal of the mandate of the OMB to deal with planning matters in the City of Toronto.
- In all jurisdictions, where there is a formal executive role identified, it is reserved for the mayor alone and not a committee of council.
- All of the cities reviewed have a formal party system. However none is a parliamentary party system with formal whip in place.
- The possibility exists (and it has occurred) for the mayor to be of a different party than council. In this circumstance, where there is party discipline on council, gridlock can and has occurred. Example: Chicago in the mid-1980s under Mayor Washington.
- Conclusion: the presence of formal party politics may shape the broad agenda and efficacy of city government but it is not a pre-condition for any of these systems.

- In all cases but Vancouver, the Mayor works with council but separate from it. There is a division of authority. Each in its own way has power.
- With the exception of Vancouver, the avenues for citizen and neighbourhood engagement are regularized in the formal structure of the city. Notwithstanding that, the City of Vancouver has employed some very innovative citizen engagement strategies around planning and development and diversity.
- Chicago, London and New York have significantly larger populations than Toronto. The councils of Chicago and New York are only slightly larger than Toronto's and London's is almost half the size.
- In each "strong mayor" jurisdiction, there is a role for council members. It is a deliberative role and a role that involves local engagement and advocacy.
- In Vancouver, council is more akin to a corporate board.

### ***Legislative Processes and Systems***

A review of past reports on City of Toronto procedures and the current Guide to council procedures brought a number of issues related to the current practices in Toronto to our attention:

- The thickness of the agenda and the short time available for councilors to read and understand before being called upon to make decisions.
- A high frequency of late agenda items (including the practice of a supplementary agenda) and "walkons".
- At council and in committee, time limits on speaking are set. But:
- Time limits are extended only by simple majority.
- There is a distinction between speaking and questioning. Each question session is 5 minutes, which can allow for a substantial peroration. Further. A council member may question at least three types of respondents. This means that each council member can potentially, at a minimum, speak/question for 20 minutes on any agenda item. This may account for many prolonged sessions of council.
- Most council business originates at committee. This requires council to consider substantive reports, even on matters that it may otherwise quickly dispose of.
- There is a high frequency of referrals, either back to committee or to other bodies. Relatedly, there is a frequent reliance on creating new committees, task forces and other bodies to deal with specific issues.
- Deputations are heard at both the sub-committee and committee levels, potentially leading to duplication.
- It remains an open question whether the level of trust, discipline and decorum at council is appropriate.
- We also note that council meets relatively few days per year given its legislative burden and its other responsibilities.

With these issues and questions in mind, we looked at a number of other jurisdictions, examining their legislative process and council operation. The jurisdictions were: Calgary, the Greater Vancouver Regional District (GVRD) Montreal and Ottawa. Calgary was chosen because of its reputation for reputation for efficiency. The GVRD is the upper tier of a complex urban agglomeration. Montreal is characterized by tightly knit decision-making involving a strong executive committee. Ottawa is the second largest Ontario municipality and is subject to the same basic legislative regime. It should

be noted that legislative processes and council operation can not be completely divorced from structure.

These are some key findings regarding legislative processes:

- As in the City of Toronto, business can come on to the agenda directly to council and through committee.
- All jurisdictions have standing committees:
  - Most have portfolio committees;
  - Montreal has a key Executive Committee, with members having a portfolio. The Executive Committee “expedites” council business and is delegated decision-making authority on some matters by council.
- All jurisdictions provide for delegations at the committee level:
  - In Montreal, the borough councils are the major site for hearing delegations.

Some key findings regarding council operations are:

- There is a regular and pre-determined schedule of council meetings.
- Generally, delegations are not heard at full council meetings.
- Generally, staff do attend council meetings and may be asked to present reports and answer factual questions.
- Staff may also advise council or committees of past actions that may have a bearing on current business.
- The procedural mechanism for closure on debate is the request for the question.
- Most jurisdictions do have a process for revising procedure.

In short, there is very little differentiation among the jurisdictions reviewed except in Montreal where the Executive Committee handles much of the city’s business on delegation from council. But there are some key questions to be considered in the Toronto context:

- Is council the entry point or the way station and end point for the disposition of business?
- How is the process of setting the agenda managed?
  - Who can put items on the agenda, what can different parties (the mayor, committees, individual members of council, staff) put on the agenda, how and when does this occur?
- If other jurisdictions have comparable procedural practices, what’s different in Toronto?

We think there may be some key potential differences:

- The larger size of Toronto council – expands the potential number of agenda items and the amount of time consumed in deliberation. In the absence of structural change, the time required for council to meet may need to be expanded.
- The relatively high use of *ad hoc* bodies to consider issues – may have advantages but it does consume more time.
- Although time limits for speaking are common, they may be more rigorously adhered to in other jurisdictions than in Toronto.

In light of these findings about the basic commonality of procedure in the municipalities studied, the panel may want to think about three options in developing its recommendations:

- Recommendations that tighten up the current procedure.

- Modest innovations:
  - Council to meet for longer periods;
  - More frequent use of the deputy mayors as Chairs;
  - Enhanced reliance on community councils to deal with local business.
- A more fundamental reform – a modified parliamentary model.

Each is explored in turn.

***Recommendations that tighten up the current procedure:***

- Stripping unnecessary material from agenda packages –eg: items that are really only for information, such as communications.
- Placing strict page limits on reports coming to council.
- Eliminating late items and “walkons.” A matter of extreme urgency could be dealt with either by requiring a special resolution to receive the item or by an extraordinary meeting of council.
- Strict adherence to time limits on speaking and questioning.
- Permitting deputations only once in the deliberation process.
- Clarifying the role and responsibility of the advocates and providing a specific point (committee or full council) for the advocate’s primary intervention in debate.
- Developing guidelines for the establishment of city task forces and other *ad hoc* bodies.

***Modest innovations:***

- Council to meet for longer periods:
  - The volume of business before council may leave no option other than adding sitting days – perhaps a day or two to the current monthly cycle and, also, perhaps meeting on a monthly basis throughout the summer.
- More frequent use of the deputy mayors as the Chair of council:
  - This would allow the mayor to engage more actively in the substance of debate;
  - Assuming that the mayor does hold views on the matters before council, this could have the effect of crystallizing the debate;
  - The intensity of debate would not be diminished but improved focus could result in more timely calling of “the question”.
- Enhanced reliance on community councils to deal with local business and engage citizens:
  - Community councils could become the only locus for hearing deputations on local matters, even if the matter is referred to another committee as part of the deliberative process;
  - Council might use community councils as the designated vehicle for consultation on matters of more general interest;
  - The role of community councils might be expanded eg: they might take on some of the community grants function.

***Adoption of a modified model of parliamentary procedure:***

- The following might be the key elements of this more significant reform:
- There is a designated Speaker (and deputies), selected by council. The Speaker is not the Mayor.
- All items of business are first dealt with by council.
- An Agenda Management Committee, chaired by the Mayor would set the agenda for those items emerging from staff and through deputations.

- Individual members of council could also bring items to the floor at a specific point in the agenda.
- Council disposes of an item or sends it to committee:
  - Committees have a broad deliberative mandate and can engage citizens and other interests;
  - After due consideration, committees bring their recommendations to council for final decision.

We have identified the following advantages associated with this approach:

- A designated Speaker allows the Mayor to play a very substantive policy role and disentangles the politics of policy from the politics of procedure.
- The Agenda Management Committee would provide an effective tool for council members to control the timing and priority of matters to come before council.
- The ability of an individual council member to raise issues at council would be retained. The fact that items can only be introduced at council would increase the visibility and accountability of council members.
- As an item comes before council, council would immediately decide whether to engage or not. For those items that council wanted to consider, some may be dealt with immediately, while others may be subject to preliminary consideration and then referred to committee.
- With a broad mandate and in the absence of the need to work to a defined reporting calendar, council committees could use a variety of approaches to consultation and investigation. They would, however, remain the focal point for deliberation.
- Committee reports coming to council would be more thorough. As a result, items would be less prone to being referred back to committee.
- The committees' deliberative mandate and procedures would eliminate the need to refer items elsewhere.

Nonetheless, there are potential pitfalls:

- If the Speaker were a member of council, the impact of taking the office on the councilor's representative function would have to be considered.
- Other reforms to the Mayor's formal role and authority have a potential impact on the process for naming the Agenda Management Committee and on its operation. It might be more like an executive Cabinet in a strong mayor system. The politics of the composition of the committee would be important.

Items could become bogged down in committee.

### **Conclusion**

Our research has not discovered a clearly applicable model of structure or practice in another jurisdiction that fits perfectly with Toronto's apparent needs. Nonetheless, there are elements of practice in a number of jurisdictions that warrant serious consideration and possible adaptation to the Toronto context. Selection of what reforms should be recommended awaits the panel's conclusions about what emphasis should be placed on particular principles of good governance. From a policy and an implementation perspective, the feasibility of various options will be shaped by the basic legislative framework within which the City of Toronto operates.

