

Consolidated Clause in Policy and Finance Committee Report 7, which was considered by City Council on September 25, 26 and 27, 2006.

2

Policy and Processes for Public Appointments to City Agencies, Boards, Commissions and Corporations and Nominations to External Special Purpose Bodies

City Council on September 25, 26 and 27, 2006, amended this Clause:

- (1) *by deleting from Appendix D.4, respecting the Hummingbird Centre for the Performing Arts, the words “Executive Director of Culture”, where they appear in the first paragraph, and replacing them with the words “Executive Directors of Tourism and Culture”, so that the paragraph now reads as follows:*

“The Hummingbird Centre Nominating Panel is composed of the 3 Councillors on the Hummingbird Centre Board, plus the General Manager of Economic Development, Culture and Tourism, and the Executive Directors of Tourism and Culture. The Nominating Panel may be assisted by the City Manager, Diversity Management and Community Engagement, the General Manager of Economic Development, Culture and Tourism, and Hummingbird’s Chief Executive Officer or their designates.”;

- (2) *in accordance with the following staff recommendation contained in the Recommendations Section of the supplementary report (September 22, 2006) from the City Manager:*

“It is recommended that the portion of Recommendation (10)(a) in the September 1, 2006, report of the City Manager requesting a change in legislation around the timing of appointments to the Library Board be deleted, so that Recommendation (10)(a) would now read as follows:

“(10)(a) the City Manager request the Province of Ontario to amend the Public Libraries Act to eliminate the requirement for Canadian citizenship on the Toronto Public Library Board, and permit the City of Toronto to determine board eligibility;”; and

- (3) *by adding the following:*

“That:

- (1) *the Community Councils and the Civic Appointments Committee proceed with the selection of Committee of Adjustment members as a first priority for citizen appointments; and*

- (2) *the Auditor General's report respecting the North York Committee of Adjustment's review of certain applications be submitted to City Council at the first regular meeting in the new term."*

This Clause, as amended, was adopted by City Council.

Council also considered additional material, which is noted at the end of this Clause.

The Policy and Finance Committee recommends that City Council adopt the staff recommendations contained in the Recommendations Section of the report (September 1, 2006) from the City Manager.

The Policy and Finance Committee held a public meeting on September 18, 2006, in accordance with the *Municipal Act, 2001*, and notice of the proposed amendments to the Toronto Municipal Code, Chapter 27, Council procedures Chapter 4, Committee of Adjustment, was posted on the City's web site for a minimum of 5 days.

The Policy and Finance Committee submits the report (September 1, 2006) from the City Manager:

Purpose:

- (a) Revise the Public Appointments Policy prior to the new term of Council when the appointments process will begin;
- (b) Update the board composition and the board-specific selection bodies and processes, where required, to reflect relevant changes to the City's governance and administrative structures;
- (c) Increase the size of the Civic Appointments Committee (which replaces the Nominating Committee); and
- (d) Increase the size of the North and South panels of the Committee of Adjustment.

Financial Implications and Impact Statement:

The 2007 Committee of Adjustment budget will require an additional \$2,000 to pay for two additional Panel Chairs (one for the North and one for the South) at \$1,000 each. The proposed increase from 5 to 10 members on the North and South panels effective with the next round of appointments in 2007 can be accommodated within the existing remuneration budget for the Committee of Adjustment. The cost per hearing will not increase because the panel size for hearings will remain at five, and panels will be scheduled on a rotating basis.

There are no other immediate financial implications arising from the adoption of the recommendations contained in this report. Funds are available in the 2006 advertising budget of the City Clerk to pay for media advertising for the upcoming round of citizen appointments. The advertising budget should be monitored to ensure that there is sufficient funding to attract designated equity seeking groups should this be required during the term.

The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with the financial impact statement.

Equity Objectives:

The objective is to build capacity on City boards to oversee services delivered within a diverse community. This is addressed in this policy by:

- (a) establishing procedures and a monitoring mechanism to ensure board members reflect the diversity of the community with respect to gender, age, Aboriginal status, race, disability and sexual orientation;
- (b) ensuring that boards accommodate appointed members with disabilities or other barriers inhibiting full participation; and
- (c) providing direction and orientation for board members on the City's objectives of providing services that respect the needs and desires of diverse communities and ensuring access to services.

Recommendations:

It is recommended that:

- (1) the Public Appointments Policy attached to this report be adopted and replace the existing Citizen Nomination Policy;
- (2) effective with the next term of the boards, the terms for citizen appointments be set in accordance with Part III of the Public Appointments Policy;
- (3) citizen incumbents who have completed the current 6-year maximum are ineligible to serve another consecutive term on the same board, unless Council decides otherwise owing to the special circumstances identified in part 3.7 of the Policy;
- (4) the City's ABCCs shall be expected to ensure that they have policies in place to meet equity needs of incoming board members;
- (5) with respect to the Civic Appointments Committee, which replaces the Nominating Committee in Council's revised governance structure:
 - (a) to assist the City to achieve geographic distribution and greater diversity across the boards, the responsibility for recommending nominees to Council for citizen appointments for all boards, except for the boards referred to in

- Recommendations (6) and (7) below, be assigned to the Civic Appointments Committee;
- (b) where identified in the nomination process for specific boards, screening panels be requested to name additional nominees for every vacancy, where possible, for consideration by the Civic Appointments Committee;
 - (c) to assist the Civic Appointments Committee with the additional workload:
 - (i) the size of the Committee be increased by 1 (so that the Committee is composed of up to nine Members of Council, including the Mayor or the Mayor's designate, as chair);
 - (ii) the Committee organize itself into panels of three (with a quorum of two) to conduct interviews and recommend potential nominees to the full Committee for its consideration and recommendation to Council, in accordance with the terms of reference included as Attachment 1 to this report; and
 - (iii) where skills and competencies are similar for a number of boards (e.g., quasi-judicial bodies), the Committee group applications so that suitable applicants who apply for one board may be considered for an alternative appointment with similar qualifications;
- (6) the Corporations Nominating Panel established and chaired by the Mayor or his/her designate in the new term of Council continue to recruit and nominate members of boards of directors for business corporations for consideration by Council, and this Panel also recruit and recommend to Council nominees for appointment to certain external boards, such as the Greater Toronto Airports Authority, as determined by Council;
- (7) the relevant Community Councils recommend nominees to Council for the community-based boards (Arenas, the Association of Community Centres and Business Improvement Areas) and the Yonge-Dundas Square Board of Management;
- (8) with respect to the Committee of Adjustment:
- (a) for the North and South panels to better meet their workload demands, effective with the next term of the board:
 - (i) five additional citizens be appointed to these panels for a total of 10 citizens on each;
 - (ii) the panel size for hearings shall remain at five, and panels will be scheduled on a rotating basis; and
 - (iii) the North and South panels select two Panel Chairs (one for each of their respective hearing panels);
 - (b) applicants applying for an appointment to the Committee of Adjustment may choose one Panel as their first choice and, if interested, choose one other Panel as their second choice for consideration;

- (c) to eliminate the same names being recommended to Council for more than one panel, the Community Councils do the initial screening and short-listing, and the Civic Appointments Committee interviews and recommends nominees for appointment to Council;
 - (d) the short-list provided by the Community Councils include up to two nominees for every vacancy;
 - (e) the Civic Appointments Committee shall interview short-listed candidates, but the Committee may select additional candidates to interview from the larger pool of candidates who applied for the Panel, if deemed necessary; and
 - (f) all Committee of Adjustment appointees shall be required to attend briefing and training sessions as part of their initial orientation;
- (9) with respect to the Board of Health:
- (a) for the Education representative, both the Toronto District School Board and the Toronto Catholic District School Board shall be invited to nominate a candidate for the consideration of the Civic Appointments Committee; and
 - (b) the Civic Appointments Committee shall choose one candidate to recommend to Council as the representative from Education to serve on the board;
- (10) with respect to the Library Board:
- (a) pending comments from the Toronto Public Library Board, the City Manager request the Province of Ontario to amend the *Public Libraries Act* to eliminate the requirement for:
 - (i) Canadian citizenship to serve on the Toronto Public Library Board; and
 - (ii) making board appointments within 60 days after the first meeting of Council in a new term because additional time is needed to do a full recruitment process,and permit the City of Toronto to determine board eligibility and timing of appointments; and
 - (b) as requested by the Toronto Public Library Board, the City make every effort starting with the upcoming cycle of board appointments to appoint a citizen representative in the age range of 18 to 30 as a youth representative to the board, for each term of the board, within the current 13-member board composition;
- (11) as requested by the Toronto Public Library Board, the composition of the Board of Management of Scadding Court be amended to eliminate the nominee of the Library Board resulting in a reduction from 15 to 14 members on the Scadding Court Board;
- (12) the Board-Specific Processes and Requirements for Public Appointments included as Appendices A to F to this report be adopted;

- (13) the City Manager advise the relevant Agencies of Council's approved policy and processes, and the requirement to adhere to such policy and policies;
- (14) the City Manager be authorized to execute any necessary changes to the relevant Shareholder Directions (effective with the next round of citizen appointments), subject to the agreement of BPC Penco Corporation with respect to the change in the term of office for citizen appointees to the Enwave Energy Corporation Board of Directors;
- (15) the City Solicitor be authorized to introduce any necessary bills in Council, including any amendments to Chapter 27, Council Procedures, of the City of Toronto Municipal Code; and
- (16) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

At the beginning of the current term of Council, a new appointments policy was approved by Council that introduced a variety of recruitment and selection methods to accommodate the diverse needs of the City's 85 boards. Most of the boards were consulted in developing that policy. In an attempt to share the workload, some of the work of the previous Nominating Committee was distributed to other standing committees.

The policy emphasized the objective of making appointments according to qualifications specific to each board, while at the same time meeting the objectives of geographic and demographic diversity. Observing the experience of a full cycle of appointments during the term, both Councillors and staff identified areas for improvement in the process. Council approved some changes during the term and a number of motions were referred to the City Manager to consider in updating the policy. Some updates are required to accommodate the changes in the governance and administrative structures, while others provide clarification to eliminate ambiguity.

Staff also undertook a diversity analysis and have consulted widely to explore ways of removing barriers and improving effectiveness in meeting the stated objectives.

With the passing of the *City of Toronto Act 2006* and more recent amendments changing the term of Council from three to four years, there are further opportunities and a stronger imperative to ensure that effective boards are put in place.

The recommendations in this report highlight the major changes to the general policy and some specific changes in process for individual boards. The documents attached to this report include:

- (i) the revised policy in its entirety, amended to reflect previous Council amendments and the recommendations in this report, clarified, and re-organized;
- (ii) the Council-approved qualifications and processes applied to each individual board, updated to reflect the changes recommended in this report and to reflect the recent administrative and governance restructuring; and

(iii) a summary chart of the processes.

Together the appendices constitute the comprehensive policy and processes recommended for implementation for the upcoming round of citizen appointments. This package will serve as a guide to the Members of Council and staff in conducting the nominations process, and provides comprehensive information to help the public understand the process and prepare their applications.

Comments:

A commitment to public participation and community engagement is considered central to the ongoing success of the City. The appointment of Toronto residents to serve on City boards is a key component of citizen engagement. It is important therefore to ensure that residents, who are qualified and who represent geographic and community diversity, are appointed.

Equity and Diversity Issues:

When Council approved the Citizen Nomination Policy in 2004, it acknowledged the importance of ensuring that Toronto's public appointments processes are accessible and equitable for all residents. Council directed that nominating bodies strive to achieve a balance of qualified applicants covering a range of qualifications for the board, experienced and new members, and representation of the diversity of the community. The policy stated that proactive strategies in achieving these results would be pursued.

In an attempt to determine how well the City met these objectives in the last cycle of citizen appointments, staff in the City Manager's Office sent a confidential Voluntary Diversity Questionnaire to all applicants who had applied for City board appointments on 15 of the City's boards. The Questionnaire was sent to 438 applicants for 96 positions. Applicants who applied for two or more boards were counted as one. The scope of the Questionnaire included five categories of diversity: (a) gender, (b) age, (c) Aboriginal peoples and race, (d) participation in the lesbian, gay, bisexual and two-spirited community; and (e) disability. The information was based on self-identification and was provided on a voluntary basis.

Questionnaires were returned from 265 applicants, representing a response rate of 64 percent of those surveyed. The responses were analyzed against demographics supplied by Statistics Canada for Toronto.

The survey results showed that the City's appointments process attracts and appoints diversity candidates. When compared against the percentage of the population, the most under-represented groups in terms of the numbers of applications and appointments include: (a) women, (b) youth (aged 18 to 30), and (c) people who identify their ethnic background as East Asian and South-East Asian. East Asians and South-East Asians represent 17 percent of Toronto's population, but only six percent of applicants and zero percent of appointments among those who answered the survey.

In terms of the under-representation of youth, City Council in April and May 2006, adopted a number of initiatives aimed at increasing opportunities for youth engagement. One initiative speaks to the use of the City's outreach and recruitment processes for representatives to City boards to ensure that youth aged 18 to 30 are aware that they may be eligible to serve as members of these boards, and that they are aware of the application process for participation on City boards.

Staff in the City Manager's Office have begun a series of outreach initiatives aimed at encouraging more youth, women, and people from diverse communities to apply. A number of other initiatives are planned to begin in advance of the next cycle of appointments, with a focus on reaching people in the under-represented groups.

In an attempt to identify potential barriers and determine what improvements might be made to the policy and processes for nominations and appointments to City boards and external special purpose bodies, staff in the City Manager's Office consulted with people from diverse communities across Toronto with the assistance of the Maytree Foundation. Staff also met with the Toronto Youth Cabinet, the Mayor's Roundtable on Access, Equity and Human Rights and the City's Working Group on Immigration and Refugee Issues.

A summary of the feedback received and the proposed changes to the existing policy and board-specific appointments processes is provided in Table 1 in Attachment 2 to this report.

Civic Appointments Committee (formerly the Nominating Committee):

As part of the consultation process, staff in the City Manager's Office met with the Nominating Committee. Under the new structure, this committee is re-named the Civic Appointments Committee effective with the new term of Council. Based on feedback received about the role of this committee in the appointments process, it is proposed that the Civic Appointments Committee play a greater role in helping the City in its efforts to achieve geographic distribution and greater diversity across the boards.

To help the Civic Appointments Committee with its expanded workload, Recommendation 5 (c) above proposes that the composition be increased by one, and the Committee be permitted to organize itself into panels of three to conduct interviews. Terms of Reference for these interview panels are provided in Attachment 1 to this report.

A fuller summary of the feedback received and the proposed changes to the existing policy and board-specific appointments processes is provided in Table 2 in Attachment 2 to this report.

Role of Staff in the Public Appointments Process:

The Nominating Committee supports a continued role for the Staff Review Team. A summary of the feedback received on the role of the Staff Review Team and the proposed changes to the existing policy is provided in Table 3 in Appendix 2 to this report.

Evaluation of Applicants and Portability of Skills:

In October 2004, City Council (Planning and Transportation Committee Report 8, Clause 1 “Citizen Appointments to the Property Standards Committee and the Toronto Licensing Tribunal”) requested the City Manager to report on issues as set out in Table 4 in Attachment 2. Table 4 identifies how the suggestions are addressed in the policy. The proposed changes take into account feedback received during the review process.

Privacy Issues, Code of Conduct, Conflicts of Interest for Members of Council:

In April 2005, City Council adopted Notice of Motion J(37), “Report of the Integrity Commissioner on Alleged Leak of Name of Nominee to City Position on Toronto Police Services Board”, and referred a report request to the City Manager as set out in Table 5 in Attachment 1.

In May 2006, City Council adopted a policy relating to the appointment of relatives of Members of Council to City Agencies, Boards and Commissions (Policy and Finance Committee Report 4, Clause 1). In July 2006, City Council adopted rules governing Members of Council providing references for those applying for an appointment to a City board. Staff in the City Manager’s Office consulted with the Integrity Commissioner on a number of related issues, and Table 5 in Attachment 2 includes proposed changes to the policy as agreed by the Integrity Commissioner.

Orientation:

The orientation of newly appointed members on the operation of the board and City expectations is of key importance to the effective functioning of the board. Section 8.1 of the policy sets out a requirement for Board and City staff to arrange briefing sessions to provide an initial orientation for all newly appointed members on the operation of the board and City expectations. Topics will cover information related to the board’s mandate, current issues, program statistics and operations, as well as the board’s relationship to the City, Code of Conduct, City policies and objectives for the board including the City’s objective of removing barriers to accessing services in a diverse community.

Board members are expected to attend the initial orientation, and to participate in mandatory training where required and in other educational opportunities.

Council approved a mandatory training requirement for members of the Toronto Licensing Tribunal as part of the relationship framework for the Tribunal (July 2005). The Planning and Transportation Committee recently discussed training standards and practices for members of the Committee of Adjustment. A request has been made that all Committee of Adjustment appointees be required to attend briefing and training sessions as part of their initial orientation. This request is reflected in Recommendation 9 (f) above.

In addition, Section 3.6 of the policy provides for current members of a quasi-judicial body to continue beyond their term of office until such time as sufficient numbers of incoming new members have completed any mandatory orientation and training.

Terms of Office and Board-Specific Issues:

Because Council’s term will change from three to four years, the terms for citizen appointees should also be changed effective with the new term in December 2006. Recommendation (1) of this report and Part III of the revised policy set out the proposed changes to the terms for various categories of boards. The current and proposed terms are summarized below.

The new *City of Toronto Act* allows the City to set board terms of up to four years except for Corporations, which are governed by the *Ontario Business Corporations Act* (OBCA). Under the OBCA, the term can be for any period decided by the shareholder up to three years from the date of appointment.

Summary of Current Terms and Proposed Changes:

Body	General Authority	Current	Proposed
Community-Based	Terms set by the board	<ul style="list-style-type: none"> ➤ one, two , or three year term (varies by board) ➤ six year limit 	<ul style="list-style-type: none"> ➤ Up to four years ➤ eight year limit, except where term is three years, then may serve to end of third term
Corporations	<p>Under the OBCA, the term is up to three years from the date of appointment (does not match the term of Council)</p> <p>Council cannot increase the terms for OBCA Corporations to four years to match other board terms, but it can implement two year terms with a renewal after two years</p>	<ul style="list-style-type: none"> ➤ three years term from the date of appointment ➤ six year limit 	<ul style="list-style-type: none"> ➤ two year term ➤ Opportunity for a renewal of the appointment for a further two years, without further recruitment, unless Council decides otherwise ➤ Full recruitment every four years ➤ eight year limit
Other City Boards	Council can set terms up to four years	<ul style="list-style-type: none"> ➤ three year term ➤ six year limit 	<ul style="list-style-type: none"> ➤ four year term ➤ eight year limit
External Special Purpose Bodies	Citizens are appointed for terms set by the body inviting the City to nominate	<ul style="list-style-type: none"> ➤ six year limit 	<ul style="list-style-type: none"> ➤ eight year limit, but may serve to the end of the term in which eight years of service are completed
Nominees from Interest Groups	Council determines which board positions will be filled by nominees from interest groups	<ul style="list-style-type: none"> ➤ term same as city members ➤ no limit 	<ul style="list-style-type: none"> ➤ term same as city members ➤ no limit

For current incumbents, anyone who has completed the 6 year maximum would be ineligible to serve another four year term. The policy provides for special circumstances where Council may wish to waive the limits. These are identified in Section 3.7 of the revised policy.

The proposed change in term for each board is reflected in the relevant Board-Specific Appendices attached to this report.

Leaves of Absence:

A gap has been identified in the current policy with respect to provisions for leaves of absence for citizen board members. Section 3.9 of the revised policy includes a provision that citizen board members who run for elected office, or seek an appointment to City Council to fill a vacancy on Council, shall take a leave of absence from the board. The leave is required to begin as of the day the member is nominated for election or applies for appointment to City Council.

Section 3.9 also includes a provision that board members who wish to request a leave of absence for an extended period of time, may submit such request to the board.

Committee of Adjustment:

In 2004, the number of Committee of Adjustment panels was reduced from six to four. It was understood that the workload would likely differ between panels. The 2005 meeting statistics for each panel are summarized below. The number of hearings held and applications processed, the number of residents located within the 60-metre notice area who are issued a notice of the public hearing and the number of written comments from interested residents are potential indicators of varying workload demands.

Summary of 2005 Meeting Statistics for Committee of Adjustment Panels:

Panels	Hearings Held In 2005*	Applications Processed	Number of Residents Issued a Notice of the Public Hearing	Written Submissions From Area Residents
South (Toronto and East York)	32	1,056	86,892	10,198
North (North York)	24	1,066	53,888	8,846
West (Etobicoke York)	25	666	46,652	2,918
East (Scarborough)	15	451	8,868	1,542
Totals	96	3,239	196,300	23,504
* The length of the hearings may vary depending on the level of public involvement and the complexity of matters being heard.				

Concerns have been raised with the inequity in the workload for members serving on different panels, particularly for the North and South. To help these two panels to better meet their workload demands, it is proposed that five additional citizens be appointed for a total of 10 citizens on each effective with the next round of appointments in the new term. The panel size for hearings would remain at five, and hearing panels would be scheduled on a rotating basis. Having a larger pool of members to draw upon will enable the work to be more evenly distributed.

Because the work will be divided between two hearing panels (instead of one), it is appropriate that the North and South panels each select two Panel Chairs. This will result in an increase of \$2,000 to the 2007 Committee of Adjustment budget to pay \$1,000 to each of the two additional Panel Chairs.

The 2006 budget for Committee of Adjustment remuneration totals \$201,400, which allows for 115 hearings with full attendance at every hearing. As noted above, a total of 96 hearings were held in 2005. Since additional hearings are currently scheduled using the existing panel members, no increase to the 2007 budget will be required to pay members for their attendance at the hearings.

Under the current process for appointments to the Committee of Adjustment, the Nominating Committee short-lists applicants, and submits recommendations for each of the four panels to the respective Community Councils for their consideration. The Community Councils recommend the proposed nominees to Council. In some cases, the Community Councils have recommended candidates other than those proposed by the Nominating Committee, with the result that the same person is recommended for more than one panel.

To eliminate this situation, the nomination process should be reversed so that the Community Councils do the initial screening and short-listing, and the Appointments Committee interviews and recommends nominees for appointment to Council.

The Nominating Committee supports this recommendation, and proposed additional changes which are included in Recommendation (9) above.

Board of Health:

The Nominating Committee suggested, with respect to the Board of Health, that instead of rotating the nomination of one representative to serve on the Board of Health from Education, both the Toronto District School Board and the Toronto Catholic District School Board be permitted to nominate a potential representative at the same time. The new Civic Appointments Committee will consider both nominees, and will choose one to recommend to Council as the representative from Education to serve on the Toronto Board of Health.

Toronto Public Library Board:

The Chair of the Toronto Public Library Board requested, on behalf of the Board, that the timing of the appointments to the 2007-2010 term of the Board be addressed in the review of the citizen appointments policy and processes, and that the appointments to the Library Board be initiated as early as possible in keeping with the requirements of the *Public Libraries Act*. Section 10.4 of the Act provides as follows:

“... appointments shall be made at the first meeting of council in each term, but if the council fails to make the appointments at its first meeting, it shall do so at any regular or special meeting held within 60 days after its first meeting.”

The usual process is for recruitment to begin immediately following a municipal election. In order to comply with this requirement, the recruitment would have to begin long before the new Council takes office and engage Members of Council who would not be available during the campaign or who may not be re-elected. It is not possible to meet the deadline imposed in the legislation. Aside from the potential costs of a separate recruitment process, staff are of the view that there are greater opportunities for public involvement and interest when appointment processes are combined. It is therefore recommended that the Province of Ontario be requested to amend the Act to eliminate the above requirement, and allow the City of Toronto to determine the timing of the appointments. This would also be in keeping with the principles of the *City of Toronto Act 2006* that gives the City more authority over governance issues respecting ABCs.

Because the Toronto Public Library Board may wish to provide comments on any recommended changes to the *Public Libraries Act*, and the Board is scheduled to meet the same day as the Policy and Finance Committee, Recommendation 11 (a) above will allow the Board to provide comments prior to the City Manager making a request of the Province for the proposed changes to the Act.

In addition, the Library Board has requested that effective December 1, 2006, the City make every effort to appoint a citizen representative between the ages of 18 to 30 as a youth representative to the Board for each term of the Board within the 13-member Board composition. This request is stated in Recommendation (11) (b) above.

Board of Management – Scadding Court Community Centre:

Scadding Court Community Centre Board of Management is currently composed of 15 members, including the Ward Councillor and 14 persons who are appointed by Council but who may be nominated for consideration for appointment as follows:

- (i) one person by the Toronto District School Board;
- (ii) one person by the Toronto Public Library Board; and
- (iii) 12 persons elected by the Community Centre's membership.

The Toronto Public Library has requested that the City of Toronto amend the board structure for Scadding Court to delete the requirement for the Library Board to nominate a member. The Board of Management for Scadding Court has been advised of this proposed change. The Board structure would therefore be changed from 15 to 14 members.

Pension Boards:

At its meeting in January 2006, during consideration of the policy on Remuneration for Citizen Appointees to City ABCCs, the Policy and Finance Committee requested the City Manager to report on the practice of cross appointments:

- (a) on Boards of Trustees of the Metro Toronto Pension Plan and the Metro Police Benefit Fund; and

- (b) on Toronto Civic Employees' Pension Committee and Toronto Fire Department Superannuation and Benefit Fund Committee,

and being paid the full remuneration for both boards.

It is not a requirement to make cross appointments; it is within the nominating panel's discretion to permit these cross appointments or not. The Public Appointments Policy generally prohibits cross appointments, but allows for these two exceptions because this has been the practice for many years. Dating back prior to amalgamation, both the former Metro Toronto and in some instances the City of Toronto adopted this practice. Only one position on each board receives remuneration for serving as the Chair of that board. Other members of the board, including the active or retired members of the Plan, do not receive any remuneration.

Discussions with staff who recommend this cross or duplicate appointment of the Chair indicates that:

- (i) cross appointments allow for meetings to be held back-to-back and concurrently when similar issues are being considered;
- (ii) there are similarities in the plans being administered by the cross-appointed boards. This practice ensures a consistent application of strategies to like issues. Significant variation between plans could cause pressure on costs and increase administrative time and cost; and
- (iii) the City gains efficiencies in terms of staff time when dealing with two Chairs for the four boards, rather than four separate Chairs.

The citizen incumbents serving on two boards concurrently as the Chair receive remuneration for both boards. Remuneration levels have been set taking this historical practice into account. It may be more challenging to recruit members at this level of remuneration without the opportunity to receive both payments.

Equity Impact Analysis:

This policy includes a definitive statement that the objective of the City in making citizen appointments is to reflect the geographic and demographic diversity of Toronto. Having an explicit policy statement is important in demonstrating the City's commitment and guides all actions in the appointments process. The City's media advertising and City web site will emphasize the diversity objective and the application form will include a voluntary self-identification section that applicants will be encouraged to complete. The policy provides direction to the nominating panels to ensure that citizens selected to serve on City boards represent the diversity of the community.

In this policy, agencies are encouraged to ensure they are prepared to provide accommodation for board members as needed. It is also provided in this policy that the City expects board members to ensure that the services their agencies provide are accessible to diverse communities.

These changes should provide all of the tools needed for an open, competitive, and equitable appointments process and provide a guide to board members in conducting their business in accordance with diversity objectives.

Conclusions:

It is important to have this policy approved before the new Council takes office so that the preparatory staff work can begin as early as possible. Staff will need to revise the application forms, update the information on the City's website and materials for distribution to civic centres, as well as prepare the advertisements and arrange information sessions. The process takes several months to complete and the terms for incumbents terminate on November 30.

Although board members continue until their successors are appointed, completing the appointments in a timely manner respects the members' time commitment and permits the boards to transition efficiently.

Contacts:

Joanne Hamill, Senior Corporate Management and Policy Consultant
Strategic and Corporate Policy/Healthy City Office
Phone: 416-392-4499; Fax: 416-392-696-3645; e-mail: jhamill@toronto.ca

Nancy Autton, Manager, Governance and Corporate Performance
Strategic and Corporate Policy/Healthy City Office
Phone: 416-397-0306; Fax: 416-696-3645; e-mail: nautton@toronto.ca

List of Attachments:

Attachment 1 Terms of Reference for the Civic Appointments Committee Interview Panels.

Attachment 2 Issues Raised During Consultation and Resulting Changes in Policy.

Attachment 3 Public Appointments Policy Governing Appointments to City Agencies, Boards, Commissions and Corporations and Nominations to External Special Purpose Bodies.

Appendices Board-Specific Processes and Requirements for Public Appointments.

- A Community-Based Boards
- B City Corporations
- C Partnered Corporations
- D Other City Boards
- E Quasi-Judicial and Administrative Bodies
- F External Special Purpose Bodies
- G Summary Charts of Appointments Processes

([Attachment 3, Public Appointments Policy and Appendices](#), is submitted under separate cover)

Attachment 1

Terms of Reference Civic Appointments Committee Interview Panels

As Required by §27-108 of the Council Procedures, Toronto Municipal Code

Mandate:

The Civic Appointments Committee (formerly the Nominating Committee) may organize itself into panels of three to conduct interviews and recommend potential nominees to the full Civic Appointments Committee for its consideration and recommendation to Council, in accordance with the relevant provisions of the Public Appointments Policy Governing Public Appointments to City Agencies, Boards, Commissions and Corporations and Nominations to External Special Purpose Bodies.

Sunset Date:

No sunset date. These panels may be organized and meet as determined by the full Civic Appointments Committee.

Membership:

Three Members of the Civic Appointments Committee, appointed by that Committee to serve on an interview panel. The quorum for an interview panel shall be two.

A member of an interview panel must be in attendance for interviews of all candidates for any board in order to vote on and recommend the selection to the full Civic Appointments Committee (as per Section 7.7 of the Public Appointments Policy).

Reporting Body:

The interview panels shall report to the full Civic Appointments Committee. The establishment of these interview panels will enable the work of the full Committee to be divided amongst the panels and will allow for more interviews to be conducted in a timelier manner.

Resources Required:

The Interview Panels are sub-committees of the Civic Appointments Committee, and they will be supported by Secretariat staff in the City Clerk's Office. Secretariat staff provided this support under the current governance structure to the Nominating Committee and other Committees of Council that conducted interviews during previous rounds of citizen appointments.

Staff in the City Manager's Office will provide policy advice to the Interview Panels as part of the board appointments processes.

Attachment 2

Issues Raised During Consultation and Resulting Changes in Policy

Table 1: Diversity Feedback and Proposed Changes

Diversity Feedback	Proposed Changes
Mandatory information sessions can limit access.	<ul style="list-style-type: none"> (i) Eliminate mandatory information sessions in favour of non-mandatory sessions and wider electronic access to board information and applications (see section 4.11 in the policy). (ii) Information sessions can be combined to give a broader overview of more board appointments and expectations for appointees. (iii) In addition to the information sessions, City staff will conduct advance outreach initiatives to ensure that under-represented groups in the applicant pool during the previous cycle of appointments are aware of upcoming opportunities and the process for applying (see Section 4.10 in the policy).
If the City wants to track information on equity seeking groups, the application should include a self-disclosure statement, which should be managed so as to avoid bias in the screening process.	<ul style="list-style-type: none"> (i) Applicants will be encouraged to self-identify. The application booklet will include a self identification form where applicants can provide information about their gender, age group, aboriginal status, racial group, disability status, or sexual orientation (see Section 5.5 in the policy). (ii) Changes to the screening and selection process are set out in Part VII of the policy.
The application and the guide should reflect whether the boards have the capacity and the resources for accommodating people with a disability or residents whose level of English is not very high.	<ul style="list-style-type: none"> (i) City's ABCCs shall be expected to ensure that they have policies in place to meet equity needs of incoming board members (see Recommendation (4) above). (ii) The guide for applicants will address these equity needs by providing applicants with the opportunity to disclose any accommodation needs.
The qualifications for specific boards mention that members be representative of the diverse communities which make up Toronto, but this does not seem to be consistently applied.	<ul style="list-style-type: none"> (i) The diversity issue is covered in the general policy as it applies to all boards.

Diversity Feedback	Proposed Changes
<p>Where candidates are asked about their experience on other boards in the application form, reference to specific bodies in any examples given on the form should be avoided because they may not be reflective of the diverse population.</p>	<p>(i) The application form will be updated accordingly.</p>
<p>The City of Toronto serves not only the people who are citizens of Canada, but anyone who calls Toronto home. The documents that relate to the appointments policy and process should reflect this.</p>	<p>(i) Section 1.3 of the policy clarifies that for the purpose of implementing this policy, the City defines ‘citizen’ to include all persons who are residents of Toronto, including permanent residents, refugees, refugee claimants and residents without homes.</p> <p>(ii) Section 2.1 of the policy provides that persons selected for an appointment must be residents of Toronto.</p> <p>(iii) Reference to Canadian citizenship is eliminated except where required by law (under current legislation, Canadian citizenship is required to serve on the Toronto Public Library Board).</p> <p>(iv) Recommendation (11) (a) above proposes that the Province of Ontario be requested to amend the <i>Public Libraries Act, 1990</i>, to eliminate the requirement for Canadian citizenship to serve on the Toronto Public Library Board.</p>

Table 2: Nominating Committee Feedback and Proposed Changes

Nominating Committee Feedback	Proposed Changes
<p>The Civic Appointments Committee should be responsible for recommending the majority of public appointments to Council (excluding business corporations and community-based boards). Having one appointments committee conducting the interviews and recommending citizen nominees for most of the boards and positions will allow for a more consistent application of the policy, and will help the City in its efforts to achieve geographic distribution and greater diversity across the boards.</p>	<p>(i) Recommendation (5) (a) above moves appointments to the Civic Appointments Committee for recommendation to Council.</p> <p>(ii) Recommendation (5) (c) above proposes a number of changes that will assist the Appointments Committee with the additional workload.</p> <p>(iii) The relevant board-specific Appendices are updated to reflect this change.</p>

Nominating Committee Feedback	Proposed Changes
<p>Where an individual or special committee other than the Appointments Committee conducts the recruitment and short-listing process, approximately two people for every vacancy should be short-listed for interview by the Civic Appointments Committee, where possible.</p>	<ul style="list-style-type: none"> (i) Recommendation (5)(b) above incorporates this suggestion. (ii) The relevant board-specific Appendices are updated to reflect this change.
<p>In the interests of clear language, refer to Toronto's Public Appointments Policy rather than Citizen Appointments Policy.</p>	<ul style="list-style-type: none"> (i) Policy re-named, and clearer language used in the policy and supporting documents.
<p>Applicants should be allowed to submit their completed application forms electronically.</p>	<ul style="list-style-type: none"> (i) Section 5.1 of the policy allows for the electronic submission of completed applications. (ii) Section 7.6 of the policy requires interview candidates to sign their application forms and any other release forms on the day of the interview if they have not already done so (as may be the case when applications are submitted electronically).
<p>Applicants should be requested to provide a short bio that can be released to the public upon appointment.</p>	<ul style="list-style-type: none"> (i) Section 5.1 of the policy indicates that applicants will be requested to attach a short bio (summary of biographical information) that will be made public if the applicant is appointed. (ii) Applicants may also submit a resume or other pertinent information along with the completed application forms.
<p>In July 2005, City Council adopted a recommendation that the citizen appointments policy be amended to require that incumbent members of corporate boards undergo the same interview and evaluation process as incoming members of those boards, eliminating the need for a 360° evaluation previously required for boards of business corporations.</p> <p>The Nominating Committee expressed support for the continued use of the 360° evaluation in conjunction with the interview process.</p>	<ul style="list-style-type: none"> (i) The previous policy stipulated that a 360° evaluation process was a requirement. (ii) Instead of continuing this requirement, the revised policy permits a board evaluation process, when desired (Section 8.5 of the policy). (iii) A board evaluation can be used to provide additional information to the nominating panel.

Table 3: Feedback on the Role of Staff and Proposed Changes

Feedback on the Role of Staff	Proposed Changes
<p>The Nominating Committee requested that the list supplied by the Staff review team provide summary information on the applicants.</p>	<p>As set out in section 7.2 of the policy, the staff team will prepare a summary for each applicant that shows:</p> <ul style="list-style-type: none"> (a) Name; (b) whether eligible and reason if not eligible (e.g., late or incomplete application, non-resident, under 18, etc.); (c) the ward of residence; (d) whether a current incumbent and length of service; (e) which qualifications are sufficiently demonstrated in the application, sorted in order of most qualified first; (f) disclosed diversity information; and (g) potential conflicts of interest. <p>The staff team will also provide the results of any board evaluation that may have been conducted.</p>

Table 4: October 2004 Council Report Request and Proposed Changes

Report Request	Proposed Changes
<p>City Council directed that the City Manager and the City Solicitor be requested to report to the Policy and Finance Committee on Council's concerns regarding fair application of the policy and procedures governing selection of any citizen appointments, including but not limited to:</p> <ul style="list-style-type: none"> (i) selection of applicants with any other pecuniary interest with the City, direct or indirect; (ii) selection of applicants with any interest, direct or indirect, with outstanding litigation against the City; (iii) selection of applicants with any outstanding tax arrears to the City, whether private or commercial; (iv) fair and transparent weighting of various selection criteria; (v) appropriate provision of staff and selection process materials for Council consideration of appointment approvals; (vi) fair and consistent treatment of all applicants; and (vii) the proposal that if there are not enough qualified candidates to allow for a reasonable choice, the affected Committee or Panel be able to request the City Clerk to re-advertise for the position." 	<ul style="list-style-type: none"> <input type="checkbox"/> Parts (i) to (iii) are addressed in Section 5.4 of the policy, which relates to potential conflicts of interest by applicants <input type="checkbox"/> As part of the application process, applicants must identify and disclose any actual or potential conflicts of interest they may have. <input type="checkbox"/> Disclosure of such potential conflicts does not mean that an applicant is automatically ineligible for an appointment, but the nominating panel may assess potential conflicts to determine whether the applicant should be considered further <input type="checkbox"/> Parts (iv) and (vi) are addressed in Part VII of the policy "Selection Process", and more specifically in sections 7.8 and 7.9, which speak to Evaluating Qualification and Selection Objectives to be used by selection bodies <input type="checkbox"/> The portion of Part (v) relating to the appropriate provision of staff in the appointments process is dealt with above under the heading "Role of Staff in the Public Appointments Process" <input type="checkbox"/> The portion of Part (v) relating to appropriate provision of selection process materials for Council consideration of appointment approvals is dealt with in section 6.2 of the policy, and is more fully explained below under the heading of "Privacy Issues, Code of Conduct, Conflicts of Interest for Members of Council" <input type="checkbox"/> Part (vii) is addressed in section 7.3 which provides a number of options for the committee in the situation where there are insufficient applicants including: extending the deadline for applications, re-advertising, re-appointment of incumbents, and referral from a portable skills registry.

Table 5: Issues Discussed With Integrity Commissioner and Proposed Changes

Issues Discussed With Integrity Commissioner	Proposed Changes
<p>City Council referred the following recommendation contained in a report of the Integrity Commissioner to the City Manager for a report to City Council, through the Policy and Finance Committee: “(2) Council direct that there be a review of the Policy and Processes for Citizen Nomination to City Agencies, Boards, Commissions and Corporations (ABCCs) and External Special Purpose Bodies with a view to amendments which provide specifically and in detail the confidentiality requirements which attend the operation of that policy and process.”</p>	<ul style="list-style-type: none"> (i) Section 6.2 of the policy sets out the information to be provided to Members of Council and City staff. (ii) Section 6.3 sets out confidential requirements and obligations.
<p>The policy approved by Council in May 2006 restricts the appointment of certain relatives of Members of Council, and expands the current conflict of interest rules.</p>	<ul style="list-style-type: none"> (i) Section 2.3 of the policy reflects the May 2006, policy and identifies that relatives of Members of Council (spouses and those in a conjugal relationship, children and parents) are not eligible for appointment to a City board. (ii) Section 6.1 of the policy reflects the expanded conflict of interest rules for Members of Council in cases where relatives, other than those identified in Section 2.3, have applied for an appointment.
<p>The rules approved by Council in June 2006 set out guidelines for Members of Council providing references.</p>	<ul style="list-style-type: none"> (i) Section 5.6 of the policy reflects the rules adopted by Council that govern Members of Council providing references for citizens who apply for City board appointment.

(A copy of the document, entitled “City of Toronto Public Appointments Policy Governing Appointments to City Agencies, Boards, Commissions and Corporations and Nominations to External Special Purposes Bodies” referred to in the foregoing report was forwarded to all Members of Council with the September 18, 2006, agenda of the Policy and Finance Committee and a copy thereof is also on file in the Office of the City Clerk, City Hall.)

City Council – September 25, 26 and 27, 2006

Council also considered the following:

- *(September 19, 2006) from the Nominating Committee [Communication 17(a)]:*

Subject: Policy and Processes for Public Appointments to City Agencies, Boards, Commissions and Corporations and Nominations to External Special Purpose Bodies

Action taken by the Committee:

The Nominating Committee received a presentation from the City Manager, and submitted comments to the City Manager on possible improvements to the appointments process.

Background:

The Nominating Committee on July 4, 2006, considered:

- (1) presentation and supporting document (undated) from the City Manager, titled “Issues for Discussion with the Nominating Committee”, requesting feedback on possible improvements to the policy and processes for public appointments;*
- (2) document (July 4, 2006) titled “Increasing Diversity on City Agencies, Boards, Commissions and Corporations – Report on Initiatives to the Nominations Committee - July 4, 2006”, submitted by the Strategic & Corporate Policy Unit of the City Manager’s Office; and*
- (3) document (undated) titled “Current and Proposed Nomination Processes for City Boards”.*

- *Report (September 22, 2006) from the City Manager [Communication 17(b)]:*

Subject: Minor Amendment to Report 7 of the Policy and Finance Committee, Clause 2

Purpose:

To amend the staff recommendation regarding the timing of appointments to the Library Board in accordance with the Library Board’s comments attached to this report.

Financial Implications and Impact Statement:

There are no financial implications arising from the adoption of the recommendation contained in this report.

Recommendations:

It is recommended that the portion of Recommendation (10) (a) in the September 1, 2006 report of the City Manager requesting a change in legislation around the timing of appointments to the Library Board be deleted, so 10(a) of the Recommendations would read as follows:

“(10) (a) the City Manager request the Province of Ontario to amend the Public Libraries Act to eliminate the requirement for Canadian citizenship on the Toronto Public Library Board, and permit the City of Toronto to determine board eligibility”.

Background:

The September 1, 2006 report of the City Manager proposed that the Province be requested to make certain changes to the Public Libraries Act, pending comments from the Toronto Public Library Board. Comments have now been received from the Board that request a change in the staff recommendation.

Comments:

The Library Board advised in a letter dated September 20, 2006, that it supports the recommendations in the September 1 report, except for the recommendation for a legislative change to permit the City to determine the timing of appointments. The current legislation requires that appointments to the Library Board be made at Council’s first meeting after the election or within 60 days. This requirement has never been met in the past.

The Board advised that it feels strongly that a timely appointment of new citizen Board members is important for the successful functioning of the Board, and it is opposed to any changes to the Public Libraries Act which would affect the timeliness of such appointments.

Rather than request a legislative change in terms of the timing of board appointments, staff will bring the legislative requirement to the attention of the Civic Appointments Committee (which replaces the Nominating Committee in the new governance structure) in order that appointments may be made at the earliest opportunity.

Contacts:

*Joanne Hamill, Senior Corporate Management and Policy Consultant
Strategic and Corporate Policy/Healthy City Office
Phone: 416-392-4499; Fax: 416-392-696-3645; e-mail: jhamill@toronto.ca*

*Nancy Autton, Manager, Governance and Corporate Performance
Strategic and Corporate Policy/Healthy City Office
Phone: 416-397-0306; Fax: 416-696-3645; e-mail: nautton@toronto.ca*

Attachment:

Letter from Toronto Public Library Board dated September 20, 2006

(A copy of the attachment is on file in the City Clerk’s Office.)