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To: [Special Governance](#)
Cc: [Alexandra Flynn](#)
Subject: correspondence for Special Committee on Governance
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[ATT00001.htm](#)

June 10, 2019

Special Committee on Governance

c/o Nancy Martins

City of Toronto

10th floor, West Tower, City Hall

100 Queen Street West

Toronto, ON M5H 2N2

Re: Scope of Governance Review

Dear Members of the Special Committee:

We are writing this letter in support of a comprehensive review of Toronto's governance model. In our view, the Special Committee on Governance is an opportunity to specifically review the role and function of community councils, as well as better models for public engagement. The Special Committee will review governance issues, begin to engage the public, and conduct research and analysis. The public engagement process and consultations with members of Council will present further ideas for exploration.

Scholars Tina Nabatchi and Matt Leighninger define "public participation" as the activities by which people's concerns, needs, interests, and values are incorporated into decisions and actions on public matters and issues. In their book, *Public Participation for 21st Century Democracy*, cities must create "inclusive institutions for managing political conflict, create critical spaces for institutionalized forms of political debate and participation and facilitate new forms of political representation through civil society actors, operating within participatory governance mechanisms."

The Special Committee on Governance was struck in reaction to the Province of Ontario's decision to reduce the size of City Council to 25 wards. In light of this change, there are many short-term issues that the City of Toronto must consider, including the workload and representative challenges for councillors having wards with much larger populations. We are pleased the Special Committee will consider these issues.

We also advocate in favour of an expanded scope of review that moves beyond councillors as the main focus of local representation. In our view, even before the reduction in wards, greater opportunities for public engagement and participation were needed. With the reduction in ward representation, these needs have become even more necessary. As many have noted, ward councillors act as the main gatekeepers for local democracy, balancing constituent needs and helping to create and nurture local resident and business associations. Councillor work is crucial for enabling participatory and inclusive decision-making.

However, much councillor activity takes place in meetings across wards, often with constituents who already have a fair amount of knowledge about city processes. There are few open, transparent forums within City Hall that enable the public to come and talk about the issues that matter to them. This stands in contrast to other municipal governance models, including the cities of Montreal, New York and Los Angeles, most recently presented in Dave Meslin's book, *Teardown: Rebuilding Democracy from the Ground Up*. Prior to 2010, the City of Toronto had dozens of staff-supported resident committees that provided forums for enhanced public engagement. Almost all of these bodies have been removed without replacing them with other inclusive, open bodies.

Community councils offer a particularly interesting avenue for the City of Toronto to improve or reimagine local democracy. These bodies were expressly established alongside the 1998 amalgamation to ensure that local, pre-amalgamated city voices could be heard within the new 'megacity'. We note, nonetheless, that even there, the councils were those of former municipalities, most with hundreds of thousands of constituents. They are "community" councils only in the vaguest sense of the term.

While there are a few examples of Toronto's community councils taking on a local stewardship role, in general these bodies have not been set up to give residents a voice on local matters that matter to them. We have attached to this letter a publication that describes avenues for community council design that would enable greater public engagement.

We urge the Special Committee specifically to address local decision-making models such as community councils in one of its engagement sessions this fall, including opportunities for broad and inclusive engagement, especially in priority neighbourhoods.

Thank you for considering this request.

Yours truly,

Patricia Burke Wood

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Re-imagining Community
Councils in Canadian
Local Government

Alexandra Flynn and Zachary Spicer



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IMFG Papers on Municipal Finance and Governance

Re-imagining Community Councils in Canadian Local Government

By

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About IMFG

The Institute on Municipal Finance and Governance (IMFG) is an academic research hub and non-partisan think tank based in the Munk School of Global Affairs at the University of Toronto.

IMFG focuses on the fiscal health and governance challenges facing large cities and city-regions. Its objective is to spark and inform public debate and to engage the academic and policy communities around important issues of municipal finance and governance. The Institute conducts original research on issues facing cities in Canada and around the world; promotes high-level discussion among Canada's government, academic, corporate, and community leaders through conferences and roundtables; and supports graduate and post-graduate students to build Canada's cadre of municipal finance and governance experts. It is the only institute in Canada that focuses solely on municipal finance issues in large cities and city-regions.

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Authors

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Zachary Spicer is a Visiting Researcher with the Institute on Municipal Finance and Governance. He recently served as an Assistant Professor in the Department of Political Science at Brock University. He received his PhD in Political Science from the University of Western Ontario and completed postdoctoral fellowships with the Institute on Municipal Finance and Governance at the Munk School of Global Affairs and the Laurier Institute for the Study of Public Opinion and Policy (LISPOP) at Wilfrid Laurier University. He is a member of the Laboratory on Local Elections and also serves on LISPOP's Management Board. His research has been featured in a number of academic journals, including the *Canadian Journal of Political Science*, the *Journal of Urban Affairs*, the *Urban Affairs Review*, *Canadian Public Policy*, and *Canadian Public Administration*. His first book, *The Boundary Bargain: Growth, Development and the Future of City-County Separation*, was released by McGill-Queen's University Press in 2016.

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Re-imagining Community Councils in Canadian Local Government

Alexandra Flynn and Zachary Spicer

Abstract

In 2015, Toronto City Council asked city staff to review community councils as part of the City's ward boundary review process. Toronto's ward boundary review realigned the city's wards, so the City now needs to set new boundaries for community councils. Staff has been directed to report back to Council in 2017 on the "impacts to governance and structure changes to the authority, duties, and function of community councils." Meanwhile, in November 2016, the Province of Ontario introduced measures to strengthen the use of community councils across Ontario. There is thus a unique opportunity available to re-imagine the authority and use of Toronto's community councils. In this paper, we review the function and scope of community councils in Canada, including their theoretical underpinnings and Toronto's community council structure. We make three recommendations to strengthen Toronto's community council network. First, we recommend redefining what is considered to be a "local" or "citywide" matter, thereby allowing community councils to examine a greater range of issues. Second, we argue that the City should expand its delegation to community councils, and thereby take more issues off the agenda of City Council. Finally, we propose allowing residents to serve directly on community councils.

Keywords: community councils, local government, Toronto, local governance, public participation

JEL codes: R10

Re-imagining Community Councils in Canadian Local Government

I. Introduction

In 1998, the Province of Ontario amalgamated six municipalities and one regional municipality to form the current City of Toronto. To address residents' concerns that the council of the amalgamated city would be less accessible than those of the six municipalities that had been eliminated, the enabling legislations provided an opportunity to create "community councils." The new city had the power to determine the role and function of these new bodies. In the end, their boundaries were based on those of the pre-amalgamated municipalities.

Community councils were supposed to make decisions on issues such as local planning, on-street permit parking, and traffic calming, but not on matters affecting more than one community council nor on matters deemed to have "citywide" significance (City of Toronto 2006). Since its inception, City Council has altered this model only slightly, reducing the number of community councils from six to four, but otherwise has not significantly reviewed their structure, stewardship role, or delegated authority.

Almost 20 years after amalgamation, following a ward boundary review, the City of Toronto now has an opportunity to rethink the structure and mandate of its community councils. Toronto is North America's fourth-largest city, with a vast scope of responsibility that has only increased following amalgamation. Toronto's expanded powers are partly due to a richer set of responsibilities delegated to the City from the provincial government. Notably, these powers reflect a philosophical shift towards the role of large cities, which are now considered key players in the global economy and in matters beyond their formal jurisdictions (Sassen 2012).

At the same time, cities are made up of neighbourhoods that have their own histories and practices, and residents who claim a place within the city's governance model. One way in which other large cities have reacted to the complexity of interests within their boundaries is to create governance bodies, including community councils, that operate at a smaller scale than the city level and offer a forum to capture local voices.

This paper examines Toronto's community councils in the context of selected Canadian and American cities. It analyses their function under existing law and assesses whether they can and should be re-imagined. We set out the rationale for such bodies at the municipal level, describe community councils across North America, and provide an overview of Toronto's community councils, including their history, functions, and powers. But first we review the burgeoning literature on Canadian municipal law to show how community councils fit into cities' legal and policy framework. This review includes details of a recent move by one community council to leverage a little-used provision of the city's procedural

by-law to expand its role in deliberating on the local effects of citywide decisions. We conclude that community councils can and should play a larger role in local governance.

2. Community Deliberation and Local Democracy

Debates about the appropriate scale and scope for democratic decision-making characterize the work of noted democratic theorists like Tocqueville (1835) and Dahl (1970). They argued that smaller units of political participation foster citizens' sense of political efficacy, allow for greater participation, and enhance deliberation through "face-to-face democracy," which, it is argued, promotes collective behaviour within communities. In its idealized form, local participatory democracy is said to "nourish the democratic spirit of individuals" and "build community" (Berry, Portney, and Thomson 1993).

Democratic institutions that allow for local collaboration and dialogue require a small scale. "Face-to-face democracy" is achievable only in smaller settings, where participants face common challenges and are familiar with other participants. Otherwise, it is nearly impossible to promote collective behaviour and help individuals accept "solutions that are best for the broader community rather than single-mindedly pursuing what is best for themselves" (Berry, Portney, and Thomson 1993, 10). Therefore, deliberative democracy stresses the creation of institutions and practices that encourage collaboration between citizens and governments (Campbell and Marshall 2000; Kathi and Cooper 2005).

In such a scenario, decision-making is conceptualized as a two-way flow, providing a conduit for governments to properly address citizens' needs, which have been collectively framed. This arrangement provides for an integrated approach to decision-making within larger governmental structures (Kathi and Cooper 2005; Wagner 2001). The scenario is premised on the idea that citizens should have the primary say in placing value on the actions performed by government, including what government produces and delivers (Alford 2002). Local policy production demands local policy knowledge. Local actors are conceived as best positioned to monitor consumption and demand and collectively identify community priorities.

At a scale closest to citizens, residents encounter the consequences of public decisions and therefore have the motivation and insight to engage fellow community members to adopt appropriate policy solutions (Fagotto and Fung 2006; Kotler 1969). Many authors have built on this foundation and concluded that local participatory mechanisms are best suited to strengthening local democracy and enhancing community representation (see Ball and Stobart 1996; Barber 1984; Monroe 1990; Portney and Berry 2007; Thomas 1986; Thomson 2001).

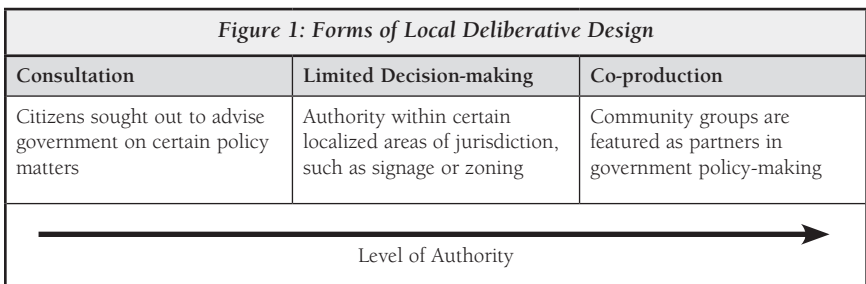
Despite the enthusiasm for local deliberative democracy, critics suggest that citizen participation is a "supplement" or "complement" to representative democracy (Pratchett 1999). In its pure, idealized form, local deliberative

democracy may not be possible because of the increased scale of modern governance – today’s cities are much larger political communities than the ones Tocqueville once studied. Others argue that increased citizen participation can have negative consequences, given the realities of participatory bias and mounting evidence that affluent property owners tend to dominate local discussions (Fagotto and Fung 2006; Musso et al. 2004; Wandersman et al. 1987).

Needless to say, institutional design matters in producing effective deliberative bodies. A number of pathways are available to bring citizens into the governance process. At one end of the spectrum is consultation, with items such as open houses or public hearings; at the other are co-production models, whereby citizens deliberate and then make policy, generally in concert with centralized government (Blomgren Bingham, Nabatchi, and O’Leary 2005; Scavo 1993). Details of this spectrum are provided below, in Figure 1.

One tool of local democracy is the community council, a deliberative body that provides community control over a range of localized services and decisions (Spicer 2016). Such councils can be found in parts of the United States (Kathi and Cooper 2005; Sirianni and Friedland 2001), Canada (Collin and Robertson 2005; Meloche and Vaillancourt 2013), and Europe (Pendergrast and Farrow 1997). They are designed to provide more authority for communities over issues that are entirely local in nature, such as local planning, business or event licensing, or local property standards, although the issues that may be delegated to a community council could theoretically include a wholesale delegation of authority from City Council.

These bodies may have positive or negative impacts on a municipality. On the one hand, a network of community councils may empower citizens, improve community life by aligning community needs with policy action, and improve the legislative efficiency of City Council by removing items that are entirely local in nature from its agenda. On the other, community councils could rival City Council for authority over certain issues, promote NIMBYism, and lead to an uneven patchwork of policy implementation across the city. Community councils have a long and mixed history in Canada, in which powers and participation vary widely.



3. Community Councils in Canada

Post-amalgamation governance has provided much of the rationale for Canada's limited engagement with community councils. Amalgamation is always a difficult and often contentious process. Community councils have generally been seen as a way of alleviating the concerns of those who fear losing influence over community decision-making. The following section describes some of the cities that have introduced community councils within their boundaries.

Known by many names, including “community boards” or “neighbourhood councils” generally have a mandated set of responsibilities over a particular series of issues and represent a particular geographic area with a smaller-than-city space. In Toronto, wards divide the city into electoral districts, each with a single elected official acting as a representative of the area's residents. A community council may govern a larger or smaller physical area than wards and may even have conflicting physical boundaries.

3.1 Winnipeg

The City of Winnipeg has undergone a number of structural changes since its incorporation. Two of the most significant were the introduction of two-tier regional government in 1960 and consolidation – the “Unicity” – in 1971 (Kiernan and Walker 1983).

Just before amalgamation, the provincial government published a report that called for the creation of “community committees” for each of the 10 lower tiers in the former regional government (Plunkett 1973). The boundaries of each community committee would align with the boundaries of the former municipality, except for the former City of Winnipeg, which would be divided into five community committee areas (Axworthy 1974). Each committee would have authority over programs that would be “essentially local in nature,” such as parks, recreational facilities, and community centres, and would consist of between three to five city councillors from the corresponding wards (Plunkett 1973, 48). An elected resident advisory group would be attached to each community committee (McAllister 2004). Community committees were required to meet at least once a month and hold meetings open to the public (Axworthy et al. 1973).

In 1974, the *Globe and Mail* released a report on the effectiveness of the new amalgamated city, concluding that “up to this point, the experiment has been something less than an overwhelming success” (Newman 1974, 8). Among the failures of the “Unicity” listed in the report was a lack of interest in community committees and resident advisory groups (Newman 1974). In 1976, in response to a review of the amalgamated city, the provincial government introduced reforms through Bill 62 (Kiernan and Walker 1983). Among them was the reduction of community committees and resident advisory groups from 12 to six (McAllister 2004). A 1986 review recommended a further reduction in community committees from six to five and the elimination of the resident advisory groups (McAllister

2004). These changes occurred in 1992. Today, five community committees remain: City Centre, Assiniboia, Lord Selkirk–West Kildonan, East Kildonan–Transcona, and Riel.

Overall, Winnipeg's community committees suffered from a lack of enthusiasm, stemming mainly from their lack of authority. Those who were involved early on began to feel they were wasting their time, because they were unable to make final decisions on community matters (Hughes 1997). According to some reports, councillors serving on these committees considered advisory committee members as potential political rivals and offered little support for their work. City staff also repeatedly failed to provide consistent support for resident advisory efforts (Hughes 1997).

3.2 Ontario

In the late 1990s, Ontario's provincial government embarked upon a municipal amalgamation program, reducing the number of municipalities in the province from 850 to 444 (Siegel 2005), despite strong opposition to its plan (Miljan and Spicer 2015). In response, it proposed measures intended to soften the negative response towards consolidation.

Community councils were heralded as a method of retaining some semblance of decentralized governance within the amalgamated municipalities (Arnold and Di Gregorio 1997; Sancton 2011; Spears 1997; Spicer 2016). The creation of community councils was permitted under the *Municipal Act, 2001*, and the *City of Toronto Act, 2006*, although they were not implemented in every amalgamated community. We examine three below: Hamilton, Sudbury, and Ottawa. Toronto, an Ontario city with a consistently implemented and still-operating system of community councils, is described in greater detail later in the paper.

Hamilton

In Hamilton, the city's first mayor following amalgamation, Bob Wade, campaigned on a promise to establish "community districts" that would "represent neighbourhood viewpoints," although few other specific recommendations were mentioned, including the scope and function of these councils (Elliot 2000; Spicer 2012). Despite Wade's enthusiasm for the idea, community councils were not implemented during his term in office. It was only after the election of Fred Eisenberger in 2006 that the citizen-led Community Councils Task Force gathered the views of the community and studied the feasibility of implementing community councils.

The Task Force made two recommendations: first, that Hamilton take advantage of delegation powers provided under the *Municipal Statute Law Amendment Act, 2006*¹ and second, that the City enact a formal system of

1. This act harmonized many of the new powers afforded in the *City of Toronto Act, 2006* with the *Municipal Act, 2001* and included new powers of delegation for municipal councils.

community councils. Specifically, the Task Force recommended that each ward have its own community council, with a minimum of seven and a maximum of eleven members, as well as an elected chair and vice-chair. The ward councillor would be an ex-officio member. Each would have a selection committee to interview and select members. Councils would have limited powers; each would be assembled to provide advice to the ward councillor (City of Hamilton 2007).

The Task Force also suggested delegated duties for community councils: the ability to comment formally on all planning activities, street naming, business licence renewal, street lighting, snow removal, parking and traffic issues, heritage permit applications, and recreation (City of Hamilton 2007). City Council, however, dismissed the Task Force's recommendations. Certain wards have community councils in place, but they are the initiative of individual councillors and have no decision-making authority.

Sudbury

In Sudbury, community councils were a key recommendation from 2007's Greater Sudbury Community Solutions Team, which reviewed the city's governance structure after amalgamation. Sudbury introduced Community Action Networks (CANs) in 2001, following the recommendations of the Mayor's Task Force on Community Involvement and Volunteerism (City of Sudbury 2007). After many years, attendance at CAN meetings waned, leading the Community Solutions Team to describe them as "fledgling" (City of Sudbury 2007, 6). Hoping to revive the CAN system, the Community Solutions Team recommended that CANs be given responsibility for planning public consultations and local economic and community development initiatives, distributing municipal newsletters, holding pre-budget consultations, assisting with the programming of community space, and enhancing community policing efforts (City of Sudbury 2007).

Today Sudbury's CANs provide advice to ward councillors and facilitate community meetings (Spicer 2016). Each has staff support and a modest budget for administrative costs. The CANs elect a chair and assign other executive positions as each one sees fit. By most accounts, Sudbury's CAN meetings are now well-attended and the community regularly participates (Spicer 2016). Participation on the part of councillors, however, is not always consistent. The CANs are independent of the ward councillors and can therefore operate without the presence or assistance of a councillor. However, CANs with more active councillors tend to have more participation from the public (Spicer 2016).

Ottawa

In 1999, the Province appointed Glen Shortliffe as a special adviser on restructuring in Ottawa. His report called for the regional government to be converted to a single tier. He dismissed the use of community councils, arguing they held a "certain appeal," but ultimately were not "practicable or workable" (Shortliffe 1999, 10). The City's transition team also rejected the ideas of community councils in favour of voluntary, advisory ward councils (City of Ottawa 2001).

With the passage of the *Municipal Statute Law Amendment Act, 2006*, the City of Ottawa examined the City's governance structure through a series of discussion papers. These papers did not make specific recommendations to council, but did suggest that community councils played a positive role in other jurisdictions, most notably Toronto where, it was argued, they contributed to the City's legislative efficiency (City of Ottawa 2007). Very little, however, came of these discussions.

Today, Ottawa has voluntary ward committees, which are used infrequently and inconsistently and are seen largely as "re-election committees" for ward councillors, as they are not open to the public (Spicer 2016).

3.3 Québec

The cities of Québec and Montréal implemented community councils after years of calls for increased participation in local politics from citizen groups (Léveillé and Leonard 1987; Quesnel 1995; Quesnel and Belley 1991). Several community groups sought to break the power of local political parties.

In Montréal, the Montréal Citizens Movement (MCM) advanced this proposal when it was formed in 1974. The Rassemblement populaire de Québec (RPQ) put forward a similar position in Québec after its founding in 1977 (Quesnel 2000). At the centre of each group's platform was a proposal to organize neighbourhood councils as a corrective to centralized decision-making in each city.

The MCM's proposal called for the creation of neighbourhood committees in each ward, representing between 50,000 and 150,000 residents each. In 1986, the MCM was elected to office and began implementing its plan, which led to the creation of nine District Advisory Committees in 1989. These committees were replaced by a larger number of neighbourhood councils in 1996 (Quesnel 2000). Much like Winnipeg and Toronto, membership in these committees was restricted to city councillors.

In Québec, the RPQ was elected in 1989 and proceeded to develop a public consultation strategy, which included a trial period for two neighbourhood committees: the Saint-Jean-Baptiste and Old-Limoilou neighbourhoods, beginning in 1993. Unlike in Montréal, these committees were composed of seven elected community members, plus city councillors from the adjoining districts as non-voting members (Quesnel 2000). In 1996, this model was extended throughout the city. Each committee now has nine members: four women, four men, and one business representative.

Starting in 2000, Québec's provincial government pursued large-scale amalgamations (Sancton 2011). In total, 213 municipalities were amalgamated into 42, among them the cities of Montréal and Québec (Spicer 2014). The amalgamated City of Montréal added another tier of government called the Montréal Metropolitan Community (MMC), which covered the entire metropolitan region (Sancton 2011). At the same time, borough governments

were introduced to provide purely local services, for two main reasons. The first was linguistic, as 14 of the municipalities amalgamated in Montréal were English-speaking and had a bilingual status prior to amalgamation. The second concerned local responsiveness: the boroughs were seen as a way of preserving a sense of community in the former municipalities (Tomas 2012).

Amalgamation was unpopular in Québec, and the Québec Liberal Party promised to hold referendums on de-amalgamation if re-elected (Sancton 2006). Once the party was back in power, 31 municipalities – 15 of them on the Island of Montréal – opted for de-amalgamation (Spicer 2014). After de-amalgamation, an agglomeration council was created for the Island of Montréal, which divided servicing responsibility between the City of Montréal, the agglomeration council, and the borough governments. The agglomeration council is responsible for area-wide services (such as property assessment, social housing, transit, and public safety), whereas the City and boroughs share responsibility for local services: the City handles water, waste management, and economic development and the boroughs oversee local street maintenance, snow removal, and local parks (Spicer 2014).

The multi-tier arrangement in Montréal is complex. Borough governments are not a distinct corporate entity and operate within Montréal. Each has a directly elected mayor who also sits on City Council. Most have at least one other councillor on the borough council and some have up to four more. In total, 40 borough councillors are elected to serve at that level, and 64 members are elected to serve on Montréal City Council, including the Mayor of Montréal and the 18 borough mayors (Sancton 2011).

3.4 Assessment of Canada's Community Councils

The experience of community councils has received mixed reviews from experts. For instance, Garcea and LeSage (2005) believe community councils hold the promise of improving oversight in municipal government. The authors see such institutions as a check on the power of city government.

McAllister (2004) is equally optimistic, seeing community councils – along with other local groups, such as neighbourhood and block associations – as a method of re-engaging with citizens and re-invigorating local democracy. To McAllister, community councils can be a vehicle for local empowerment and citizen participation in amalgamated communities.

On the other hand, Quesnel (2000) argues that most community council models in Canada have failed to live up to expectations. To Quesnel, much of the dissatisfaction about community councils stems from their perceived lack of power. She argues there is simply not enough information conveyed from decision-makers at city hall to local citizens who join community councils. A lack of information, coupled with a lack of resources, has largely hindered the work of many community councils across Canada.

3.5 Models Outside Canada

Community councils are not exclusive to Canada. Below we briefly explore two models in American cities: New York and Los Angeles.

New York

New York has five borough presidents, one for each of the amalgamated boroughs (City of New York n.d.). There are 59 community boards across the city, each with 50 members appointed by borough presidents based on nominations. The boards consist of civic leaders who reside, work, or have an interest in the community. Anyone may attend community board meetings.

Community boards have small budgets, and play an advocacy role on local and citywide issues (Marcuse 1997). Non-councillors serve as members of the boards, although anyone may attend a meeting and city staff attend to document and report on the proceedings. Any matter can be raised by the committee, whether or not it has to do with local planning or relates to a citywide issue. Community committees are well-known for raising opinions that are contrary to those of elected officials, which can lead to changes in proposed policies (Abraham 2016).

Los Angeles

Los Angeles has 96 neighbourhood councils, which are created upon recommendation by community members and receive nominal funding for organizational needs. Like New York, the councils do not have delegated power, but serve as a crucial model for improving community connections and leading to change in citywide policies (Chemerinsky and Kleiner 2013).

Numerous scholars have praised Los Angeles's councils for changing governance by expanding minority representation, reducing political segregation and exclusion, and improving political communication (Musso et al. 2004).

4. Toronto's Community Councils

Under section 132 of the *City of Toronto Act*, “the powers of the City shall be exercised by city council” (Statutes of Ontario 2006). As in other Ontario municipalities, Toronto's highest political unit is City Council, which includes 44 councillors and a mayor.

4.1 The Creation of Toronto's Community Councils

In 1997, the Province of Ontario introduced Bill 103, a controversial piece of legislation that would ultimately establish the new amalgamated City of Toronto (see Figure 2). Prior to the introduction of this legislation, seven municipalities existed within the geographical boundaries of what would become the new City of Toronto: the upper-tier Municipality of Metropolitan Toronto or Metro – responsible for regional issues such as transit, social services, and libraries – and six local municipalities: the Borough of East York, the City of Etobicoke, the City of North York, the City of Scarborough, the City of Toronto, and the City of York.

At the time, residents were concerned that amalgamation would diminish meaningful political representation. The Province responded by introducing the requirement for community councils to represent the six pre-amalgamated municipalities but gave the City ultimate authority to decide whether to keep them as part of its governance model.

Globe & Mail Journalist Colin Vaughan (1997) wrote:

Those who fear their local neighbourhood will sink into the megacity morass should prepare themselves for more grim news. The province has promised that neighbourhood issues will be dealt with by six advisory community councils made up of local, elected officials from the megacouncil along with hand-picked local residents. ... But there is no mention of such bodies in Bill 103, the legislation setting up the megacity, just a vague, two-line reference to the establishment of “community councils” without a mention of powers and responsibilities.

The Province appointed a transition team consisting of councillors from the former municipalities to address legislative and governance issues related to the amalgamation, including “community councils and neighbourhood matters” (Toronto Transition Team, 1997). The transition team undertook

Figure 2: City of Toronto, Map of the Pre-Amalgamated Municipalities, 1967–1997



Source: City of Toronto

extensive consultations with residents, civil servants, and local politicians. They recommended retaining six community councils within the boundaries of the former municipalities, with stewardship as a primary responsibility:

Stewardship of the community implies more than making decisions on local planning matters. It means keeping in touch with citizens and their concerns. The community councils should be a focal point for involving people in community affairs. It also means understanding how the community is doing. If people are worried about safety on their streets, the community council can discuss what should be done and who can be brought to the table to discuss an action plan (Toronto Transition Team 1997, 65).

This stewardship role as conceived would be executed through three functions:

- local planning and development matters;
- other neighbourhood-related issues;
- involving the community and monitoring its well-being (Toronto Transition Team, 1997, 66).

The transition team ultimately concluded: “people want to be able to influence what happens in their neighbourhoods” with a government “that understands local community matters” (Toronto Transition Team, 1997, 65).

Thus, under the transition team’s recommendation, community councils were meant to act as the voice of the former local municipalities. It was believed that these councils would soften the negative response to amalgamation and provide for decentralized governance within the province’s new, large municipality (Sancton 2011, 155).

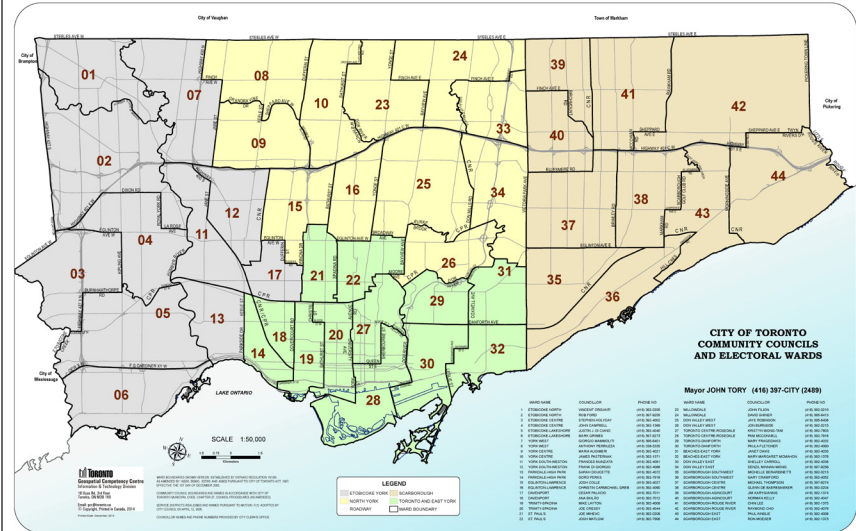
As Spicer (2016) writes, “community councils were drawn along the lines of former lower-tier municipalities, indicating they were designed more to placate those angry about amalgamation than to genuinely empower communities.”

4.2 A Governance Review and New Legislation

For four years following amalgamation, the City of Toronto had six community councils. In 2003, the City of Toronto established a committee to review the form and function of these bodies, led by then-Councillor David Miller. This committee recommended a reduction to four: Etobicoke, North York, Toronto–East York, and Scarborough (see Figure 3).

The committee believed community councils should be aligned with Toronto’s service districts to provide better continuity between planning, building, licensing, and transportation functions (Sancton 2011). They also believed community councils would function better if there were a more even population distribution between each council, with approximately 600,000 people and eleven councillors each.

Figure 3: Toronto Community Council Boundaries and Electoral Wards Map



Source: City of Toronto

In 2005, in anticipation of the introduction of the *City of Toronto Act*, city staff embarked on a governance review to redesign the City’s governance model. The review was led by the Governing Toronto Advisory Panel, a three-person group that studied Toronto’s existing governance model, undertook extensive consultations, and forwarded its recommendations to City Council (Governing Toronto 2005).

The panel was to look critically at the existing governance model, eight years after amalgamation, and consider how the model could be reformed, given the potential of the new *City of Toronto Act*. Before presenting its advice to City Council, the panel spent four months talking to hundreds of people in meetings and interviews, including the Mayor, councillors, senior staff, representatives of community groups and organizations, academics, and the public (Governing Toronto 2005).

The panel’s mandate included the following components. First, it was to provide findings and options to Council for debate and decisions about Toronto’s governance system. Second, it was to ensure that the engagement process with members of Council, citizens, civic leaders, and other stakeholders allowed a range of points of view and ideas to be heard and discussed. Third, it was to encourage a civil, robust, and informed discussion of options among all sectors of Toronto society interested in a well-governed city.

The panel remarked that a strong citywide agenda was necessary to achieve the purposes of the *City of Toronto Act*. Its report stated:

The new City of Toronto Act will give Toronto, for the first time, the power to choose how it governs itself. Torontonians will have the power to choose the system that will deliver the city we want. Toronto's system of democratic self-government was designed for a different era. It is inherently unable to cope with the policy challenges of the 21st century, or to wield the promised new powers to address those challenges under a revised City of Toronto Act (Governing Toronto 2005, 26).

The fundamental cause of the governance issues was that City Council had two roles: as a legislature for deciding on broad taxation, planning, and social policy issues, and as an administrative decision-maker, which involved the implementation of policies already decided. The latter types of decisions dominated City Council's agenda, leading to long meetings and insufficient time to focus on citywide matters. The panel therefore recommended that Toronto introduce a governance model that delegated more powers to the local level.

The Governing Toronto Advisory Panel made the following recommendations to “empower Community Councils”:

- exercise delegated local transactional decision-making authority, governed by Council-approved policy;
- conduct a minimum of four public engagement sessions annually within their areas, to provide community input into key issues, such as the setting of strategic directions and budget;
- determine a more effective method of ensuring neighbourhood input using the city's 140 identified neighbourhoods,² to feed into local priority setting and service planning;
- meet in the evening, when more community members are able to attend.

In 2006, the provincial government enacted the *City of Toronto Act*. Section 132(1) of the Act states: “The powers of the City shall be exercised by city council.” Unlike previous legislation itemizing what the City could and could not do, the Act gave authority to Council to delegate certain final decision-making powers to community councils. It also restricted any delegated body (including community councils) from imposing taxes, adopting or amending the official plan, or adopting or amending the city budget. To balance the competing demands of City Council

2. The City of Toronto's 140 neighbourhoods were identified in 2005 by staff in the Social Development and Finance Administration Division (SDFA) to measure community well-being. SDFA has used the neighbourhood delineation to further identify the city's most economically and socially marginalized neighbourhoods as “neighbourhood improvement areas,” in which infrastructure spending and social programs are prioritized.

authority and the Act's restrictions, city staff set out in a 2007 by-law the following principles to be considered in determining which issues should be delegated:

- local routine matters should be delegated to community councils for final decision;
- only matters that can be legally delegated will be delegated;
- matters that are citywide will not be delegated;
- community councils should not have final decision-making powers on matters that fetter Council's subsequent decision on a citywide matter or on a matter that cannot be delegated (City of Toronto 2007).

The justification by city staff for limiting the authority of community councils focused on the distinction between what is a "citywide" issue as opposed to a "local" matter.

4.3 The Focus of Community Councils

Council approved the duties of community councils through a by-law that sets out a list of community council powers (Toronto Municipal Code 2006). The by-law also contains a confusing description of the circumstances in which community councils may consider "neighbourhood," "local," or "citywide" matters.

Community councils are given broad authority to make public presentations and recommendations on "neighbourhood" matters, including "Requests for exemptions to ravine and tree by-laws" and "any matter...which affects more than one Community Council."

Community councils may make recommendations to City Council only on official plan and zoning by-law amendments that have a "local focus," and on other planning applications that are "not of citywide interest." However, community councils *may* convene community meetings to inform the public of "citywide" issues and make recommendations on "citywide" planning reports.

Although the procedural by-law permits community councils to consider "neighbourhood," "local," or "citywide" matters in circumstances outside its delegated authority, in practice such exercises are rarely undertaken.

Under the Toronto Municipal Code, community councils are responsible for delegated duties in the urban areas that they represent. They also have decision-making power over issues that ultimately go to City Council for approval, as well as a role in "community" and "neighbourhood" decisions. The specific powers can be roughly grouped into three categories: planning decisions; local land use; and community and neighbourhood matters.

Planning Decisions

Community councils may hold quasi-legislative hearings on matters within the urban area the community council represents, unless the subject matter is of

citywide interest or is within an area represented by more than one community council. These decisions involve statutory hearings required under the *Planning Act*, including changes to the City's official plan and zoning by-laws, and applications for approval of subdivision plans.

In evaluating local planning decisions, the members of community councils balance the following considerations:

- whether proposed changes to lands located in areas designated as “neighbourhoods” in the official plan are “sensitive, gradual and generally fit the existing physical character”;
- the degree to which citywide housing policies should be assessed in regard to individual neighbourhoods;
- the relationship between local zoning and the official plan in a rezoning application.

Community council decisions must then be approved by City Council, and may in turn be appealed to the Ontario Municipal Board.

Local Land Use

Community councils are responsible for decision-making on activities and land use matters affecting neighbourhoods and local businesses. These include final delegated decision-making on street traffic regulation and permit parking, noise by-law exemptions, street food vending, liquor licenses, and boulevard café permit appeals.

Community councils may also make decisions on exemptions to ravine and tree by-laws, although these issues will ultimately be directed to City Council for final approval.

Community and Neighbourhood Matters

Community councils can hear matters of “community interest.” They are given broad authority to make public presentations and recommendations on “neighbourhood” matters, and appoint individuals to community boards, including local Business Improvement Areas.

However, contrary to Governing Toronto's recommendations, community councils have neither conducted public engagement sessions annually within their areas nor incorporated neighbourhood input using the city's 140 identified neighbourhoods, both of which feed into local priority setting and service planning. The 140 neighbourhoods do not play a role in the city's community councils.

4.4 A Focus on Planning

There is initial evidence that, in the 15 years since they were introduced, Toronto's community councils have focused largely on local planning issues, with minimal

attention to both the stewardship role originally intended by the 1997 provincial legislation and the community role recommended by the Governing Toronto Panel (Flynn 2017).

Table 1 sets out the activities of each community council in 2013 according to the three categories outlined above. This data is drawn from the decisions made by each of Toronto’s community councils in a full calendar year.

Table 1: Community Council Decision-making by Category

	Planning	Land use	Community interest	Total
Etobicoke	77	258	38	373
North York	114	222	22	358
Scarborough	54	150	29	233
Toronto–East York	251	504	35	790

Source: Alexandra Flynn (original research)

Most decisions relate to planning (including heritage) and land use. This is consistent with Slack’s observations that community councils are essentially “local planning committees” (Slack 2005), substantiated by Spicer’s study on the main activities coming before community councils (Spicer 2016).

However, community councils differ in the number and type of issues they consider. The Toronto–East York community council handles twice the number of issues of any other community council. Proportionately, the Scarborough community council considers the largest number of community issues.

Toronto’s community councils do not generally consider community or neighbourhood matters and, of those that are considered, most relate to the appointment of residents to local and community boards rather than public presentations and recommendations on “neighbourhood” matters.

Nevertheless, there have been some notable exceptions to this general focus on local planning. In 2012, the Toronto–East York community council used the authority of the Toronto Municipal Code, Chapter 27, to debate the local impacts of a proposed casino in the downtown area. Under the municipal code, the community council can make recommendations to Council only on “local” official plan and zoning by-law amendments, or planning applications that “are not of citywide interest,” neither of which applied in this case.

However, community councils may create subcommittees that report directly to City Council on the results of public hearings or public presentations (Toronto

Municipal Code 2006). The subcommittee must have terms of reference, including details as to why an existing committee or public advisory body cannot do the work, as well as a Clerk's impact statement identifying the staff and other resources the committee or public advisory body needs for support and a statement that such resources are available.

To some staff, this community-focused role was anticipated when the procedural by-law was amended through the *City of Toronto Act*. By operating through a formal committee, the community council was able to engage directly with Business Improvement Areas and residents' associations, request staff reports on the impacts of a casino, and make recommendations directly to City Council (Flynn 2017). The community council's activities resulted in numerous reports with a focus on the planning, local transportation, local economic development, and health impacts of this citywide issue.

The Toronto–East York community council has used this model for two other citywide decisions:

- the local impacts of a proposed expansion of the Billy Bishop Toronto Centre Airport runway;
- the future of Toronto Exhibition Place.

The Toronto–East York community council requested reports from city staff, heard from deputants, and otherwise considered the localized effects of these decisions on specific geographic areas of the city.

The examination by community councils of matters beyond local planning decisions, however, is limited. Other than these examples, the City of Toronto has not reconsidered the mandate or membership of community councils, nor their potential in grappling with the local effects of other citywide matters in all areas of the city, not just the core.

5. Options for Reform

In 2015, Toronto City Council asked city staff to review community councils as part of the City's ward boundary review process. This review realigned the city's wards, so the City must set new boundaries for community councils. Staff have been directed to report back to Council in 2017 regarding the "impacts to governance and structure changes to the authority, duties, and function of community councils."

Meanwhile, in November 2016, the Province of Ontario introduced measures to strengthen the use of community councils across Ontario. There is thus a unique opportunity available to re-imagine the authority and use of Toronto's community councils.

Several options for a more expanded delegation could work both within Toronto's existing legislative constraints and through amendments to provincial legislation. We provide three feasible options for reform:

- expanding the definition of what is considered a “local” matter, thereby allowing community councils to explore a greater range of issues and play a more meaningful role in the major debates affecting the city’s future;
- increasing the delegation powers of community councils, to relieve the agenda of city council and empower local decision-makers;
- giving residents the ability to serve directly on community councils, removing some of the authority of city councillors but expanding opportunity for community members to take a direct role in shaping their city.

5.1 Redefine “Local” and “Citywide”

The City’s current definitions of “local” and “citywide” significantly limit what community councils may do. At present, the focus of community councils on “local” issues means very little may be delegated to them for consideration. The bifurcation of “local” versus “citywide,” however, is flawed in two main ways.

First, so-called “citywide” decisions affect local areas. For example, the introduction of a casino is a citywide issue based on the City of Toronto’s definition because the project affects more than one community council area, impacts the city’s revenue and tourism, and has implications for addictions and public health. Based on research on the NIMBY effects of decision-making, Toronto is right to ensure that such decisions are given a citywide lens, particularly in regard to the implications for the city’s most marginalized residents (Valverde 2012).

The concept of “local” suggests that certain matters are inherently smaller or larger in scale, and that governance forums should be divided on that basis. The reality is that transit systems, affordable housing, and casinos are as much about the scale of the neighbourhood as they are about the city as a whole. In the 2012–13 casino decision, the matter was considered local because of the impact that the casino would have on the local community, not whether the subject matter *itself* was a local one.

Second, “local” decisions can affect the city as a whole. For example, community councils have delegated authority over parking permitting, which, in addition to affecting a particular area, can have broader implications for initiatives such as car sharing. Artificially distinguishing issues in such a manner produces a single lens and ignores consequences on other scales.

Cowen and Parlette (2012) write about the pitfalls of directing resources – and therefore responsibility – at the neighbourhood scale, particularly in economically disadvantaged communities, without recognizing that the remedies to neighbourhood matters are only really solvable at the municipal, provincial, or even federal levels.

Defining what is local and what is citywide should not be about the subject matter, which is the basis upon which the city sets out the distinction. Instead, “local” and “citywide” relate to *consequences*. As Cowen and Parlette (2012)

observe, the creation of geographies of subject matter problematize issues in particular communities rather than highlighting systemic or higher-order causes and contributions.

This adjustment is the simplest way to rethink the function of community councils. It would require no legal amendments to the *City of Toronto Act*, assuming that community councils were not delegated any of the powers set out in section 22(1), including acting as a final, budgetary decision-maker or making certain decisions related to the *Planning Act*.

For example, cycling lanes could be added to the “local” column, as they were before 2007. While this change would allow community councils to examine and decide upon more issues affecting their communities, it runs the risk of creating a patchwork in policy implementation and deepening divides between communities within the city. We, however, believe this change would ultimately be positive and strengthen the city’s community council network.

5.2 Increased Delegation to Community Councils

If City Council is defined as the body that sets broad policy directions, detailed decision-making could be given to community councils. In this option, City Council could articulate principles on matters of “citywide” importance, then grant power to community councils to implement policy directions. City Council could set out the policy frameworks.

Municipal governments can use delegation to balance the function of local forums. Delegation in its most formal sense means a transfer of final decision-making power. The *City of Toronto Act* gives the City wide discretion to organize its decision-making model. Under the current model, some matters such as parking are “local,” whereas others such as housing are defined as “citywide.” The “localness” of parking is a question of subject, and the definition assumes that certain types of decisions are reasonable to delegate to a smaller pool of decision-makers. But “localness” relates also to the geography of the city under the assumption that such decisions affect only a subsection of interests, namely residents of that particular section of the city, and therefore are appropriately determined by representatives within that area.

Delegation may also be conceptualized as a process of urban maturity. Until the last two decades in Ontario, provincial legislation was very prescriptive in regard to municipal powers. Municipalities could take action only on matters set out in the legislation. Councillors and staff may be reluctant to push the boundaries and introduce laws that are not clearly spelled out in legislation due to this legacy of municipal power in Toronto.

Acting on this option would be easier said than done. The changes in the city’s governance structure were partially to make City Council operate more efficiently, as Spicer (2016) has demonstrated. Another factor, however, was to include a possibility of looking at the citywide perspective, too (Spicer 2016). Amalgamation

ultimately eroded the two-tier perspective by integrating what was formerly a metropolitan level with the municipal level. This second option could reduce the size of the agenda at City Council, but would not change the perspective that city councillors bring to an issue.

5.3 *Community Councils as a Forum for Co-production*

Community councils could facilitate the consideration of “citywide” matters, as the Toronto–East York community council first did with the 2012–13 casino proposal and as the Governing Toronto Panel recommended. At the simplest level, staff and city officials could encourage widespread use of the current provisions of the Municipal Code, encouraging the use of community councils as forums for public presentations and recommendations on neighbourhood matters; reporting on the local implications of the official plan, zoning by-law amendments, and planning applications; and convening community meetings to inform the public about planning applications of citywide interest.

Under this model, community councils could play a wider role in augmenting participatory democracy in the city as forums for considering the local effects of “citywide” decisions and as a source of advice to City Council on neighbourhood issues. This option would mean opening the door to other changes in Toronto’s community councils, including membership, number, and budget. Such a move might require amendments to the *City of Toronto Act*, if budgetary decisions were delegated or if community councils were to comprise a significant number of non-councillors. It could also occur if the province mandated such bodies, as in Québec’s municipal model.

This option confronts the tension between rational bureaucracy and messier forms of political action. De Sousa Santos and Rodríguez-Garavito (2008) note that theoretical debates on the relationship between representative and participatory democracy often overlook the fact that these two concepts must work together. They write that participatory democracy in complex political environments always presupposes opportunities for delegation and representation.

In this model, public engagement and involvement are complex and sophisticated to reflect the importance of overlapping, multifaceted, and multiplayer decision-making at the municipal level. As de Sousa Santos and Rodríguez-Garavito state:

In internally differentiated societies, the stronger the bond between democracy and distributive justice, the more complex the methodology that guarantees such a bond tends to be. The decrease of complexity that bureaucracy allows for cannot but bring about the loosening of the bond between democracy and distributive justice (De Sousa Santos and Rodríguez-Garavito 2008, 484).

A rational system of decision-making misrepresents the messy reality of participatory democracy, which is tied into the tugs and pulls of representation

and delegation. This “decisional messiness” would require the City of Toronto to take less control of the forums of decision-making and of the conversations that take place there, similar to the models in New York and Los Angeles.

As it reviews its community councils, Toronto could adopt a model of delegated decision-making for an expanded set of community councils, with opportunities for residents to serve directly as decision-makers (City of Toronto 2015). Toronto could also mirror New York’s approach by having community committees without delegated power. Organized by community council area, these committees can raise matters of community interest and these concerns could feed directly into community councils. These bodies would draw on areas larger than a ward, which would retain its focus as a representational boundary within which councillors are elected.

The process of designing new community councils and identifying the role of residents should be a democratic exercise in itself. The objective of such a re-imagining should be including new, often excluded voices in the decision-making process. It is hoped that by opening up the process, more people will be encouraged to participate. As Parlow (2010) writes, “Neighborhood councils may be the best structural changes to local government because they provide more meaningful opportunities for political engagement of minority groups, while also serving as an antidote to systemic corruption in local government” (81). Nevertheless, it should be noted that such exercises may be subject to capture by certain groups, namely affluent homeowners. To mitigate the disproportionate influence of such groups in community council-like bodies, New York has introduced mechanisms such as regular reviews of the demographics of participants and funding for community council activities (Kilgannon 2016).

This messier approach to community councils, which does not strictly demarcate what is “local” versus “citywide” when it comes to urban issues, could lead to greater political legitimacy. Ultimately, delegation recognizes the importance of local autonomy and the desirability of civic engagement. It also provides more opportunity for local communities to debate the desirability of citywide initiatives, potentially reducing the friction once matters reach City Council and thereby achieving the utilitarian end of delegation.

To effectively re-imagine community councils, it will be necessary to abandon the traditional categorizations of “local” and “citywide.” A potential downfall of this re-imagined model is that it significantly alters the structure of the existing councils, and may elicit opposition from members of council who could view this as a dilution of their authority. However, like New York’s model, this approach gives residents an institutional forum within which they may voice their concerns and recommendations on city decisions. We believe that the community council review offers a unique opportunity to consider such a change to the mandates of these bodies.

Conclusion

Community councils have a mixed history of implementation. In Canada, community councils have been established primarily as voluntary bodies, with little delegated authority. As a result, participation in these bodies tends to wane over time. Since many of these councils are created in the wake of amalgamation, it has been argued they are mainly intended to placate opponents of consolidation, offering a promise that local decision-making authority will not be diluted. Over time, however, most have failed to live up to expectations.

The challenge with implementing community councils is finding the right balance of authority between City Council and community councils. If community councils have areas of exclusive authority, the power of City Council may be diluted, leaving councillors unable to act on issues important to their constituents. Another concern is that strong community councils may lead to a patchwork of planning and policy across the city, including potential capture by NIMBY-type groups. On the other hand, if community councils are too weak, members may lose interest and a potential site for community development and empowerment may be lost.

The City of Toronto has an opportunity to find the right balance with its current review of its community council system. We have provided three recommendations that are feasible and that generally fit within the City's existing legal authority.

First, we argue that the definition of what is considered to be a "local" and "citywide" matter needs to be re-imagined. This would allow community councils to examine a greater range of issues and provide more input into the major challenges confronting the city.

Second, Toronto should expand its delegation powers, to take more issues off the agenda of City Council, thereby not only increasing legislative efficiency, but also empowering more local decision-makers.

Finally, we propose that residents be given the ability to serve directly on community councils, mirroring the New York City model, which by most accounts provides increased opportunity for community deliberation and decision-making.

If the City were to adopt these recommendations, Toronto would be one of the first Canadian cities to strike an appropriate balance between the needs of the community and the authority of City Council. The City of Toronto has an opportunity to empower and re-imagine community councils. The question now is whether it will do so.

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