

Authority: Notice of Motion, J(14), Moved by Councillor Ashton, seconded by Councillor Silva, as adopted by City of Toronto Council on November 23, 24 and 25, 1999; Report No. 15, Clause 3, 15 of The Special Committee to Review the Final Report of the Toronto Transition Team, as amended and adopted by City of Toronto Council on December 16 and 17, 1998; Report No. 6, Clause 2, of The Economic Development Committee, as adopted by City of Toronto Council on April 13, 14 and 15, 1999
Enacted by Council: November 25, 1999

CITY OF TORONTO

BY-LAW No. 793-1999

A by-law to establish the Toronto Historical Museum Board and Nine (9) Community Museum Management Boards and provide for the appointment of members thereto.

WHEREAS Council at its meeting of December 16, 1998 endorsed the principle that the City's heritage resources and programs be delivered and managed through a structure of management boards comprised of community organizations and citizens and recommended that Heritage staff employed in delivering and supporting museum services shall be City of Toronto employees and shall be managed and directed by museum management boards; and

WHEREAS Council at its meetings of April 13, 14 and 15, 1999 approved a framework for the implementation of Council's decisions of December 16 and 17, 1998 with regard to the governance of heritage services including museum services, and;

WHEREAS paragraph 58 of section 207 of the *Municipal Act* authorizes Council to establish, by by-law, museums and similar buildings or undertakings and to establish boards of management for such undertakings.

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

1. In this by-law:

- (1) "Commissioner" means the Commissioner of Economic Development, Culture and Tourism;
- (2) "Community Council" means a Committee of Council established under section 7 of the *City of Toronto Act, 1997*;
- (3) "Council" means Council of the City of Toronto;
- (4) "Management Board" means a Community Museum Management Board established under clause (e) of paragraph 58 of section 207 of the *Municipal Act*;
- (5) "Museum Board" means the Toronto Historical Museum Board;
- (6) "Premises" means any land, building or structure that comprises all or part of a museum site or combination of sites managed and controlled by a Management Board;

- (7) “social function” means an event in an enclosed area for which a rental charge is payable and for which a Liquor Licence Board of Ontario special occasion permit may be required, but it does not include a conference, meeting or public issue forum or debate to which the general public is invited or permitted.

TORONTO HISTORICAL MUSEUM BOARD

2. (1) There is established a Museum Board to act as a coordinating body, providing advice on global museum issues and general museum policies to the Management Boards and to Council, and to coordinate cross-promotion and cross-programming opportunities among the sites.

(2) The Museum Board shall be composed of one (1) representative from each Museum Management Board nominated by the Management Board, for a total of nine (9) members.

(3) Members shall be appointed for a term consistent with the City’s “Policy on Citizen Appointments to City of Toronto Agencies, Boards and Commissions and External Special-Purpose Bodies”.

3. (1) The Museum Board shall, at the first meeting in each term, elect a Chair and Vice Chair.

(2) The Museum Board shall meet at least six (6) times every calendar year and, in addition, at any time at the request of a majority of the members of the Board, or at the call of the Chair.

(3) The Museum Board shall keep minutes of its meetings and shall keep all papers and documents pertaining to the business of the Museum Board, and all books, documents and files kept by the Museum Board shall be open to the inspection of the members of Council or of any other person or persons appointed for that purpose by Council.

COMMUNITY MUSEUM MANAGEMENT BOARD

4. A Community Museum Management Board is established for each of the following Premises to manage and direct the site through the site’s senior staff person:

- (1) Todmorden Mills Museum;
- (2) Montgomery’s Inn;
- (3) Gibson House/Zion Schoolhouse;
- (4) Scarborough Historical Museum;
- (5) Spadina/Mackenzie House/Colborne Lodge;
- (6) York Museum;
- (7) Fort York;
- (8) The Pier; and
- (9) 98 Atlantic Avenue, the Board of which shall be known as the Collections, Conservation and Shared Resources Board.

5. (1) Each Management Board shall be composed of the number of members as set out in Schedule “A” hereto.

(2) The Community Council, within whose boundaries the Premises are located, shall nominate membership in the Management Board for the Premises for appointment by Council.

(3) Despite subsection (2), the Economic Development and Parks Committee shall nominate membership in the Management Boards of The Pier, Fort York and 98 Atlantic Avenue for appointment by Council.

(4) Each member shall hold office for a term consistent with the City’s “Policy on Citizen Appointments to City of Toronto Agencies, Boards and Commissions and External Special-Purpose Bodies”.

(5) Where a vacancy occurs from any cause, Council shall appoint a person qualified to be a member, who shall hold office for the remainder of the term for which his or her predecessor was appointed.

(6) Except in the case of a resignation, members shall hold office until their successors are appointed.

(7) A member shall cease to be a member if absent from three (3) successive meetings of the Management Board without being authorized to do so by a resolution of the Management Board entered upon its minutes.

6. (1) A majority of the members of the Management Board, excluding members of Council and Boards of Education representatives, constitutes a quorum of the Management Board.

(2) The Management Board shall keep proper minutes and records of every meeting of the Board and shall forward true copies of the minutes and records to all members of the Board, the City Clerk and the Commissioner as soon as possible after each meeting.

7. (1) The Management Board shall meet at least six (6) times in every calendar year and, in addition, at the request of a majority of the members of the Management Board or at the call of the Chair.

(2) All books, documents and files kept by the Management Board shall be open to the inspection of the City Auditor or of any other person or persons appointed for that purpose by Council.

8. (1) The Management Board shall submit at a time satisfactory to the Commissioner, an annual budget proposal.

(2) The Management Board shall not make or incur liability for any capital expenditure.

(3) The Management Board shall not make or incur liability for any operating expenditure outside of the approved budget.

(4) The Management Board shall not at any time act in a manner that is contrary to or inconsistent with any legal obligation of the City applicable to the Premises.

(5) The Management Board shall make recommendations to the Commissioner, providing advice and assistance on matters relating to the maintenance, building conservation and care of the Premises, as appropriate.

9. To further clarify the roles and responsibilities of the Management Board, a Memorandum of Understanding will be developed between the City and each Management Board, which shall include provisions respecting the following:

- (a) staff management including working jointly to select and review the performance of the site's senior staff person;
- (b) access to City support services by Management Boards;
- (c) budget and financial management, including the mechanism by which the Management Boards will have input and make recommendations;
- (d) project management responsibilities;
- (e) such other items as agreed upon and approved by Council.

10. The Management Board shall not do or permit to be done any act or thing which may make void or voidable any insurance in respect of the Premises or any part of the Premises, or which may cause any increased or additional premium to be paid for any insurance.

11. The Management Board shall have the powers and duties as follows:

- (1) The Management Board shall at all times fully observe and comply with, and endeavour to ensure strict observance and compliance with, all statutes, regulations, by-laws and lawful rules of the City or other governmental authority which in any manner affect or relate to the Premises and the use of the Premises or any part of it.
- (2) The Management Board may, through the budget process, recommend fees and hours of operation for admittance of members of the public to the Premises, recommend schedules and charges for social functions at the Premises, and other charges for the use of all or any part of the Premises.
- (3) The Management Board shall at all times endeavour to manage and direct the Premises in a reasonable and efficient manner in accordance with standard good business practice and within the budget approved by the City.
- (4) The Management Board may make operational rules, respecting the management and direction of the Premises.

- (5) The Management Board shall not permit or allow any unlawful conduct in or upon the Premises or make or do or permit or allow to be made or done any thing in or upon the Premises which would be deemed to be a nuisance.
- (6) The Management Board shall ensure that programs operated at the Premises comply with City policies respecting access, equity and anti-racism.
- (7) The City will work with the Museum Board and Management Boards and Heritage Toronto in developing and implementing a capital works program for the Premises.

12. In addition to the foregoing, the Management Board shall carry out such other duties relating to the Premises and to the history and development of Toronto as may be otherwise assigned to it by Council.

13. The Premises and, unless subject to a third party loan agreement, all fixtures and appurtenances installed in and on the Premises, including any additions or replacements, are and shall at all times remain the property of the City.

14. (1) The Premises shall be staffed by City staff, who will receive day to day management and direction from the Management Board, but who remain accountable to the Commissioner.

(2) The City and its employees, agents, contractors and representatives, with the authorization of the Commissioner, shall have the right to enter the Premises at any time for any reason.

15. The Commissioner shall be responsible to City Council for the maintenance, operation and management of the Premises, collections, budgets and staff.

16. In the event of a conflict between this by-law and the by-law of a former municipality or any other conflict, this by-law governs.

17. This by-law comes into effect on January 1, 2000.

ENACTED AND PASSED this 25th day of November, A.D. 1999.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

SCHEDULE "A"**MEMBERSHIP OF THE MUSEUM BOARD AND MUSEUM MANAGEMENT BOARDS**

- (1) Toronto Museums Board is comprised of one representative of each Museum Management Board (total of nine).
- (2) Museum Management Boards:

Name of Museum Management Board	Number of Citizen Members	Appointments representing other Organizations	Number of Council Members
Colborne Lodge/Mackenzie House/Spadina House	9	1 – Toronto District School Board 1 – Toronto Separate School Board	1 or 2
Collections, Conservation and Shared Resource (98 Atlantic Avenue)	4	1 – Royal Ontario Museum 2 – representing the other eight Museum Management Boards - MMBs represented to rotate each term	none
Fort York	7	2 – Friends of Fort York 1 – Toronto District School Board 1 – Toronto Separate School Board	1 or 2
Gibson House/Zion Schoolhouse	5	1 – North York Historical Society 1 – Toronto District School Board 1 – Toronto Separate School Board 1 – Toronto Region Conservation Authority	1 or 2
Montgomery's Inn	7	1 – Etobicoke Historical Society 1 – Toronto District School Board	1 or 2

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Name of Museum Management Board	Number of Citizen Members	Appointments representing other Organizations	Number of Council Members
		1 – Toronto Separate School Board	
The Pier	9	1 – Toronto District School Board 1 – Toronto Separate School Board	1 or 2
Scarborough Historical Museum	5	2 - Scarborough Historical Society 1 – Toronto District School Board 1 – Toronto separate School Board	1 or 2
Todmorden Mills Museum	9	1 – Toronto District School Board 1 – Toronto Separate School Board	1 or 2
York Museum	9	1 – Toronto District School Board 1 – Toronto separate School Board	1 or 2