

Authority: Notice of Motion J(29), moved by Councillor Soknacki, seconded by Deputy Mayor Bussin, as adopted by City of Toronto Council on September 28, 29, 30 and October 1, 2004, and Nominating Committee Report No. 5, Clause No. 3, as adopted by City of Toronto Council on September 28, 29, 30 and October 1, 2004

Enacted by Council: October 28, 2004

CITY OF TORONTO

BY-LAW No. 967-2004

To change the composition of the Toronto Atmospheric Fund Board by increasing the citizen membership by one.

WHEREAS the *Toronto Atmospheric Fund Act, 1992* (the 'TAF Act') creates a Board of Directors of the Toronto Atmospheric Fund ('TAF Board') which is currently comprised of six citizen members and four Council members all appointed by the Council of the City of Toronto; and

WHEREAS Section 216 of the *Municipal Act, 2001*, provides that the Council of a municipality may, by by-law, dissolve or make prescribed changes to a local board, provided that notice is first given to the local board of Council's intention to pass the by-law; and

WHEREAS despite Section 10 of the TAF Act, Ontario Regulation 214/96 made under *Municipal Act, 2001*, provides that the Toronto Atmospheric Fund is a local board for the purposes of the regulation and that Council may, by by-law, make changes to the local board with respect to membership on the board, including changes related to the number of members, their terms, their remuneration and the manner in which they become members; and

WHEREAS Council has previously amended the composition of the TAF Board by the enactment of By-laws Nos. 544-2002 and 389-2000; and

WHEREAS the TAF Board, at its meeting held on September 23, 2004, resolved to request that Council expand the TAF Board to include seven citizen members; and

WHEREAS the TAF Board, as recorded in the Minutes of its meeting on September 23, 2004, and the Nominating Committee, as set out in Clause No. 3 of its Report No. 5, adopted by Council at its meeting of September 28, 29, 30 and October 1, 2004, recommended citizen members for appointment for the term of office ending November 30, 2006, and an additional nominee to be appointed to the TAF Board should Council increase the TAF Board's membership; and

WHEREAS Council resolved to further amend Section 3(1) of the TAF Act to change the composition of the TAF Board by adding one other citizen member, with the new TAF Board structure to consist of seven citizen members and four Council members, and authorized the City Solicitor to introduce the necessary by-laws to give effect to this change after the required notice has been provided to the TAF Board; and

WHEREAS notice to the TAF Board of Council's intention to pass a by-law to change the TAF Board's composition, as required by *Municipal Act, 2001*, was given to the Executive Director of TAF by the City Clerk by letter dated October 12, 2004;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Despite Section 3(1) of the TAF Act, the number of citizen members on the TAF Board is increased to seven and the number of Council members continues to be four.
2. Quorum for the TAF Board, as established under By-law No. 389-2000, remains at two-fifths of the TAF Board.
3. Except for the amendments contained in this By-law, the provisions of Section 3 of the TAF Act remain in full force and effect.
4. The changes to the TAF Board set out in this By-law are effective upon the enactment of this By-law.

ENACTED AND PASSED this 28th day of October, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)