

The logo for the Toronto Staff Report. It features a stylized graphic of a building or skyline on the left, followed by the word "TORONTO" in a large, bold, sans-serif font. To the right of "TORONTO" is the text "STAFF REPORT" in a smaller, bold, sans-serif font. A horizontal line is positioned below the text.

TORONTO STAFF REPORT

November 13, 2002

To: Board of Health

From: Dr. Sheela V. Basrur, Medical Officer of Health

Subject: Toronto Water Board

Purpose:

This report provides comments from a public health perspective on the Toronto Water Board (TWB) as proposed in two reports dated May 31, 2002 and October 21, 2002 from the City's Chief Administrative Officer. It also includes comments on, "The Water Advocate's Response to the Water Utility Study Report" dated June 10, 2002.

Financial Implications and Impact Statement:

There will be no additional cost arising from adoption of these recommendations.

Recommendations:

It is recommended that:

- (1) the Board of Health request City Council to ensure, if the proposed governance change is adopted, that a strong public health perspective is integrated into the Toronto Water Board by:
 - (a) amending the composition of the Toronto Water Board to include a Councillor member of the Board of Health, nominated by the Board of Health, in the place of the currently proposed Councillor to be nominated by the Striking Committee;
 - (b) amending the composition of the Selection Committee for citizen members of the Toronto Water Board to include the Medical Officer of Health, bringing the total number of members of the Committee to seven;

- (c) amending Article 3.3(c) of the proposed Direction to the Board of the TWB by adding "Toronto Public Health" to the list of City services that must be utilized by the TWB;
- (2) the Medical Officer of Health report back to the Board of Health on policies which preserve and/or improve the current systems and protocols regarding water quality and public health issues, as outlined in the proposed role of the TWB Transition Team;
- (3) this report be referred for information to the Chief Administrative Officer and the Water Advocate and also be referred to the Works Committee and the Policy and Finance Committee for consideration at their joint meeting scheduled for November 19, 2002; and
- (4) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Background:

At its meeting on June 10, 2002, the Board of Health reviewed the May 31, 2002 report by the Chief Administrative Officer (CAO) on a proposed governance structure for water and wastewater services in Toronto. At that time the Board of Health directed the Medical Officer of Health (MOH) to submit comments on the "Water Advocate's Response to the Water Utility Study Report," directly to City Council when the matter of a new water governance model was considered. On October 21, 2002 the CAO released a report on the "Establishment of the Toronto Water Board". This report will be considered at a special joint meeting of the Works Committee and the Policy and Finance Committee on November 19, 2002.

Toronto Public Health (TPH) staff were consulted in the preparation of the CAO's May 31, 2002 report and the CAO's October 21, 2002 report particularly with respect to assessing the Board of Health structure as a potential governance model. Staff are also in ongoing discussions with Water and Wastewater Services (W&WW) about the nature and extent of services that are or could be provided by TPH.

TPH staff consulted the CAO's Office, the General Manager of Water and Wastewater Services, and the City Solicitor during the preparation of this report.

Comments:

The CAO's May 31, 2002 Report and the Water Advocate's Response:

In response to a request from Council at its meeting on November 6, 7 and 8, 2001, the CAO undertook a study of public sector governance options for water and wastewater services. The CAO's report to the joint Works and Policy and Finance Committees in June 2002, evaluated five options, and recommended that Council create a Municipal Services Board, as provided for under

the *Municipal Act*, 2001, to manage water and wastewater services in Toronto (see Appendix 4 of Appendix A). In response to this report, the City's Water Advocate issued a report entitled, "Safe, Clean, Accountable" (see Appendix B).

The Water Advocate's report observed that, "safety and public accountability are intimately connected." The report also noted that the current system for water and wastewater management has the capacity to address its own shortcomings, and that the creation of a new agency or Board is not necessary. The Water Advocate recommended, among other things, that an inter-departmental body (the Water Advisory Team for Enhanced Responsibility WATER) be established to oversee the development of policy and the implementation of key initiatives of Toronto's water and wastewater system. The Water Advocate also recommended that Council develop a *City of Toronto Water Code* that would set out the principles for the long-range protection and stewardship of the City's water resources.

The CAO's October 21, 2002 Report:

The joint meeting of the Works and Policy and Finance Committees, June 11 and 12, 2002, deferred consideration of the issue of the new water governance model. The joint committees directed the CAO to report on further details of the implementation of the Municipal Services Board option, including consideration of the concerns expressed by the Water Advocate and by deputants at the June 11 and 12, 2002 meeting.

The CAO's subsequent report, dated October 21, 2002 describes in detail the creation, structure and responsibilities of a Toronto Water Board (see Appendix A). The report includes the recommendation that the Water Advocate's calls for the establishment of a Water Advisory Team for Enhanced Responsibility (WATER) and the creation of a *Toronto Water Code* be referred to the TWB for further development.

The report recommends a nine-member Toronto Water Board comprised of four elected City Councillors and five qualified citizen members. The Councillor members would include:

- (a) the Mayor (or designate);
- (b) the Water Advocate;
- (c) a member of the Works Committee; and
- (d) another Councillor to be nominated by the Striking Committee.

The Selection Committee for the citizen members is recommended to include:

- (a) the Mayor (or designate);
- (b) the Chair of the Works Committee;
- (c) the Water Advocate;
- (d) the Chair of the Personnel Subcommittee;
- (e) the Chief Administrative Officer; and
- (f) the Commissioner of Works and Emergency Services.

Qualifications for citizen members of the TWB include experience or knowledge of public health, environmental and watershed management issues, as well as financial management and public sector governance. Public confidence that these qualifications are in place on the TWB can best be achieved by ensuring the presence of a public health representative on the TWB itself and on the Selection Committee for citizen members. Ensuring public health expertise would be consistent with proposed inclusion of Works Committee representatives on these bodies.

Public Health and Water Quality:

The primary concern of the MOH in this context is to protect Toronto residents, workers and visitors from waterborne illnesses. This concern remains constant, no matter what governance model is in place for the provision of water services in the City of Toronto.

The MOH believes that current W&WW policies, protocols and management systems provide high quality water services to the residents of the City of Toronto. Extensive water quality monitoring and testing combined with the effective working relationships that have been developed between W&WW and TPH help to ensure the safety of Toronto's drinking water. W&WW works with TPH under a formal agreement which ensures that, in accordance with provincial regulations, TPH is among those immediately notified in the event of a test showing adverse water quality. TPH also receives all daily bacteriological testing data from W&WW and plays an important role in the event of a water emergency.

From a public health perspective, there is no compelling basis on which to recommend significant changes to the water and wastewater governance model. However, if a change is agreed to by City Council, the MOH will continue to work closely with W&WW staff and the CAO's Office to ensure that the new system continues to protect the health of Toronto residents from water-borne illnesses.

The TWB proposed in the CAO's October 21, 2002 report provides for a similar structure to that of the Toronto Board of Health. As such, the model has the potential to provide transparency, and accountability in decision-making. However, because water quality and public health are inextricably linked, it is necessary that public health knowledge and expertise be formally present on the TWB.

For this reason, it is recommended that TWB membership include a Councillor member of the Board of Health, as it does a member of the Works Committee, and that the MOH be represented on the TWB Selection Committee for citizen members. These proposed changes are consistent with the following observations:

- (a) expertise in public health is listed in the CAO's report as a necessary qualification for the citizen members;
- (b) maintenance and protection of public health and safety is the first statement of purpose for the TWB contained in S. 2 B of the proposed by-law;

- (c) the protection of public health and safety is, “the first consideration, above all others” contained in S. 2.3, Principles of the proposed Direction to the Board of the TWB.

Public Health Services to W&WW:

Many of the services TPH provides to W&WW are mandated under provincial legislation, and as such cannot be terminated under the provisions of 3.3 of the Direction. TPH also provides important services that are not mandated, such as policy and research in support of City initiatives such as the Sewer Use By-law and the biosolids programme. Public confidence in the TWB having access to public health expertise would be enhanced if the TWB were not permitted to terminate any Service Level Agreement or cease to use the services provided by Toronto Public Health.

Conclusions:

The Medical Officer of Health believes that current W&WW policies, protocols and management systems provide high quality water services to residents of the City of Toronto. Consequently, there are no serious public health concerns underlying the rationale for the proposed changes to the governance of Toronto's water and wastewater management system.

If City Council endorses a change to the system, the proposed TWB model should include the formal presence of public health expertise. It is therefore recommended that the proposed composition of the TWB and the Selection Committee be amended to include a Councillor member of the Toronto Board of Health on the TWB, and the Medical Officer of Health as a member of the Selection Committee for citizen members.

To enhance public confidence that the TWB has access to public health expertise for policy and research services, it is also recommended that the proposed Direction to the Board be amended to state that the TWB may not cease to use services provided by Toronto Public Health and/or the Toronto Board of Health, with or without a Service Level Agreement.

Contact:

Karen Clark
Supervisor, Environmental Health Assessment and Policy
Health Promotion & Environmental Protection Office
Toronto Public Health
Tel: 416-338-8094
Fax: 416-392-7418
E-mail: kclark@toronto.ca

Dr. Fran Scott
Director, Planning & Policy and AMOH
Toronto Public Health
Tel: 416-392-7463
Fax: 416-392-0713
E-mail: fscott@toronto.ca



Dr. Sheela V. Basrur
Medical Officer of Health

List of Attachments:

Appendix A: CAO's report to Works and Policy and Finance Committees, October 21, 2002
Appendix B: Report "Safe, Clean, Accountable"