



STAFF REPORT ACTION REQUIRED

Balmy Beach Park Board of Management – Minor Changes and Delegation to Community Council

Date:	May 21, 2010
To:	Executive Committee
From:	City Manager
Ward:	Beaches-East York, Ward 32
Reference Number:	

SUMMARY

This report responds to a Council directive relating to the nomination and appointments process for the Balmy Beach Park Board of Management.

The nomination and appointments process, board composition and term of office have not changed substantially since the board was established in 1903 when the old Town of East Toronto existed. This report recommends minor changes, including delegating authority to the Community Council to appoint the citizen board members and removing the requirement for the Mayor to nominate members.

RECOMMENDATIONS

The City Manager recommends that Council:

1. delegate final decision-making authority to the Toronto and East York Community Council to make citizen appointments to the Balmy Beach Park Board of Management.
2. amend the City of Toronto Municipal Code Chapter 27, Council Procedures, to give effect to the delegation referred to in Recommendation 1 as set out in the proposed by-law attached as Appendix 1, subject to any minor technical and substantive changes as deemed appropriate by the City Solicitor.
3. approve the following minor changes to the nomination process, board composition and term of office and include such changes in a new by-law:

- a) remove the requirement for the Mayor to nominate the citizen members, and allow the Board of Management to submit the names of eligible nominee(s) directly to the Toronto and East York Community Council for appointment.
 - b) amend the board composition by deleting the Mayor and adding the Ward Councillor for Beaches-East York, Ward 32, and remove the requirement for the citizen members to be qualified to be elected as members of Council.
 - c) change the term of office when appointments are made from a two-year term starting the first day of July in the year of the appointment to a term of up to four years and until successor(s) are appointed, with appointees serving at the pleasure of Council.
4. include in the new by-law the current residency requirement and a provision that board members who continue to meet such residency requirement are eligible for reappointment.
 5. authorize the City Solicitor to introduce the necessary bills to give effect to the above and to add a Chapter to the Toronto Municipal Code to incorporate the proposed new by-law as set out in Appendix 2, subject to any minor technical and substantive changes as deemed appropriate by the City Solicitor.

Implementation Points

Once the by-law is enacted, the changes will be implemented with the next round of appointments to the Balmy Beach Park Board of Management.

Financial Impact

There are no financial implications.

DECISION HISTORY

In May 2008, City Council directed the City Manager to report to the Executive Committee with recommendations on the changes necessary to delegate the authority to approve future appointments to the Balmy Beach Board of Management. This direction was in response to a memo from the Mayor requesting that staff review ways to remove the requirement from 1903 for the Mayor to nominate board members.

Staff Report (Item TE15.63):

<http://www.toronto.ca/legdocs/mmis/2008/te/bgrd/backgroundfile-12496.pdf>

Memo from the Mayor:

<http://www.toronto.ca/legdocs/mmis/2008/te/bgrd/backgroundfile-12497.pdf>

ISSUE BACKGROUND

The Balmy Beach Park Board of Management was created pursuant to provincial legislation enacted in 1903, *An Act Respecting the Town of East Toronto and Balmy Beach Park* (the "Balmy Beach Park Act"). The Act was subsequently amended in 1964 and 1991. The City provides no direct funding to this local community-based board.

Currently, the Balmy Beach Park Board of Management is the only community-based board where the Mayor is required to nominate its members for appointment by Council.

Under the authority provided by the *City of Toronto Act, 2006*, City Council in February 2007 delegated final-decision making powers to Community Councils for some routine local matters, including citizen appointments to local boards of management such as arena boards, boards of management of community centres, and business improvements areas (BIAs).

City Council has the authority under the *City of Toronto Act* to make governance changes to the Balmy Beach Park Board of Management by by-law. The City Solicitor and other key stakeholders were consulted in the development of this report.

COMMENTS

The following table summarizes current requirements and proposed minor changes to the nomination and appointments process, board composition and term of office for the Balmy Beach Park Board of Management.

Issue	Current	Proposed
Nomination and Appointments Process	Eligible citizen members are identified by the board and names transmitted to Mayor for nomination to Council	<p>The board will continue to identify eligible nominees through a community-based process, but will be allowed to submit the names of selected nominees directly to the City Clerk for submission to the Toronto and East York Community Council</p> <p>Similar to other community-based boards, citizen appointments should be delegated to the Community Council for final decision</p>
Board Composition	<p>Mayor (it has been a long-standing practice for the local Councillor to serve as the Mayor's designate)</p> <p>Plus, six citizens who are qualified to be elected to Council, and who must reside in that part of the City of Toronto bounded:</p> <ul style="list-style-type: none"> - on the south by Lake Ontario - on the north by the southerly limits of Gerrard Street East - on the east by the easterly boundary of the City of Toronto - on the west by the eastern limits of Woodbine Avenue and its southerly extension to Lake Ontario. 	<p>Amend the board composition to remove the Mayor and add the Councillor for Ward 32 as a permanent member by right-of-office</p> <p>The City no longer requires board appointees to be qualified to be elected to Council, and this restriction should be removed</p> <p>The residency requirement for this local community-based board should be retained and included in the new by-law</p>

Issue	Current	Proposed
Term of Office	Under the Balmy Beach Park Act, board members are appointed for a two-year term starting the first day of July in the year of their appointment and until successor(s) are appointed, and are eligible for reappointment	<p>The term should be updated to match new provisions in the City of Toronto Act that permit a term of up to four years and until successor(s) are appointed</p> <p>As with other citizen appointments, appointees shall serve at the pleasure of Council, and board members who continue to meet the residency requirement are eligible for reappointment</p>

The minor changes proposed in this report are in keeping with current practices at the City.

CONTACT

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SIGNATURE

City Manager

ATTACHMENTS

Appendix 1: Proposed By-law to Amend Municipal Code, Chapter 27, Council Procedures, Delegation to Community Council

Appendix 2: Proposed By-law and New City of Toronto Municipal Code Chapter, Balmy Beach Park Board of Management

**Appendix 1: Proposed By-law to Amend Municipal Code, Chapter 27,
Council Procedures, Delegation to Community Council**

Authority: Adopted by the City of Toronto Council on _____, 2010
Item EX. _____ of Executive Committee dated _____, 2010

**CITY OF TORONTO
BY-LAW No. _____**

**To amend City of Toronto Municipal Code Chapter 27, Council Procedures, to add
delegation to the relevant Community Council to make citizen appointments to
Balmy Beach Park Board of Management.**

WHEREAS City Council exercised its authority under the *City of Toronto Act, 2006*, and enacted By-law No. 176-2007 to delegate legislative authority over certain local routine matters to Community Councils and to amend various Municipal Code Chapters;

WHEREAS this delegation included citizen appointments to a number of boards, as currently set out in Toronto Municipal Code, Chapter 27, § 27-152, Delegation to Community Councils, Citizen appointments;

WHEREAS the City of Toronto wishes to add citizen appointments to the Balmy Beach Park Board of Management to this delegation of authority;

WHEREAS City Council retains the ability to revoke the delegation to Community Councils by by-law at any time;

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

1. The City of Toronto Municipal Code, Chapter 27, Council Procedures, is hereby amended by adding to §27-152, Delegation to Community Councils, the following delegation at the end of part D. Citizen appointments:
 - (5) Citizen appointments to the Balmy Beach Park Board of Management.

ENACTED AND PASSED this ____day of ____, A.D. 2010.

SANDRA BUSSIN
Speaker

ULLI WATKISS
City Clerk

**Appendix 2: Proposed By-law and New City of Toronto Municipal Code Chapter,
Balmy Beach Park Board of Management**

Authority: Adopted by the City of Toronto Council on _____, 2010
Item EX. _____ of Executive Committee dated _____, 2010

**CITY OF TORONTO
BY-LAW No. _____**

**To adopt a new City of Toronto Municipal Code, Chapter -----,
Balmy Beach Park Board of Management**

WHEREAS the Balmy Beach Park Board of Management was created pursuant to provincial legislation enacted in 1903, *An Act Respecting the Town of East Toronto and Balmy Beach Park* (the "Balmy Beach Park Act"), as amended in 1964 and 1991;

WHEREAS this board of management is the only local community-based board where the Mayor is required to nominate its citizen members for appointment by Council;

WHEREAS the nomination and appointments process, board composition and term of office have not changed substantially since the board was established in 1903 when the old Town of East Toronto existed;

WHEREAS City Council has the authority under the *City of Toronto Act, 2006*, to enact a by-law to make governance changes to this community-based board;

WHEREAS the City of Toronto wishes to enact a new by-law to make minor board governance changes and to add a new Chapter in the Toronto Municipal Code respecting the Balmy Beach Park Board of Management;

WHEREAS the City of Toronto wishes to retain the current residency requirement and include such requirement in the new by-law and Chapter;

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

2. The City of Toronto Municipal Code is hereby amended by adding the Chapter set out in Schedule 1 at the end of this by-law as Chapter____, Balmy Beach Park Board of Management.

ENACTED AND PASSED this ____ day of _____, A.D. 2010.

SANDRA BUSSIN
Speaker

ULLI WATKISS
City Clerk

SCHEDULE 1
Chapter _____
Balmy Beach Park Board of Management

ARTICLE I.

§XX-1. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

BALMY BEACH PARK ACT – *An Act Respecting the Town of East Toronto and Balmy Beach Park* enacted in 1903 and amended in 1964 and 1991.

"BOARD" or "BOARD OF MANAGEMENT" - the community-based board of management established pursuant to the Balmy Beach Park Act.

"BOARD MEMBER" or "MEMBER" - a person appointed by the City as a Member of the Board.

§XX-2. Board Composition

A. The Board shall be composed of the following seven (7) members:

- (1) the Councillor for Ward 32 – Beaches-East York, and
- (2) six (6) citizen Members, who reside in that part of the City of Toronto bounded:
 - (a) on the south by Lake Ontario
 - (b) on the north by the southerly limits of Gerrard Street East
 - (c) on the east by the easterly boundary of the City of Toronto
 - (d) on the west by the eastern limits of Woodbine Avenue and its southerly extension to Lake Ontario.

§XX-3. Term of Office

A. The term of office of the citizen Board Members shall be set at the time of appointment.

- B. The term shall be up to four years, and each citizen Board Member shall hold office from the time of his or her appointment until a successor is appointed, as long as the Member continues to be eligible.
- C. Citizen Board Members who continue to meet the residency requirement are eligible for reappointment.
- D. Citizen Board Members serve at the pleasure of Council.

§XX-4. Nomination and Appointments Process

- A. The Board shall identify eligible citizen nominees, and shall submit the names of selected nominees to the City Clerk to be placed on the appropriate agenda.

§XX-5. Conflict

To the extent of any conflicts between this by-law and the provisions of the Balmy Beach Park Act relating to the board composition, term of office and nomination and appointments process, this by-law prevails.