

THE CITY OF TORONTO

City Clerk's Office

Minutes of the ABC Ad Hoc Committee

Meeting No. 3

Tuesday, July 15, 2003

The ABC Ad Hoc Committee met on Tuesday, July 15, 2003, in Committee Room No. 2, 2nd Floor, City Hall, Toronto, commencing at 9:40 a.m.

Members Present:

Councillor David Soknacki, Chair
Councillor Norm Kelly
Councillor David Miller
Councillor Denzil Minnan-Wong
Councillor Jane Pitfield
Councillor Kyle Rae
Councillor Michael Tziretas

Regrets:

Councillor Brad Duguid

Confirmation of the Minutes

On motion by Councillor Tziretas, the Minutes of the meetings held on Tuesday, March 4, 2003 and Tuesday, June 19, 2003, were confirmed.

3.1 Consultation Results.

The ABC Ad Hoc Committee had before it a report (June 10, 2003) from the Chief Administrative Officer, providing the results of consultation with the City's Agencies, Boards, Commissions and Corporations undertaken as part of the ABC Ad Hoc Committee Work Program, and recommending that:

- (1) this report containing the results ABC Ad Hoc Committee consultation with the City's Agencies, Boards, Commissions and Corporations be forwarded to the Policy and Finance Committee and Council for information; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

On motion by Councillor Rae, the Committee recommended to the Policy and Finance Committee and Council the adoption of the aforementioned report.

(Policy and Finance Committee; cc: Chief Administrative Officer; Karen Cooper; All ABCs –July 18, 2003)

3.2 Citizen Nomination Processes for City Agencies, Boards, Commissions and Corporations – Recommended Policy.

The ABC Ad Hoc Committee had before it a report (June 10, 2003) from the Chief Administrative Officer, outlining a more flexible approach to the process for citizen nominations to City Agencies, Boards, Commissions and Corporations that is geared to the needs of individual boards, and recommending that:

- (1) the changes to the City process for citizen nominations to Agencies, Boards, Commissions, and Corporations included as Attachment 1 to this report be adopted;
- (2) the Chief Administrative Officer and Clerk's Office of Corporate Services amend the policy document to reflect these changes and submit the revised policy for approval in September 2003;
- (3) the Chief Administrative Officer co-ordinate the process of reviewing board qualifications (including the requirement for citizenship) and identifying the most appropriate recruitment and selection process for each board, such review to be conducted co-operatively with agencies and appropriate City staff;
- (4) this report be forwarded to the Policy and Finance Committee and to Council for consideration; and
- (5) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

On motion by Councillor Kelly, the Committee recommended to the Policy and Finance Committee and Council, the adoption of the aforementioned report.

(Policy and Finance Committee; cc:– Chief Administrative Officer; Karen Cooper; All ABCs –July 18, 2003)

3.3 Analysis of Annual Reports of City of Toronto Agencies, Boards and Commissions.

The ABC Ad Hoc Committee had before it a report (June 10, 2003) from the Chief Administrative Officer, responding to a Council request for an analysis of the style and cost of annual reports produced by all City Agencies with a view to standardization, and recommending that:

- (1) all ABCs annually submit a copy of their annual reports to the Municipal Affairs Library;
- (2) the Chief Administrative Officer request that each agency review the style and cost of producing its annual report to ensure it is commensurate with its purpose and intended impression;
- (3) this report be forwarded to the Policy and Finance Committee and Council for consideration; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

On motion by Councillor Rae, the Committee recommended to the Policy and Finance Committee and Council, the adoption of the aforementioned report.

(Policy and Finance Committee; cc: Chief Administrative Officer; Emanuel Nzeakor; Auditor-General; All ABCs --July 18, 2003)

3.4 Development of City Directives to the Boards of City of Toronto Agencies, Boards and Commissions.

The ABC Ad Hoc Committee had before it a report (June 10, 2003) from the Chief Administrative Officer, proposing a strategy for articulating, clarifying and documenting the relationships between the City and its Agencies, Boards and Commissions (ABC's), and recommending that:

- (1) the Chief Administrative Office staff proceed to work co-operatively with City Departments affected and all City Agencies, Boards and Commissions to develop individual City Directives for each City Agency, Board and Commission, using the attached template as a general guide;
- (2) staff report to Council for approval each City Directive and any necessary service level agreements along with any required amendments to the City of Toronto Municipal Code;

- (3) this report be forwarded to the Policy and Finance Committee and Council for consideration; and
- (4) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto, including the introduction of any necessary bills in Council.

The ABC Ad Hoc Committee also had before it a communication dated July 14, 2003, from the Chair, Toronto Public Library Board, in connection with the foregoing matter.

The Committee:

- (1) recommended to the Policy and Finance Committee and Council, the adoption of the aforementioned report; and
- (2) received the communication (July 14, 2003) from the Chair, Toronto Public Library Board, in connection with the foregoing matter.

(Motion by Councillor Tziretas)

The Committee:

- (1) directed that the Chief Administrative Officer be requested to submit a further report to the Policy and Finance Committee meeting scheduled to be held on September 11, 2003, on the progress of the treatment of Heritage Toronto's budget process from no longer being a line item and becoming an ABC budget applicant; and
- (2) directed that the Chief Administrative Officer be requested to include as a priority in her workplan, a review and recommendations concerning Heritage Toronto's By-law.

(Motion by Councillor Rae)

(Policy and Finance Committee; cc: Chief Administrative Officer; Joe Borowiec; All ABCs --July 18, 2003)

3.5 Public Access and Involvement for City of Toronto Agencies, Boards and Commissions – Recommended Policy.

The Committee had before it a report (June 10, 2003) from the Chief Administrative Officer, forwarding for approval a draft policy on Public Access and Involvement Policy on City Agencies, Boards and Commissions, and recommending that:

- (1) the Public Access and Involvement Policy for City of Toronto Agencies, Boards and Commissions included as Attachment 1 to this report be forwarded to the Policy and Finance Committee and to Council for consideration;
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

The ABC Ad Hoc Committee also had before it a communication dated July 14, 2003, from the Chair, Toronto Public Library Board, in connection with the foregoing matter.

On motion by Councillor Minnan-Wong, the Committee:

- (1) recommended to the Policy and Finance Committee and Council, the adoption of the aforementioned report, subject to amending the Policy under V EXEMPTIONS, by adding the following sentence: “Boards may discuss matters in-camera in accordance with MFIPPA and Municipal Act provisions and to deal with the following exemptions”;
- (2) received the communication (July 14, 2003) from the Chair, Toronto Public Library Board, in connection with the foregoing matter; and

(Policy and Finance Committee; cc: Chief Administrative Officer; Karen Cooper; All ABCs – July 18, 2003)

3.6 Policy on Remuneration and Expense Reimbursement for City of Toronto Agencies, Boards, Commissions and Corporations.

The Committee had before it a report (June 10, 2003) from the Chief Administrative Officer, forwarding, for approval, policies for remuneration and expense reimbursement for City Agencies, Boards, Commissions and Corporations, and recommending that:

- (1) the Remuneration Policy included as Appendix 1 to this report be approved, with an effective date coincident with the date of new board appointments in 2004;
- (2) the Expense Reimbursement Policy included as Appendix 2 to this report be approved, with an effective date coincident with the date of new board appointments in 2004;
- (3) this report be forwarded to the Policy and Finance Committee and to Council for consideration; and

- (4) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

The Committee also had the following communications in connection with the foregoing matter.

- (1) (March 28, 2003) from the Chair, Toronto Police Services Board, responding to the Draft Remuneration and Draft Expense and Travel Policies for the City of Toronto Agencies, Boards, and Commissions;
- (2) (February 20, 2003) from the City Clerk, advising that the Toronto Pedestrian Committee, on February 19, 2003, recommended to the ABC Ad Hoc Committee that:
 - (a) it supports Councillor Layton's motion passed at the May 1, 2002 Works Committee meeting that transportation costs be provided for citizens appointed to advisory committees to the Works Committee, to be funded from the Works and Emergency Services consultants' budget; and
 - (b) Ms. Rhona Swarbrick's request for a one-time reimbursement of out-of-pocket expenses for travel incurred during the period January, 2001 to September, 2001 in carrying out Committee business.
- (3) (July 14, 2003) from the Chair, Toronto Public Library Board, respecting reimbursement of reasonable expenses for citizen appointees.

On motion by Councillor Kelly, the Committee:

- (1) recommended to the Policy and Finance Committee and Council, the adoption of the aforementioned report; and
- (2) received communications (1), (2) and (3).

(Policy and Finance Committee; cc: Chief Administrative Officer; Karen Cooper; All ABCs; Chair, Toronto Police Services Board; Rhona Swarbrick – July 18, 2003)

3.7 Recommendation of Audit Committee – Arena Boards.

The ABC Ad Hoc Committee had before it a report (June 10, 2003) from the Chief Administrative Officer, responding to the disposition of motions from the Audit Committee meeting of April 9, 2003, and recommending that:

- (1) the report from the City Auditor, dated March 30, 2001, and including the Financial/Internal Control Checklist appended thereto, be received for information;
- (2) the motions by Councillors Balkissoon and Ford referred to the ABC Ad Hoc Committee by the Audit Committee be considered for implementation within the context of the review of arena boards of management included in the ABC Work Program;
- (3) this report be forwarded to the Audit Committee, Policy and Finance Committee and Council for their information; and
- (4) the appropriate City Offices be authorized and directed to take the necessary action to give effect thereto.

On motion by Councillor Kelly, the Committee recommended to the Policy and Finance Committee and Council, the adoption of the aforementioned report; and that a copy be forwarded to the Audit Committee for information.

(Policy and Finance Committee; cc: Audit Committee; Chief Administrative Officer; Nancy Autton; Arena Boards; Diane Stevenson—
July 18, 2003)

3.8 Overview of Existing Governance of Museum Boards.

The ABC Ad Hoc Committee had before it a report (June 2, 2003) from the Commissioner, Economic Development, Culture and Tourism, providing an overview of the existing governance of museum boards, and recommending that this report be received for information.

The Committee also had before it the following communications, in connection with the foregoing matter:

- (1) (April 9, 2003) from Councillor Miller, forwarding a communication (undated) from Ms. Lynn Donoghue, Chair, Fundraising, Historic Houses of Old Toronto, regarding the relationship between the board and the staff; and
- (2) (March 12, 2003 and April 14, 2003) from Mr. Geoffrey Geduld, Chair, Toronto Historical Museums Board, expressing disagreement over the issue of adding museum governance to the consultation process of the ABC Ad Hoc Committee, and advising that governance will be part of a feasibility study to develop a museum/cultural centre about Toronto's heritage being conducted in conjunction with Culture Division's Museum Services.

On motion by Councillor Rae, the Committee

- (1) received for information the aforementioned report (June 2, 2003) from the Commissioner, Economic Development, Culture and Tourism; and
- (2) received communications (1) and (2).

(Commissioner of Economic Development, Culture and Tourism; cc: Chief Administrative Officer; Nancy Autton; Rita Davis, Councillor David Miller; Ms. Lynn Donoghue; Mr. Geoffrey Geduld – July 18, 2003)

3.9 ABC Ad Hoc Committee Progress Report and Future Strategy.

The ABC Ad Hoc Committee had before it a report (June 10, 2003) from the Chief Administrative Officer, responding to the Council directive for the ABC Ad Hoc Committee to report every six months on progress accomplishments of the Committee to date and the strategy for implementing the policy frameworks established through the ABC Ad Hoc Committee, and recommending that:

- (1) the ABC work program for 2004-2006 outlined in Appendix 2, being coordinated by the Chief Administrator's office working in consultation with City ABCs and an inter-departmental staff team, be forwarded to the Policy and Finance Committee in the new term of Council to determine whether any special Council committee or reference group should be established to deal with ABC governance issues; and
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

On motion by Councillor Rae, the Committee:

- (1) recommended to the Policy and Finance Committee and Council, the adoption of the aforementioned report; and
- (2) received the communication (July 14, 2003) from the Chair, Toronto Public Library Board, in connection with the foregoing matter.

(Policy and Finance Committee; copy to: Chief Administrative Officer; Nancy Autton; All ABCs – July 18, 2003)

3.10 Governance Review of the Toronto Atmospheric Fund.

The ABC Ad Hoc Committee had before it a report (July 8, 2003) from Chief Administrative Officer, outlining the findings of the governance review of the Toronto Atmospheric Fund (TAF), conducted in response to several Council directives; and recommending that:

Mandate and General Governance Relationship

- (1) Recognizing the value of the Toronto Atmospheric Fund's (TAF) contributions to the City and others in reducing greenhouse gas emissions and improving air quality, and the benefits of its unique governance relationship with the City, TAF's current status as a statutory corporation without share capital that functions as a local board for governance purposes be continued;
- (2) Prior Council approval be required for the establishment, amendment or dissolution by TAF of subsidiary entities, agreements with other agents to perform parts of TAF's mandate, and joint ventures and formal business partnerships involving a legal relationship or financial obligation;
- (3) The City Chief Financial Officer and Treasurer be designated as the City's administrative liaison with the TAF Board for financial coordination and monitoring purposes, with the City Chief Administrative Officer retaining carriage for governance and legislative issues pertaining to TAF;

Investment Framework

- (4) Council modify its December 1999 request to the Province of Ontario to amend the Toronto Atmospheric Fund Act (TAF Act), regarding application of Sections 27 to 31 of the Trustee Act to the investment of TAF funds, to more clearly reflect Council's existing authority to guide the investment of TAF assets;
- (5) Council revoke its December 1999 authorization of the indemnification of the TAF Board by the City, with respect to the standard of care set out in Section 27 of the Trustee Act and the City's investment of the TAF funds, since TAF now supervises the management of the investments and so that the City, TAF and TAF's investment managers each assume responsibility for their own actions;
- (6) Council approve the City's investment objectives for TAF as set out in Figure 1 of this report, and:
 - (a) TAF submit to the City CFO an amended Statement of Investment Objectives and Policies indicating:

- (i) how the Statement implements the City's investment objectives for TAF as set out in Figure 1 of this report; and
 - (ii) the extent to which investments are mandate-related;
 - (b) the City CFO transmit the Statement along with a commentary and recommendations to the Policy and Finance Committee and Council for their approval; and
 - (c) this process apply to future TAF amendments to its investment objectives and policies.
- (7) In addition to quarterly reports on investment results, TAF report annually to the CFO on performance measures that specifically include a comparison of the cost of external investment advisors to the investment returns (excluding loan interest) in excess of the earnings that would have resulted if TAF's funds had continued to be invested by the City and any other investment performance measures and reporting requirements that the CFO, in consultation with the Auditor General, may determine;
- (8) (a) The TAF Act be amended to permit Council to delegate to TAF, with any conditions it deems appropriate, any part of the City CFO's existing responsibilities to manage and invest TAF assets; and
- (b) Once this amendment is enacted, the CFO advise the Policy and Finance Committee on the appropriate parameters for delegating such authority to TAF, and the manner for outlining this in a Council Operating Directive to the TAF Board;

Framework for Funding Programs

- (9) (a) To clarify the conditions of the \$23 million cap placed by the TAF Act on the City's contribution to TAF, the TAF Act be amended to provide that the following financial transactions not be included in the calculation of the cap:
- (i) funds the City receives from third parties, for purposes falling within TAF's mandate, that the City transfers to TAF;
 - (ii) emission credits the City transfers to TAF; and
 - (iii) interest paid to TAF on mandate-related loans extended to the City or its Agencies, Boards, Commissions and Corporations; and
- (b) To preserve the City's ability to contribute funds to TAF subject to the \$23 million cap, the TAF Act be further amended to provide that the City may not contribute funds to the TAF Foundation (Clean Air Partnership), which would be seen as a means of circumventing the cap on the City's contribution to TAF;

- (10) The principles in the City's general grants policies (including anti-racism, access and equity policies) apply, with the necessary modifications, to TAF funding including those outlined in Appendix 1 and 2 of Clause No. 5, Report No. 26 of the Strategic Policies and Priorities Committee approved by Council in December 1998 and any future amendments;
- (11) If TAF receives donations containing a requirement that a portion of the benefit be applied outside of Toronto or Ontario, these funds be identified separately in any reports to the City;
- (12) As a matter of policy, other governments and their agencies not be eligible to receive TAF grants or loans, and private for-profit entities not be eligible to receive TAF grants;
- (13) The classification system for TAF funding to external organizations be adopted as presented in Figure 4 of this report and TAF develop procedures to ensure grants, loans and financing, awards, special allocations (e.g., special projects) and contracted services to provide program support (e.g., research and services) are appropriately classified and separately identified in any reports to the City;
- (14) TAF report to the Policy and Finance Committee on its strategy to increase the level of mandate-related loans using the principal of the fund;

City-TAF Financial Relationship

- (15) To streamline administration, the current process for the City and its Agencies, Boards, Commissions and Corporations to receive TAF grants be replaced with jointly developed multi-year contribution agreements with the following characteristics:
 - (a) each contribution agreement supports a few significant priority initiatives that are consistent with City and TAF air quality improvement and green house gas reduction objectives;
 - (b) to recognize TAF's unique relationship with the City, TAF funding for City initiatives be identified as a distinct financial commitment that does not compete with grants to external community-based organizations;
 - (c) to provide both flexibility and a degree of certainty, the annual contribution of TAF funds to the City, including its Agencies, Boards, Commissions and Corporations, be targeted at the same average level as experienced over the period 1999 to 2002 and go forward on a 4-year rolling average basis; and
 - (d) recognizing the City's intergovernmental obligations for the GTA Clean Air Council and Smog Summit, in addition to the contribution in recommendation 15(c), TAF continue to provide the City's annual contribution to these initiatives, subject to annual review by the City; and

the process for developing the multi-year contribution agreements be outlined in the Council Operating Directive to the TAF Board, ensuring an efficient process that accommodates adequate information sharing.

Board Composition, Appointments Process, and Procedures

- (16) To eliminate the outdated board composition currently specified in the TAF Act and to accurately reflect the authority delegated to Council by the Province, the TAF Act be amended to provide that Council determine the TAF Board's structure, composition, appointments process and procedures, retaining the requirement that Council shall appoint all of the directors of the TAF Board.
- (17) The policies and process for nominating the Board of Directors of TAF be amended as follows:
 - (a) the selection criteria for citizen appointments to the TAF Board of Directors be amended to reflect that qualifications for citizens to serve as directors include requirements in the Municipal Act, being in good standing with the City, not being an undischarged bankrupt, and not being a mentally incompetent person;
 - (b) employees of the City and its Agencies, Boards and Commissions not be eligible to hold positions on the TAF Board and that parameters for their participation on TAF committees be included in the Council Operating Directive;
 - (c) a TAF Board member not be an employee of TAF and not perform services for TAF on a remuneration basis; and
 - (d) TAF's Nominating Committee submit a short-list of qualified candidates to the City Clerk for interview and nomination by the City's Nominating Committee.
- (18) TAF Board procedures be amended as follows:
 - (a) Although committees of the Board may include persons who are not members of the Board of Directors, all committees of the Board are to be chaired by a member of the Board, and the majority of the members of committees that have responsibility for internal operating matters must be directors of the Council-appointed Board.
 - (b) To ensure open meetings and promote public access and input, meetings of the TAF Board and committees of the Board must be held within Toronto, although members of the Board or committee may participate in such meetings through electronic or other telecommunication means provided that a quorum is present, in person, at the meeting location within Toronto; the quorum requirement may be waived for meetings

where only in-camera items are being addressed, or in emergency situations as declared by the Chair of the Board.

- (c) In the absence of the Chair or Vice-Chair, another member of the Board shall preside at meetings of the directors of the Board; except that the Executive Director, Chief Executive Officer or other employees are permitted to preside at meetings of the Board for the purpose of selecting a new Chair of the Board.

Clean Air Partnership (CAP) (aka TAF Foundation)

(19) Given that:

- (i) the TAF Act is prescriptive in defining the composition of the CAP Board;
- (ii) the Province has delegated to Council the authority to make changes to the structure of CAP through Ontario Regulation 214/96; and
- (iii) TAF has no legal capacity to change the structure of CAP; the TAF Act be amended to:
 - (a) provide that the City may not contribute funds to CAP;
 - (b) remove the details of the structure of CAP and provide that responsibility over governance matters be vested in the City;
 - (c) permit Council to delegate to TAF, with such conditions as it deems appropriate, the authority for determining the structure, composition, procedures and appointments of the board of directors of CAP; and
 - (d) vest in the City the authority to wind-up or dissolve CAP;

and Council delegate that authority to TAF on the condition that:

- (1) TAF funds are not provided to the TAF Foundation (CAP) except to cover administrative expenses, funds for the City's annual contribution to the GTA Clean Air Council and Smog Summit, or as otherwise authorized by Council; and
- (2) TAF's budget specifically show all funds contributed to the TAF Foundation (CAP).

Implementation

- (20) The City Chief Administrative Officer be directed to prepare, for Council's approval, a Council Operating Directive to the TAF Board that codifies the governance, accountability and policy requirements and delegation of authority applicable to TAF.
- (21) (a) Council approve proposed amendments to the TAF Act to generally contain the provisions set out in Appendix B to reflect changes

recommended in this report, reflect changes previously approved by Council and not yet implemented, and generally update the Act to codify existing authorities provided by regulation, subject to drafting of and modifications to the legislation by the Province;

- (b) the City, TAF and the TAF Foundation (CAP) jointly submit an application to the Province of Ontario for amendments to the TAF Act to generally contain the provisions set out in Appendix B; and
 - (c) the City Chief Administrative Officer, with support from the City Solicitor and TAF and TAF Foundation (CAP) officials, negotiate with Provincial officials on the appropriate wording of the amendments;
- (22) The policies and procedures of the TAF Board, as set out in its By-law No. 1, be amended to ensure consistency with the recommendations of this report, and TAF consult with the City Chief Administrative Officer during this process;
 - (23) This report be forwarded to the Board of TAF and the Board of the TAF Foundation (CAP);
 - (24) This report be forwarded to the Policy and Finance Committee and to Council for their consideration; and
 - (25) The appropriate City, TAF and TAF Foundation (CAP) officials be authorized and directed to take the necessary action to give effect to the recommendations in this report.

The Committee recommended to Council the adoption of the foregoing report, subject to:

- (1) deleting Recommendation No. 19(a) embodied therein;
- (2) amending Recommendation No. 9(b) by adding the words “provided that this not preclude the City from contracting services from CAP”, following the word “TAF” in the last line, so that Recommendation No. 9(b) shall now read as follows:
 - “9(b) to preserve the City’s ability to contribute funds to TAF subject to the \$23 million cap, the TAF Act be further amended to provide that the City may not contribute funds to the TAF Foundation (Clean Air Partnership), which would be seen as a means of circumventing the cap on the City’s contribution to TAF, provided that this not preclude the City from contracting services from CAP.”; and

- (3) amending Sub-Section 19(1) of Appendix B by adding the words “, or through such other methods deemed appropriate by the Council of the City,” following the word “Toronto.”

so that Subsection 19(1) of Appendix B shall now read as follows:

- “19. – (1) The Foundation shall publish in a newspaper published in Toronto, or through such other methods deemed appropriate by the Council of the City, a certified statement by the auditor.”

(Motion by Councillor Kelly)

The Committee further recommended to Policy and Finance Committee and Council, that to reduce energy demand and greenhouse gas emissions from local sources in Toronto, Canada's largest urban centre, and to contribute to commitments arising from the Kyoto Protocol:

- (1) the Government of Ontario and the Government of Canada be requested to invest in the Toronto Atmospheric Fund, supplementing City funds endowed to TAF, to increase support for community initiatives that reduce greenhouse gas emissions and energy demand; and
- (2) a delegation of three members of City Council, consisting of the Chair of the Budget Advisory Committee, the Chair of the Board of Health and the Chair of the Toronto Atmospheric Fund, be requested to meet with appropriate Provincial and Federal Ministers regarding this partnership opportunity.

(Motion by Councillor Soknacki)

(Policy and Finance Committee; copy to: Chief Administrative Officer; Martin Herzog; Chair, Toronto Atmospheric Fund – July 18, 2003)

3.11 Council Operating Directive to the Board of Directors of the Toronto Parking Authority.

The ABC Ad Hoc Committee had before it a report (July 8, 2003) from the Chief Administrative Officer, outlining the principles of governance and articulates the objectives and requirements of the City that the Toronto Parking Authority shall apply in carrying on its business, and recommending that:

- (1) the Operating Directive to the Board of Directors of the Toronto Parking Authority attached as Schedule 1 to this report be approved;

- (2) Municipal Code Chapter 179 be amended substantially in the form attached as Schedule 2 to this report and that the City Solicitor be authorized to introduce the necessary Bills in Council;
- (3) the Operating Directive and amended Municipal Code Chapter referred to in Recommendations (1) and (2) come into force at the beginning of the new term of the Board of Directors in 2004.
- (4) the list of desired qualifications for members of the Board of Directors be amended to include commercial sensitivity and acumen;
- (5) this report be forwarded to the Policy and Finance Committee and Council for consideration;
- (6) that formal notice be given to the Board of Directors of the Toronto Parking Authority of the recommendations of the ABC Ad Hoc Committee so that the Board has an opportunity to provide comments to the Policy and Finance Committee; and
- (7) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

The Committee also had before it a communication dated July 7, 2003, addressed to the Office of the Chief Administrative Officer, from the City Solicitor, in connection with the foregoing matter, and requested the Chief Administrative Officer that it be forwarded to the Policy and Finance Committee as an attachment to the aforementioned report of the Chief Administrative Officer.

On motion by Councillor Rae, the Committee recommended to the Policy and Finance Committee and Council the adoption of the aforementioned report, subject to:

- (1) amending Recommendation No. 1 by adding the words “substantially in the form”, following the words “Toronto Parking Authority”, so that Recommendation No. (1) shall now read as follows:
 - “(1) the Operative Directive to the Board of Directors of the Toronto Parking Authority substantially in the form attached as Schedule 1 to this report, be approved;
- (2) amending Schedule 2, under Section 179-12, Matters Not Requiring Council Approval, by:

- (a) inserting the following as a new Sub-Section C of Section 179-12, and changing the remaining Sub-Sections accordingly:

“C. The management of the Authority workforce, the Authority being the employer of record”;

- (3) adding a new Section 179-13, with new recommendation to read as follows:

“179-13. The Authority shall keep the City’s Labour Relations Division advised, for informational purposes only, of any negotiations that affect the Authority’s collective labour agreement(s).”; and

- (4) renumbering Section 179-13 to now become Section 179-14, and re-numbering all the succeeding sections accordingly, so that Sections 179-12, 179-13 and 179-14, shall now read in its entirety, as follows:

“179-12. Matters not requiring Council Approval.

The Board need not seek Council approval for the following:

- A. The awarding of contracts consistent with the Authority’s operating and capital budgets as approved by City Council.
- B. The delegation of specific financial authority to Authority staff in compliance with the financial policies of the Authority.
- C. The management of the Authority workforce, the Authority being the employer of record.
- D. The investment of the Authority’s capital reserve in compliance with an investment policy adopted by the Authority and filed with the City Chief Financial Officer and Treasurer.
- E. Administrative activities which support the operating objectives listed in Section 179-15 and the business activities listed in Section 179-10.

179-13. Information to City.

The Authority shall keep the City's Labour Relations Division advised, for informational purposes only, of any negotiations that affect the Authority's collective labour agreement(s)."; and

179-14. Inter-agency provision of services.

The City and the Authority may by mutual agreement provide services to each other, and may impose fees or charges for the provision of those services.";

- (5) adding the word "and" in Sub-Section A(1) of Section 179-24, entitled "Operational Liaison", following the word "Commissioner", so that Section 179-24, Sub-Section A(1) shall now read as follows:

"(1) Consult with the Commissioner and any other City staff affected by a report prior to submitting reports to Standing Committee or Council";

- (6) deleting Sub-Section B under Section 179-24, and inserting in lieu thereof the following:

"B. Nothing in Section A limits the ability of the Authority to submit by-laws, Authority reports and other communications for consideration by Standing Committees or Council. The purposes of the requirements in section A. are to ensure that the Authority has the benefit of any comments from the City and other affected City staff, and to enable the Commissioner, in consultation with any other affected departments to determine the nature and extent of any impact on City departments or operations that may result therefrom and take the appropriate action to advise the standing committee or Council of any such impact."

so that Sub-Sections A and B of Section 179-24, shall now read as follows:

"§ 179-24. Operational Liaison.

A. The Commissioner shall be the City's operational liaison with the Authority, and the Authority shall:

- (1) consult with the Commissioner and any other City staff affected by a report prior to submitting reports to standing committee or Council; and

- (2) provide any by-laws under §179-11C, Authority reports and other communications to be considered by standing committee or Council, to the Commissioner for information purposes prior to their submission to standing committee or Council.
- B. Nothing in section A limits the ability of the Authority to submit by-laws, Authority reports and other communications for consideration by Standing Committees or Council. The purposes of the requirements in section A. are to ensure that the Authority has the benefit of any comments from the City and other affected City staff, and to enable the Commissioner, in consultation with any other affected departments to determine the nature and extent of any impact on City departments or operations that may result therefrom and take the appropriate action to advise the Standing Committee or Council of any such impact.”; and
- (7) amending Schedule 1 as per the above amendments to Schedule 2.

(Policy and Finance Committee; copy to: Chief Administrative Officer;
Joe Borowiec; Toronto Parking Authority – July 18, 2003)

The Committee adjourned its meeting at 10:13 a.m.

Chair.