

BRIEFING NOTE

EX4.7 Implementation of Council Decision on Councillor Vaughan's Motion re Size and Composition of Agencies and Corporations

Passed by Council April 12, 2010

"that, unless their membership is established by legislation or shareholder direction, the membership for all City agencies, boards, commissions and corporations be set at a minimum of 11 members:

- a) At least 3 of whom shall be Members of Council, appointed by City Council; and
- b) 1 of whom shall be the Mayor or a designate appointed by the Mayor; and

that any agency, board, commission or corporation wishing to alter their Membership be required to obtain the consent of City Council."

This decision does not impact pension boards since they are not City agencies, nor does it impact partnered boards or external boards where the City does not have the authority to unilaterally change the composition of the boards. 107 of the City's boards are impacted.

Process and Timing:

- The Mayor could proceed immediately to appoint 103 new board members as his designates (previously the Mayor named 7 designates that were approved by Council) since:
 - a) the motion permits the Mayor to select a Councillor, citizen, or staff since not specified;
 - b) the motion removes the requirement for Council approval of the Mayor's designate.
- The Striking Committee could proceed immediately to nominate Councillors to 169 additional positions for approval by Council.
- The motion, however, does not specify how the minimum 11 members are to be filled (i.e. beyond the Mayor's designate and 3 Councillors, will additional members required to make up 11 members be citizens or Councillors?). There are 47 positions that are still unclear.
- Staff could begin citizen recruitment process immediately, except that 47 positions are still unclear.

Impact of the Council Decision:

107 boards changed- only the 6 in the staff report were previously notified or consulted
6 boards not changed:

- 4 boards remain unchanged because of legislative constraints (Police, Committee of Revision, Committee of Adjustment, Compliance Audit)
- 1 corporation (TCHC) remains unchanged because the shareholder direction contains the board composition and because it already meets the requirement (except for temporary timeframe until new board appointed in June 2011)
- 1 requires no change since minimums already met (Exhibition Place)

Impact on individual boards set out in attached table and summarized below.

Service Agency Boards

- Mayor or designate added to 10 of the 13 service agency boards; may be Councillor, citizen, or staff and does not require Council approval (Heritage Toronto, Sony Centre, TAF, Toronto Centre for the Arts, Board of Health, Parking Authority, TTC, Zoo, St. Lawrence Centre, Yonge-Dundas Square); also changes the Mayor's designate on the remaining 3 boards (Library, Police, Ex Place)
- 1 Councillor added to Heritage Toronto; size changes from 27 to 29 members
- Board of Health is currently comprised of 6 Councillors and 7 citizens. Adding the Mayor's designate takes the number to 14, but size is restricted to 13 members by legislation – adding Mayor's designate means that either the number of Councillors or the number of citizens must be reduced. If citizen position is eliminated, then there will be one less paid position (\$125 per meeting)
- TTC changes from 9 (all Councillors) to 11 members (could be mixed) – Mayor's designate need not be a Councillor; other additional member can be a citizen or Councillor but Council must decide which.
- Parking Authority changes from 7 to 11 members – 1 is Mayor's designate, 1 is an additional Councillor: will other 2 be citizens or Councillors? 2 more paid positions if citizens (\$7,500 max each)
- 1 Councillor added to Library; size changes from 11 to 12
- 2 additional Councillors added to Yonge-Dundas Square besides the Mayor's designate
- 7 of 13 boards have an even number of voting members
- Specific decisions still required on 3 boards (Health, Parking Authority, TTC) before citizen recruitment for these boards can begin

Corporations

- Hydro increases by 1 Councillor
- Invest Toronto and Build Toronto increase by 2 Councillors each.
- TPLC is composed of 4 staff. Adding 1 Mayor's designate and 3 Councillors, still needs 3 more to come up to 11 members. Need to determine what the composition would be, since this decision significantly changes the intent of the current board structure.

Quasi-judicial

- Committee of Adjustment and Compliance Audit Committee cannot have Council Members, so these are not impacted.
- Committee of Revision can have either 3 or 5 members by legislation. There are currently 5 Councillors, so this board is not impacted.
- There are currently no Councillors on the Licensing Tribunal, Sign Variance Committee and Property Standards Committee to ensure an independent adjudication process. However, Council Members are not prohibited by legislation, so the Council decision can be implemented.
- Property Standards has 4 panels of 4 members. It is unclear whether the Mayor's designate and 3 Councillors will be added to the current 16 citizens or replace them and whether they will be assigned to specific panels. Adjusting the number of citizens will impact total remuneration since these positions are paid when filled by citizens.

- There are currently 5 citizens on the Sign Variance Committee. It will need to be decided what balance of citizens and Council Members will make up the total of 11 members. This will have an impact on total remuneration since citizens are paid for this position.

Arena Boards, AOCCS, BIAs

- Decision changes all 10 AOCCS, 8 arena boards, and 71 BIAs
- None currently have Mayor or designate, most currently have only 1 Councillor but some have 2 Councillors.
- Centre 55 will need one additional member to come up to the minimum of 11 members. Council must decide whether this position will be filled with a public member or Council Member.
- The Larry Grossman Forest Hills arena board will need 2 additional members to make up the 11 member minimum. Council must decide whether these will be citizens or Council Members.
- Significant change in numbers of members on BIA boards since 34 of the BIAs currently have less than 11 members even with the added Mayor's designate and 3 Councillors. Council must decide whether these additional seats will be filled with members nominated by the BIA or with Council Members. Generally the BIAs choose the size of their boards and Council ratifies.

Issues

- Significant change in principles by delegating authority to the Mayor to appoint members.
- Significant change in principles of structure of adjudicative bodies that reduces their independence
- Significant change in the structure of community-based boards that reduces the predominance of citizen members.
- Need further Council decisions on specific composition of 24 boards
- Some impact on total remuneration , but will depend on Council's decisions respecting individual boards as noted above.
- Could be quorum issues impacting business due to double the number of Councillors on Boards and record of poor attendance by Councillors on some boards
- Even numbers of voting members could result in more failed motions
- Need to change all relationship frameworks, shareholder directions, by-laws that all have to go back to Council for approval and could re-open the issue each time. Also significant resource implications since staff expected to only change 6 boards.

Impact of a Modified Motion

During the Council debate of EX4.7, it was suggested that the motion be modified to apply only to service agency boards.

Of the 13 service agency boards,

- Police Services Board cannot be changed due to legislative constraints
- Exhibition Place already meets the requirements
- TTC is already composed entirely of Council Members although it does not have 11 members
- Board of Health already has 6 Council Members and a total of 13 members, although it does not have the Mayor or designate
- TAF already has 3 Council Members and a total of 11 members, although it does not have the Mayor or designate
- Library Board composition was approved without the added motion
- Zoo Board composition was approved without the added motion
- Yonge Dundas composition was approved without the added motion
- Sony Centre composition was approved without the added motion
- St. Lawrence Centre composition was approved without the added motion
- Toronto Centre for the Arts composition was approved without the added motion
- Heritage Toronto board is primarily representatives of the heritage community and is already a large board of 27 members with 2 Councillors
- Parking Authority board has 2 Councillors and 5 business representatives and operates successfully with a small entrepreneurial board

Even if the Council decision was re-opened and the motion applied only to service agency boards, the impacts would not benefit the agencies impacted and would in fact introduce unnecessary issues.