TORONTO

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July 9, 2008

To: Members, Government Management Committee

Opinion Regarding Council Member "Read Only" Access to the Integrated Business Management System (IBMS) – Item No. GMC 16.1, July 9, 2008

At its meeting on April 17, 2008, the Government Management Committee considered the following material:

The Government Management Committee, among other things, requested the City Clerk to provide members of the Government Management Committee with the actual minutes of Council that delegated the function of "Head" under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) to the City Clerk.

It appears that, the By-Law No.3-1998 and minutes were inadvertently left out of the materials for distribution to Government Management Committee, agenda item GM16.1., distributed July, 27, 2008.

The pre-amalgamation by-laws referred to section 2 of By-Law 3-1998 were distributed with item 16.1 dated July 27, 2008. Section 3 of By-Law 3-1998 additionally delegates certain City-wide powers and duties to the Clerk of the City of Toronto.

Please find attached the City of Toronto By-Law No. 3-1998. Also attached are the Minutes of the Council of the City of Toronto, January 6, 1998 at which the By-Law No. 3-1998 was discussed and approved.

City Clerk

c. Councillor Howard Moscoe
City Solicitor
City Clerk

Upon the question of the adoption of the final report of the Toronto Transition Team, without amendment:

(a) Mayor Lastman, seconded by Councillor Ootes, in amendment, moved that Council adopt the following recommendation:

"It is recommended that Council approve the recommendations in the final report of the Toronto Transition Team on an interim basis only, and that a Special Committee of Council be established to review the recommendations and report to the Strategic Policy and Priorities Committee in four months; and that the Special Committee be comprised of:

Councillor David Miller (Chair);
Councillor Elizabeth Brown;
Councillor Mike Feldman;
Councillor Anne Johnston;
Councillor Joan King;
Councillor Norm Kelly;
Councillor Peter Li Preti;
Councillor Howard Moscoe;
Councillor Michael Prue;
Councillor Kyle Rae;
Councillor Judy Sgro; and
Councillor Ron Moeser;

and that all motions that come forward with respect to the final report of the Toronto Transition Team be referred to this Special Committee, except those dealing with Staffing and Salaries be referred to the Corporate Services Committee; and that the Chief Administrative Officer do all things necessary to provide support and assistance to this committee."

At this point in the proceedings, Council Miller, with the permission of Council, proposed that Council consider the final report of the Toronto Transition Team and the draft Council Procedural By-law, pertaining to the rules of procedures governing the proceedings of Council and its Committees, separately.

Council concurred in the foregoing proposal.

Council deferred further consideration of the foregoing matter until later in the meeting. (See Minute No. 30.)

24 Councillor Feldman, seconded by Councillor Lindsay Luby, moved that leave be granted to introduce:

"Bill No. 2 To prescribe the duties and responsibilities of the Chief Administrative Officer."

"Bill No. 3 To delineate certain duties and responsibilities of the Clerk for the City of Toronto."

"Bill No. 4 To delineate certain duties and responsibilities of the Chief Financial Officer & Treasurer for the City of Toronto."

"Bill No. 5 To delineate certain duties and responsibilities of the Commissioner of Human Resources for the City of Toronto."

"Bill No. 6 To delineate certain duties and responsibilities of the Fire Chief.",

which was carried.

Upon the question, "Shall these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws?", as follows:

"By-law No. 2-1998 To prescribe the duties and responsibilities of the Chief Administrative Officer."

"By-law No. 3-1998 To delineate certain duties and responsibilities of the Clerk for the City of Toronto."

"By-law No. 4-1998 To delineate certain duties and responsibilities of the Chief Financial Officer & Treasurer for the City of Toronto."

"By-law No. 5-1998 To delineate certain duties and responsibilities of the Commissioner of Human Resources for the City of Toronto."

"By-law No. 6-1998 To delineate certain duties and responsibilities of the Fire Chief.",

the vote was taken as follows:

Yeas: Councillors: Altobello, Augimeri, Balkissoon, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mahood, Mammoliti, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Shaw, Silva, Sinclair, Tzekas - 48.

Nays: Councillors: Faubert, McConnell, Walker - 3.

Decided in the affirmative by a majority of 45.

Councillor Feldman, seconded by Councillor Lindsay Luby, moved that leave be granted to introduce:

"Bill No. 7 To confer certain authorities and responsibilities with respect to the appropriation and commitment of funds and the payment of accounts of the City of Toronto and other related matters on an interim basis."

"Bill No. 8 To adopt a seal for the City of Toronto."

"Bill No. 9 To provide authority for certain officers and employees of the Corporation of the City of Toronto to sign cheques and carry on the business of banking for and on behalf of the City of Toronto."

"Bill No. 10 To provide for the levy and collection of 1998 interim realty taxes and penalties for non-payment thereof."

"Bill No. 11 To authorize the temporary borrowing of moneys to meet the current expenditures of the City of Toronto for the year 1998."

"Bill No. 12 To authorize temporary advances pending the issue and sale of debentures and raising money by way of loan on the debentures."

"Bill No. 13 To authorize agreements respecting the issue and sale of debentures.",

which was carried.

Upon the question, "Shall these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws?", as follows:

"By-law No. 7-1998 To confer certain authorities and responsibilities with respect to the appropriation and commitment of funds and the payment of accounts of the City of Toronto and other related matters on an interim basis."

"By-law No. 8-1998 To adopt a seal for the City of Toronto."

"By-law No. 9-1998 To provide authority for certain officers and employees of the Corporation of the City of Toronto to sign cheques and carry on the business of banking for and on behalf of the City of Toronto."

Authority: Notice of Motion, moved by Mayor Lastman,
seconded by Councillor Ootes, and
Report dated December 24, 1997,
from the Chief Administrative Officer,
adopted by Council on January 6, 1998
Intended for first presentation to Council: January 6, 1998
Adopted by Council: January 6, 1998

CITY OF TORONTO

BY-LAW No. 3-1998

To delineate certain duties and responsibilities of the Clerk for the City of Toronto.

WHEREAS, in accordance with sections 18 and 19 of the City of Toronto Act, 1997, the Council of the City of Toronto (the "Council") is deemed to have taken all steps required to appoint Novina Wong to the office of Clerk for the City of Toronto:

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

1. In addition to all duties imposed upon the said Clerk by the Municipal Act and any other statutes and by any by-law of the said Council, the Clerk shall have full charge and control of and be fully responsible for the conduct of the Clerk's Department for the City of Toronto.

2. The Clerk shall possess all of the duties and responsibilities of the Clerks of the former Cities of Etobicoke, York, North York, Toronto, and Scarborough, and of the Borough of East York and the Municipality of Metropolitan Toronto (the "former municipalities").

3. Council hereby delegates to the Clerk the powers and duties set out in sections 17, 18, 25, 26, and 34 of the Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA"). 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 and 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.

4. The Clerk shall carry out such additional duties and exercise such additional responsibilities as Council may from time to time prescribe.

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

6. This by-law shall be deemed to have come into force on January 1, 1998.

ENACTED AND PASSED this 6th day of January, A.D. 1998.

MEL LASTMAN,
Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)