

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: May 4, 2005

CITY OF TORONTO

BY-LAW No. 338-2005

To amend The City of Toronto Municipal Code Chapters 1, 19, 27, 59, 67, 71, 79, 169 and 195 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WHEREAS the *Municipal Act, R.S.O. 1990* has been replaced by the *Municipal Act, 2001*; and

WHEREAS under the administrative reorganization both the Deputy City Manager and Chief Financial Officer and the Treasurer will exercise the powers and duties of a treasurer under the *Municipal Act, 2001*; and

WHEREAS the transition provisions in § 169-52 of the Municipal Code applied to Municipal Code Chapters 1, 19, 27, 59, 67 and 79 on an interim basis; and

WHEREAS under § 169-26B Council has authorized the City Solicitor in consultation with the City Clerk to introduce bills to Council to make technical amendments; and

WHEREAS the technical amendments made by this by-law include the following amendments that are noted for reference purposes:

- (1) Chapter 59 is amended to clarify the role of the Deputy Mayor and the end of the Toronto District Health Council effective March 31, 2005, when the Lieutenant Governor on the recommendation of the Minister of Health and Long-Term Care revoked all appointments to District Health Councils by Order in Council No. 465/2005;
- (2) Chapter 71, as amended by By-law No. 331-2005, is amended to reflect the fact that the division heads of Building, City Planning and Municipal Licensing and Standards will retain the title of "Executive Director";
- (3) Chapter 79 is updated to note that the Fire Services division now reports through the Community Services Committee; and

WHEREAS Article I, Interpretation, of Chapter 1, General Provisions, of The City of Toronto Municipal Code applies to City by-laws;

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

1. The chapters of The City of Toronto Municipal Code are amended as noted in the sections below.

2. Chapter 1, General Provisions.

Chapter 1, General Provisions, is amended as follows:

A. Section 1-2 is amended as follows:

- (1) By amending the definition of “Municipal Code” in Subsection A by deleting “section 104 of the *Municipal Act*” and substituting “section 248 of the *Municipal Act, 2001* or a predecessor of that section,”.
- (2) By adding the following:
 - A.1. In every by-law, a reference to the “City” is a reference to its geographic area or to the municipal corporation, as the context requires.

3. Chapter 19, Business Improvement Areas.

Chapter 19, Business Improvement Areas, is amended as follows:

A. Section 19-1 is amended as follows:

- (1) By deleting the definition of “Chief Financial Officer” and substituting the following:

CHIEF FINANCIAL OFFICER — The person appointed by Council as the City’s Deputy City Manager and Chief Financial Officer and includes the Treasurer acting under delegated authority.

- (2) By deleting the definition of “Commissioner”.
- (3) By adding the following definitions in alphabetical order:

GENERAL MANAGER — The City’s General Manager of Economic Development and Culture or his or her designate.

TREASURER — A person appointed to the management position of Treasurer in the City’s administrative organization and who has also been appointed as a deputy treasurer under section 286 of the *Municipal Act, 2001*.

- B. Sections 19-4C and 19-9G(1) are amended in both cases by deleting “Commissioner” and substituting “General Manager”.
- C. Section 19-9F is amended by deleting “Commissioner of Economic Development Culture and Tourism” and “Commissioner” and substituting, in both cases, “General Manager”.

D. Section 19-12 is amended as follows:

- (1) Subsections F and G are amended in both cases by deleting “City’s Finance Department” and substituting “Chief Financial Officer”.
- (2) Subsection H is amended by deleting “City Treasurer” and substituting “Chief Financial Officer”.

4. Chapter 27, Council Procedures.

Chapter 27, Council Procedures, is amended as follows:

- A. The definitions of “committee” and “meeting” in Section 27-1 are both amended by deleting “Part IV of the *Municipal Act*” and substituting “section 238 of the *Municipal Act, 2001*”.
- B. Section 27-3B(1) is amended by inserting “, 2001” after “*Municipal Act*”.
- C. Section 27-20 is amended as follows:
 - (1) By deleting “department head” from the section title and substituting “City official”.
 - (2) By deleting “head” and substituting “division head”.
- D. Section 27-30D is amended by deleting “Commissioner of Urban Development Services” and substituting “Chief Planner and Executive Director of City Planning”.
- E. Section 27-31.1A and C are both amended by deleting “Chief Financial Officer and Treasurer” and substituting “Deputy City Manager and Chief Financial Officer”.
- F. Section 27-85F is amended by deleting “cross-departmental” and substituting “cross-divisional”.
- G. Section 27-86B is amended by deleting “Executive Director and Chief Planner” and substituting “Chief Planner and Executive Director of City Planning”.
- H. Section 27-88 is amended as follows:
 - (1) By amending Subsection G by deleting “Chief Financial Officer and Treasurer” and substituting “Deputy City Manager and Chief Financial Officer”.
 - (2) By amending Subsection H by deleting “section 442 or section 443 of the *Municipal Act*, R.S.O. 1990, c. M.45, as amended” and substituting “section 357 or 358 of the *Municipal Act, 2001*”.

- (3) By amending Subsection J by deleting “413 of the *Municipal Act*” and substituting “356 of the *Municipal Act, 2001*”.

I. Section 27-95B is amended as follows:

- (1) By amending Subsection B(6) by deleting “Commissioner of Urban Development Services” and substituting “Chief Planner and Executive Director of City Planning”.
- (2) By amending Subsection B(10) by deleting “Chief Administrative Officer, the Commissioner of Corporate Services” and substituting “City Manager, the Chief Corporate Officer”.

J. Section 27-96B is amended by deleting “105 of the *Municipal Act*” and substituting “252 of the *Municipal Act, 2001*”.

K. Section 27-122 is amended by deleting “his or her department” and substituting “the City Clerk’s Office”.

5. Chapter 59, Emergency Planning.

Chapter 59, Emergency Planning, is amended as follows:

A. Section 59-1 is amended by adding the following in alphabetical order:

DEPUTY MAYOR — The member of Council appointed to act in the place of the Mayor under section 242 of the *Municipal Act, 2001*.

TREASURER — A person appointed to the management position of Treasurer in the City’s administrative organization and who has also been appointed as a deputy treasurer under section 286 of the *Municipal Act, 2001*.

B. Section 59-2 is amended as follows:

- (1) Subsection A is deleted and the following substituted:

A. The persons from time to time holding the following positions in the Corporation, or their successors, shall be members of the Committee:

- (1) The Mayor.
- (2) The Deputy Mayor.
- (3) The Chair of the CSC.
- (4) The City Manager.
- (5) The two Deputy City Managers.

- (6) The Deputy City Manager and Chief Financial Officer.
- (7) The Chief and General Manager of Emergency Medical Services.
- (8) The Chief Building Official and Executive Director of Building.
- (9) The Chief Corporate Officer.
- (10) The City Solicitor.
- (11) The Executive Director of Technical Services.
- (12) The Fire Chief and General Manager of Fire Services.
- (13) The General Manager of Parks, Forestry and Recreation.
- (14) The General Manager of Shelter, Support and Housing Administration.
- (15) The General Manager of Transportation Services.
- (16) The General Manager of Water.
- (17) The Manager, Office of Emergency Management.
- (18) The Medical Officer of Health.
- (19) The Treasurer.

- (2) Subsection B is amended by deleting Subsection B(14) [to reflect the termination of the Toronto District Health Council].

C. Section 59-8 is amended and the following substituted:

§ 59-8. Control Group.

The Control Group shall be composed of the following members of the Committee:

- A. The Mayor.
- B. The Deputy Mayor.
- C. The City Manager.
- D. The two Deputy City Managers.

- E. The Deputy City Manager and Chief Financial Officer.
 - F. The Chief and General Manager of Emergency Medical Services.
 - G. The Chief Corporate Officer.
 - H. The Chief General Manager of Toronto Transit Commission.
 - I. The Chief of Police.
 - J. The Executive Director of Technical Services.
 - K. The Fire Chief and General Manager of Fire Services.
 - L. The General Manager of Shelter, Support and Housing Administration.
 - M. The General Manager of Transportation Services.
 - N. The General Manager of Water.
 - O. The Manager, Office of Emergency Management.
 - P. The Medical Officer of Health.
 - Q. The Treasurer.
- D. Section 59-11 is amended by deleting “Chief Administrative Officer” and substituting “City Manager”.

6. Chapter 67, Fair Wage.

Chapter 67, Fair Wage, is amended by deleting § 67-2A and substituting the following:

- A. The person appointed Manager, Fair Wage Office for the City of Toronto, is deemed to be under the control of the Chief Corporate Officer for administrative purposes, including routine personnel matters such as provision of clerical services, attendance, vacation scheduling, sick pay authorization, increment recommendations, recording and control of budget allocation and petty cash authorization.

7. Chapter 71, Financial Control. [As amended by By-law No. 331-2005]

Chapter 71, Financial Control, is amended as follows:

- A. Subsection A of the definition of “division head” in § Section 71-1 is amended as follows:
 - (1) By deleting “a City Manager,” and substituting “the City Manager, a”.

- (2) By inserting “the” before “Chief Corporate”.
- B. Section 71-11 is amended by deleting Subsection D and substituting the following:
 - D. The following officials may delegate any amount within the commitment authority delegated to him or her by the City Manager to a person holding a management position directly reporting to them.
 - (1) A Deputy City Manager, the Chief Financial Officer, the Treasurer and the Chief Corporate Officer.
 - (2) A General Manager and the Medical Officer of Health.
 - (3) The Chief Building Official and Executive Director of Building, the Chief Planner and Executive Director of City Planning, the Director of Court Services and the Executive Director of Municipal Licensing and Standards.

8. Chapter 79, Fire Services.

Chapter 79, Fire Services, is amended as follows:

- A. Section 79-1 is amended as follows:
 - (1) By deleting the definition of “Chief Administrative Officer” and substituting the following:

CITY MANAGER — The person appointed by Council as the City’s chief administrative officer under section 229 of the *Municipal Act, 2001*.
 - (2) By adding the following definition in alphabetical order:

COMMUNITY SERVICES COMMITTEE — The City’s Community Services Committee or any successor committee responsible for fire services issues.
 - (3) By amending the definition of “Deputy Fire Chief” by deleting “Chief Administrative Officer” and substituting “City Manager”.
 - (4) By deleting the definition of “Emergency and Protective Services Committee”.
 - (5) By deleting the definition of “Fire Chief” and substituting the following:

FIRE CHIEF — The person appointed by Council (on the recommendation of the City Manager) as the Fire Chief under the *Fire Protection and Prevention Act, 1997*.

- (6) By deleting the definition of “Fire Department” and substituting the following:

FIRE DEPARTMENT — The City’s Fire Services division. that is the City’s “fire department” under the *Fire Protection and Prevention Act, 1997* and includes the fire-fighters and administrative support staff that comprise it, but, in §§ 79-12 to 79-21 and §79-23, “Fire Department” does not include administrative support staff.

- (7) By deleting the definition of “Municipal Act” and substituting the following:

MUNICIPAL ACT — The *Municipal Act, 2001* and any regulation made under it.

- B. Sections 79-3, 79-4, 79-5 and 79-6B are amended in each case by deleting “Chief Administrative Officer” and substituting “City Manager”.
- C. Sections 79-7 and 79-8B(10) and (11) are amended in each case by deleting “Emergency and Protective” and substituting “Community”.

9. Chapter 169, Officials, City. [As amended by By-law No. 309-2005]

Chapter 169, Officials, City is amended as follows:

- A. The definition of former municipalities in § 169-50 is amended by deleting “The former Borough of York” and substituting “the former Borough of East York”.
- B. Section 169-52D is amended by deleting “and B” and substituting “, B and C”.

10. Chapter 195, Purchasing. [As amended by By-law No. 331-2005]

Section 195-1 of Chapter 195, Purchasing, is amended as follows:

- A. Subsection A of the definition of “division head” is deleted and the following substituted:
- A. Any General Manager or any director or executive director reporting to the City Manager, a Deputy City Manager, the Chief Financial Officer, the Treasurer or the Chief Corporate Officer.
- B. The definition of “divisional purchase limit” is amended by deleting “Chief Administrative Officer” and substituting “City Manager”.

11. In force date.

- A. Except as provided in Subsection B, this by-law comes into force on the date of passing.
- B. Sections 7, 9 and 10 of this by-law [that correct technical errors in Chapters 71, 169, 195 as amended by By-laws Nos. 309-2005 and 331-2005] are deemed to have come into force on April 15, 2005.

ENACTED AND PASSED this 4th day of May, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)