

## **Composition of Certain Boards and Diversity in Public Appointments**

<b>Date:</b>	October 24, 2011
<b>To:</b>	City Council
<b>From:</b>	City Manager
<b>Wards:</b>	All
<b>Reference Number:</b>	

### **SUMMARY**

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The purpose of this report is to recommend changes to the composition of two quasi-judicial tribunals – Toronto Licensing Tribunal and the Property Standards Committee – to reflect their role as quasi-judicial tribunals operating at arms-length from the City comprised of public members only without members of Council, and changes to the composition of the Yonge-Dundas Square board to implement Council's decision on Item EX4.7.

This report also provides information on the diversity composition and geographic dispersion of the October public appointment recommendations of the Civic Appointments Committee.

### **RECOMMENDATIONS**

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**The City Manager recommends that City Council:**

1. exempt the Toronto Licensing Tribunal from EX 4.7, recommendation 12 adopted by City Council at its meeting on April 12 and 13, 2011, regarding the minimum size and composition of City agencies and corporations, so that its composition will be 7 public members appointed by City Council, given that the Tribunal is a quasi-judicial adjudicative tribunal established to operate at arms-length from City Council;
2. exempt the Property Standards Committee from EX 4.7, recommendation 12 adopted by City Council at its meeting on April 12 and 13, 2011, regarding the minimum size and composition of City agencies and corporations, so that its

composition will be 16 public members appointed by City Council, given that the Committee is a quasi-judicial adjudicative tribunal established to operate at arms-length from City Council; and

3. exempt the Yonge-Dundas Square Board of Management from EX 4.7, recommendation 12 adopted by City Council at its meeting on April 12 and 13, 2011, regarding the minimum size and composition of City agencies and corporations, so that its composition will be a total of 15 members comprised of: the Councillor for Ward 27, Toronto Centre-Rosedale; 2 members of the Downtown Yonge BIA nominated by the BIA; 5 citizens; 1 member nominated by Ryerson University; 1 member nominated by a local resident's association; 1 member nominated by the Corporation of Massey Hall and Roy Thomson Hall; 1 employee of the Toronto Parking Authority (ex-officio, no voting rights); 1 employee of the Toronto Police Service (ex-officio, no voting rights); and 2 City staff (ex-officio, no voting rights), to reflect its role as a public-private partnership operating a public square that acts as a focal point for the downtown area.

## **DECISION HISTORY**

Recommendation 10 of EX4.7, adopted by City Council at its meeting on April 12 and 13, 2011, regarding Amendments to the Public Appointments Policy directs the City Manager to report how the equity provision in the policy have been met at the time appointment recommendations by the Civic Appointments Committee are before City Council.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.EX4.7>

## **Financial Impact**

The recommendations in this report have no financial impact.

## **COMMENTS**

### **Composition of Quasi-Judicial Tribunals**

Recommendations for public appointments to the Licensing Tribunal and Property Standards Committee are before City Council for consideration. These bodies are established to act as arms-length, impartial, quasi-judicial tribunals to hear appeals of City enforcement and by-law decisions. Since the City is a party to all matters considered by these tribunals, it is necessary that the tribunals be composed entirely of public members without members of Council to ensure that they are and also appear to be impartial from the City's processes and to ensure that proceedings maintain the legal principle of natural justice. The recommendations in this report are intended to return the composition of these bodies to what they were before Council's April decision regarding item EX4.7 which added the Mayor or his designate and three councillors to these bodies.

### **Composition of Yonge-Dundas Square Board of Management**

City Council's decision of April 12 and 13, 2011 regarding item EX4.7 enlarged the Yonge-Dundas Square Board of Management by adding the Mayor or his designate plus

three councillors. This Council decision created an ambiguity in the composition of the YDS board because it did not specifically direct which Councillors were to be on the YDS Board whereas previously the local Councillor had been the only councillor on the board. The recommendation in this report changes the composition of the YDS Board to reflect Council's decision in Recommendation 22, Item EX4.7, and clarifies that it is the Local Councillor who sits on the YDS Board.

**Diversity in October Public Appointments**

Attachment 1 to this report is a chart detailing the diversity exhibited by nominations before Council in October in terms of gender, age, racial diversity, LGBT status, and self-declared disability status compared to the previous term of Council. Attachment 2 combined both September and October information for a cumulative view of diversity in recommended public appointments to date.

Applications received from Toronto residents were distributed across the City's Community Council areas as follows:

Community Council	All Boards	October Appointments	
	Applications Received	Applications Received	Recommended Appointees
Etobicoke – York	17.7%	18.3%	11.9%
Toronto and East York	43.1%	41.9%	43.6%
North York	27.8%	29.5%	29.7%
Scarborough	11.4%	10.3%	14.9%

Diversity information by board is not generally disclosed because it is personal information under MFIPPA and individuals may be easily identified given the small number of appointees for each board.

**CONTACT**

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**SIGNATURE**

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Joseph P. Pennachetti, City Manager

**ATTACHMENT**

Attachment 1: Diversity Summary: October 2011 Public Appointments  
 Attachment 2: Diversity Summary: Cumulative 2011 Public Appointments