

Authority: Additional Matter, Report dated November 24, 2004, from Mayor Miller, entitled "Review of the City's Administrative Structure", adopted as amended by City of Toronto Council on November 30, December 1 and 2, 2004  
Enacted by Council: April 14, 2005

## **CITY OF TORONTO**

### **BY-LAW No. 309-2005**

#### **To amend Municipal Code Chapter 169, Officials, City, to reflect the reorganization of the City's administrative structure.**

WHEREAS the *Municipal Act, R.S.O. 1990* has been replaced by the *Municipal Act, 2001*, which provides as follows:

- (1) Under section 229 of the *Municipal Act, 2001*, the City may appoint a chief administrative officer who shall be responsible for,
  - (a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
  - (b) performing such other duties as are assigned by the municipality;
- (2) Under subsection 286 of the *Municipal Act, 2001*, the City shall appoint a treasurer who is responsible for handling all of the financial affairs of the municipality on behalf of and in the manner directed by Council and may appoint deputy treasurers who shall have all the powers and duties of the treasurer under the *Municipal Act, 2001* and any other Act; and

WHEREAS under clause 28(o) of the *Interpretation Act*, words authorizing the appointment of a public officer or functionary include the power of appointing a deputy to perform and have all the powers and authority of the public officer or functionary to be exercised in such manner and upon such occasions as are specified in the instrument appointing him or her, or such limited powers and authority as the instrument prescribes; and

WHEREAS under clause 28(j) of the *Interpretation Act*, words in an Act importing the singular number only include more persons of the same kind than one; and

WHEREAS Council has approved an administrative reorganization which deletes the position of "Commissioner" and makes the following changes to senior management:

- (1) The City's chief administrative officer is to be called the "City Manager" and is to be assisted by two Deputy City Managers and a Deputy City Manager and Chief Financial Officer;
- (2) The Deputy City Manager and Chief Financial Officer is responsible for financial and internal services and this official's management team includes the Treasurer and the Chief Corporate Officer and their group of functions;

- (3) In order to free up the Deputy City Manager and Chief Financial Officer to focus on corporate finance, corporate financial planning and budget development, the person appointed to the new Treasurer position will be appointed as a deputy treasurer under section 286 of the *Municipal Act*: and

WHEREAS by the adoption of Clause 40 of Report 4 of the Policy and Finance Committee at its meeting held on April 12, 13 and 14, 2005, Council has authorized the amendment of the Municipal Code respecting the introduction of bills to Council to make technical amendments;

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

**1. Chapter 169, Officials, City.**

Chapter 169, Officials, City is amended as follows [section and Article numbers that are repealed and not otherwise re-enacted in this by-law are reserved]:

- A. The title to Article I is amended by deleting “Chief Administrative Officer” and substituting “City Manager”.
- B. Section 169-1 is deleted and the following substituted:

**§ 169-1. Senior official; deputy managers.**

- A. The City Manager is the City’s chief administrative officer under the *Municipal Act, 2001*.
- B. The City Manager provides organizational leadership to staff and is responsible for the efficient and effective delivery of services.
- C. The City Manager is assisted by two Deputy City Managers and a Deputy City Manager and Chief Financial Officer.
- D. A Deputy City Manager reports to the City Manager and shall perform the duties and exercise the responsibilities that are assigned to him or her by the City Manager or Council.
- C. Sections 169-2, 169-3, 169-4, 169-5, 169-6, 169-6.1, 169-8 and 169-9 are amended in each case by deleting “Chief Administrative Officer” and substituting “City Manager”.
- D. Section 169-7 is deleted [as moved to transition provision].
- E. Section 169-6.1 is renumbered as § 169-7.
- F. Sections 169-10 is deleted [as included in general conflict provision].

- G. Section 169-11 is deleted and the following section, renumbered as § 169-10, is substituted:

**§ 169-10. Appointment of alternates.**

As designated in writing from time to time by the City Manager, a Deputy City Manager or the Deputy City Manager and Chief Financial Officer is authorized to act in the place of the City Manager when the City Manager is absent from his or her duties due to travel, illness or otherwise.

- H. Section 169-12 is amended by deleting “Clerk’s Division” and substituting “City Clerk’s Office”.

- I. Sections 169-13 is deleted [as included in transition provision].

- J. Section 169-14 is amended by deleting the following [as included in transition provision]:

In the event a power or duty under other sections of MFIPPA has previously been delegated to an official, employee or body of the former municipalities who is no longer an official, employee or body of the City of Toronto, then the Clerk shall be empowered to exercise those powers and perform those duties in their stead.

- K. Section 169-16 is deleted [as included in general conflict provision].

- L. The title to Article III is amended by deleting “Chief Financial Officer and Treasurer” and substituting “Deputy City Manager and Chief Financial Officer, Treasurer and Chief Corporate Officer”.

- M. Section 169-17 is deleted and the following substituted:

**§ 169-17. Responsibilities.**

- A. In addition to the duties imposed on a treasurer under the *Municipal Act, 2001*, other legislation and City by-laws, the Deputy City Manager and Chief Financial Officer is responsible for financial and internal corporate services for the City.
- B. In order to permit the Deputy City Manager and Chief Financial Officer to focus on corporate finance, corporate financial planning and budget development, the person appointed to the City’s management position of Treasurer will be appointed as a deputy treasurer under section 286 of the *Municipal Act, 2001*.
- C. The person appointed to the City’s management position of Treasurer reports to the Deputy City Manager and Chief Financial Officer and shall perform the duties and exercise the responsibilities that are assigned to him or her by the City Manager, the Deputy City Manager and Chief Financial Officer and Council.

- D. The Chief Corporate Officer reports to the Deputy City Manager and Chief Financial Officer and shall perform the duties and exercise the responsibilities that are assigned to him or her by the City Manager, the Deputy City Manager and Chief Financial Officer and Council.
- N. Sections 169-18 and 169-21 are deleted [as included in transition and conflict provisions].
- O. The title to Article IV is amended by inserting “Executive” before “Director”.
- P. Section 169-22 is deleted and the following substituted:

**§ 169-22. Responsibilities.**

The Executive Director of Human Resources is responsible for human resources and labour relations services for the City.

- Q. Section 169-23 is amended by inserting “Executive” before “Director”.
- R. Section 169-24 is deleted [as included in general conflict provision].
- S. Section 169-25 is amended by deleting “Division” and substituting “Services division”.
- T. Sections 169-26 and 169-28 are deleted [as included in conflict and transition provision];
- U. Section 169-26.1 is deleted and the following substituted, as renumbered § 169-26:

**§ 169-26. Authority to process by-laws.**

- A. The City Solicitor may process by-laws where an action is authorized by Council and if the recommendation to amend a by-law or introduce a bill has been omitted or if there is an error in the reference to the by-law that should be amended or if it is necessary to repeal a by-law.
- B. The City Solicitor, in consultation with the City Clerk, may submit bills directly to Council to make technical amendments to the Municipal Code and other by-laws to correct technical errors, to update the by-laws to refer to the current statute, City official title, administrative unit and Municipal Code provision and to repeal by-laws of the former municipalities that have been superseded by provisions in the Municipal Code or as a result of an administrative reorganization.
- V. Section 169-29 is deleted and the following substituted [to reflect the Code style]:

**§ 169-29. Independence.**

- A. The Auditor General is appointed by City Council and is independent of the City administration.

- B. The Auditor General is responsible for assisting City Council in holding itself and its administrators accountable for the quality of stewardship over public funds and for the achievement of value for money in City operations.
- W. Section 169-31 is deleted [as included in general conflict provision].
- X. Sections 169-33 to 169-47 (Articles VII to XI) are deleted and the following substituted [former §§ 169-39.1 and 169-46B]:

ARTICLE VII  
**General Manager of Shelter, Support and Housing Administration**

**§ 169-33. Authority concerning supporting communities partnership initiative agreements.**

The General Manager of Shelter, Support and Housing Administration, or the Acting General Manager of Shelter, Support and Housing Administration, as the case may be, is delegated authority to:

- A. Enter into supporting communities partnership initiative funding agreements for the development and provision of transitional housing and such other agreements as are deemed necessary with the organizations listed in Appendix 1 of Clause 12 of Community Services Committee Report 8;
- B. Approve the use of supporting communities partnership initiative funds in the Supporting Communities Partnership Initiative Contingency Fund on the basis of the criteria set out in Appendix 3 of Clause 12 of Community Services Committee Report 8; and
- C. Terminate a funding agreement with an organization listed in Appendix 1 of Clause 12 of Community Services Committee Report 8 at any time prior to the commencement of construction if, in the opinion of the General Manager or the Acting General Manager, as the case may be, increases in costs would prevent the organization being funded from achieving cost-effective transitional housing targets.

[Section 169-34 to 169-39 are reserved]

ARTICLE VIII  
**General Manager of Economic Development and Culture**

**§ 169-40. Approval of commercial façade grants.**

The General Manager of Economic Development and Culture or the General Manager's designate, or both, are authorized to approve commercial facade grants in accordance with the terms and conditions and criteria set out in the Clause 38 of Economic Development and Parks Committee Report 9, as adopted by the Council of the City of Toronto at its meeting held on October 3, 4 and 5, 2000.

- Y. Sections 169-48 and 169-50 are deleted [as included in transition and general conflict provisions].
- Z. By adding the following:

**ARTICLE XIII**  
**General**

**§ 169-50. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

FORMER MUNICIPALITIES — The former Municipality of Metropolitan Toronto, The former Borough of York and the former Cities of Etobicoke, North York, Scarborough, Toronto and York.

**§ 169-51. Conflicting provisions.**

Where this chapter conflicts with any other by-law setting out the powers and duties of a municipal official, this article prevails to the extent of the conflict.

**§ 169-52. Transition; corporate administrative policies, practices and procedures.**

- A. Where before April 15, 2005, Council has adopted an administrative policy, practice or procedure as a provision in the Municipal Code or otherwise that is delegated to a municipal official, the administrative policy, practice or procedure is deemed to be amended as necessary to reflect the duties, responsibilities and powers under the April 2005 reorganization approved by Council.
- B. The City official concerned is authorized to make technical amendments to an administrative provision in a policy, practice or procedure described in Subsection A to reflect the reorganization, subject to the City Manager's approval, otherwise the necessary report shall be sent to the appropriate committee of Council for clarification.
- C. Documents.
  - (1) Subject to applicable law, including the professional requirements that apply to certain City officials, where before April 15, 2005, one of the following documents contains a reference to a Commissioner or other City official, or to a City department, the reference shall as regards to any subsequent action, matter or thing be deemed and construed to be a reference to the City official whose service area includes the reference's subject matter or to the service area of the official that includes the reference's subject matter, as the case may be:
    - (a) Agreements.

- (b) By-laws.
  - (c) Approvals, permits or licences.
  - (d) Bids, quotations, tenders, service proposals or purchase orders.
  - (e) Leases, encroachments, easements, transfers, charges or any other instruments with respect to interests in real property.
- (2) Where as a result of a process commenced before April 15, 2005, any document listed in Subsection C(1)(a), (b), (c), (d) or (e) refers to a Commissioner or other City official, or to a City department as they existed before April 15, 2005, Subsection C(1) applies with necessary modification.

D. In applying Subsections A and B the following rules apply:

- (1) A reference to the “Chief Administrative Officer” is deemed to be a reference to the “City Manager” and includes a Deputy City Manager, if the reference is to a matter assigned to him or her by the City Manager.
- (2) A reference to the “Chief Financial Officer and Treasurer” is deemed to be a reference to the “Deputy City Manager and Chief Financial Officer”.
- (3) A reference to the “Treasurer” is deemed to be a reference to the “Deputy City Manager and Chief Financial Officer” and to the new corporate officer called the “Treasurer”, if the reference is to a matter assigned to him or her by the Deputy City Manager and Chief Financial Officer.
- (4) A reference to the “Commissioner of Corporate Services” is deemed to be a reference to one of the following officials based on service area:
  - (a) The Chief Corporate Officer with respect to the corporate services that are provided by a division that reports to that official.
  - (b) A Deputy City Manager with respect to the support services provided by a division that reports to that official.
  - (c) The City Manager with respect to human resources.
  - (d) The Director of Court Services.
  - (e) The City Clerk.
  - (f) The City Solicitor.

- (5) A reference to the “Commissioner of Community and Neighbourhood Services” is deemed to be a reference to one of the following officials, based on service area:
  - (a) The General Manager of Children’s Services.
  - (b) The General Manager of Homes for the Aged.
  - (c) The General Manager of Shelter, Support and Housing Administration.
  - (d) The General Manager of Social Services.
- (6) A reference to the “Commissioner of Economic Development, Culture and Tourism” is deemed to be a reference to one of the following General Managers, based on the service area:
  - (a) The General Manager of Economic Development and Culture.
  - (b) The General Manager of Parks, Forestry and Recreation.
- (7) A reference to the “Commissioner of Urban Development Services” is deemed to be a reference to one of the following General Managers, based on the service area:
  - (a) The Chief Building Official and Executive Director of Building.
  - (b) The Chief Planner and Executive Director of City Planning.
  - (c) The Executive Director of Municipal Licensing and Standards.
- (8) A reference to the “Commissioner of Works and Emergency Services” is deemed to be a reference to one of the following General Managers, based on the service area:
  - (a) The Chief and General Manager of Emergency Medical Services.
  - (b) The Fire Chief and General Manager of Fire Services.
  - (c) The General Manager of Solid Waste Management.
  - (d) The General Manager of Toronto Water.
  - (e) The General Manager of Transportation Services.



**§ 169-53. Former municipalities by-laws.**

- A. The interpretation rules in § 169-52 and Subsection B apply to any by-law of a former municipality that has not been repealed or otherwise superseded.
- B. In addition to the powers, duties and responsibilities set out in this chapter:
- (1) The City Manager shall possess all of the powers, duties and responsibilities of the Chief Administrative Officers, known as the “City Managers” of the former Cities of York, Etobicoke and Scarborough; and of the Chief Administrative Officers of the former municipalities of The Borough of East York and The Municipality of Metropolitan Toronto; and of the City Administrator for the former City of North York; and of the Board of Management, acting as a Board or as individual Commissioners, of the former City of Toronto.
  - (2) The Clerk shall possess all of the duties and responsibilities of the Clerks of the former municipalities.
  - (3) In the event a power or duty under other sections of the *Municipal Freedom of Information and Protection of Privacy Act* has previously been delegated to an official, employee or body of the former municipalities, other than the Clerk, then the Clerk shall be empowered to exercise those powers and perform those duties in their stead.
  - (4) The Deputy City Manager and Chief Financial Officer shall possess all of the duties and responsibilities of the Treasurers for the former municipalities.
  - (5) The Executive Director of Human Resources shall possess all of those duties and responsibilities related to human resources and labour relations of the Senior Director of Human Resources of the former City of York; the Commissioner of Administrative Services of the former City of Etobicoke; the Director of Human Resources of the former Borough of East York; the Senior Director, Human Resource Services of the former City of Scarborough; the Commissioner of Human Resources of the former City of North York; the Director, Human Resources for the former City of Toronto; and the Commissioner of Corporate and Human Resources for the former Municipality of Metropolitan Toronto.
  - (6) The City Solicitor shall possess all of the duties and responsibilities of the Solicitors for the former Cities of Etobicoke, North York, Toronto, Scarborough and York, The Borough of East York and The Municipality of Metropolitan Toronto.

- (7) In addition to all of the powers and duties conferred upon the Chief Building Official by statute and any other by-laws, the Chief Building Official shall possess all of the powers and duties of the Chief Building Officials for the former municipalities.

**2. In force date.**

- A. Except as provided in Subsection B, this by-law comes into force on April 15, 2005.
- B. Section 1U of this by-law [respecting renumbered § 169-26. Authority to pass by-laws] comes into force on the date of passing.

ENACTED AND PASSED this 14th day of April, A.D. 2005.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)