



## STAFF REPORT ACTION REQUIRED

### Amendments to Public Appointments Policy

<b>Date:</b>	March 9, 2011
<b>To:</b>	Executive Committee
<b>From:</b>	City Manager
<b>Wards:</b>	all
<b>Reference Number:</b>	

#### SUMMARY

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The City appoints 1,436 residents of Toronto to 119 City agencies (including 71 Business Improvement Areas (BIAs)), corporations; partnered boards; advisory committees that fall under the Public Appointments Policy; and 6 external boards. Of those, 428 public members are nominated through a City-run process and 1,008 are nominated by external bodies through other processes, primarily by membership organizations such as exists for BIAs (772 board members) and Association of Community Centres (AOCC) boards (104 public board members).

The existing Public Appointments Policy is a comprehensive document outlining Council's principles and objectives as well as the processes to be followed in recruiting and selecting public appointees. It includes an appendix that details the composition of each individual board, the process for recruitment and is a useful reference for Councillors, staff, and residents interested in serving the City as a board member.

For the past 3 terms, Council has approved amendments to the Policy to accommodate changes in board composition, improve the clarity of the Policy, and refine the process to ensure that Council's objectives are met in selecting highly qualified board members to manage City business delegated to agency boards.

During the last term of Council, staff were directed to recommend changes to the composition or the selection process of a number of boards, some changes have been triggered by changing circumstances such as the dissolution of the Toronto Zoo Foundation, and new agencies were established that needed to be included in the Policy. This report recommends amendments to the Policy to satisfy these changes, to improve the efficiency and effectiveness of the process, and to go the next steps in implementing the principles on which the Policy is based.

## RECOMMENDATIONS

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### The City Manager recommends that:

#### General Policy

1. The schedule for public appointments be established as follows:
  - (a) Council consider the Public Appointments Policy as one of its first policy issues in each term; and
  - (b) The recruitment process begin following the approval of the Policy and be spread over 6 months to even out the workload of the Civic Appointments Committee with priority given to boards with vacancies, the Library Board, and the Committee of Adjustment.
2. In addition to the principles of openness, competition, and equity, impartiality be added as a principle in Section 1.4 of the Policy to mean that the selection process is conducted at arm's length from the boards being recruited and staff that report to the board.
3. (a) The recruitment methods set out in the Public Appointments Policy be replaced with:
  - Type 1: Advertised Recruitment** that includes web-based, local and City-wide advertising
  - Type 2: Interest Group Nomination** where designated stakeholder groups, users, partners, professional organizations or other interest groups nominate one or more positions
  - Type 3: Membership-Based Nomination** used for community-based boards such as BIAs and AOCCs or the tenant representatives for TCHC where members elect nominees;
- (b) the Nomination by Invitation method be eliminated and replaced by an open advertised recruitment process through the Civic Appointments Committee for the members formerly chosen by the Invitation method; and
- (c) Type 1 apply to all corporation boards with the option of using a search consultant to augment the applicant pool.
4. The Public Appointments Policy be amended to require that alternates be named for every board recruited through an advertised process in order to avoid a costly recruitment process to fill vacancies during the term and that the Civic Appointments Committee be required to obtain Council approval for additional advertising expenditures prior to directing staff to conduct a full advertised recruitment process to fill vacancies as they occur during the term.
5. All agencies and corporations be required to submit records of attendance at board and committee meetings for incumbent members during the previous term for the information of the nominating panel.

6. All nominees nominated by external bodies be required to submit applications which may include their resumes to the relevant nominating panel along with their nomination so that the City is aware of the background of all members appointed to boards of the City.
7. The City Manager be authorized to make minor wording changes to the Public Appointments Policy to update terminology and titles, clarify existing processes, and reflect use of new technologies.

### **Specific Boards**

8. Council extend to all quasi-judicial and adjudicative bodies (identified in Appendix 2 to this report) the restriction currently in place for the Toronto Licensing Tribunal that former Council Members who served in the immediately preceding term of Council are ineligible for appointment as public members.
9. Eligibility for appointment to the Toronto Licensing Tribunal be amended to provide that individuals are ineligible if they are current City license-holders or are engaged in the business of a corporate licence-holder or do not pass the required written test.
10. The qualifications be expanded to include a youthful perspective (age range 18 to 30) as a desired qualification for at least one member of the following boards:
  - (i) Toronto Public Library Board
  - (ii) Board of Management of the Toronto Zoo
  - (iii) Board of Health
  - (iv) Exhibition Place Board of Governors
  - (v) Sony Centre for the Performing Arts
  - (vi) St. Lawrence Centre for the Arts
  - (vii) Toronto Centre for the Arts
  - (viii) Toronto and Region Conservation Authority.
11. The standard process for all public members, where the Civic Appointments Committee short-lists, interviews, and nominates candidates and a corporate staff review team including a staff representative for the board conducts the initial screening of applicants for eligibility and qualifications, apply to the following boards:
  - (i) Toronto Public Library Board
  - (ii) Sony Centre for the Performing Arts
  - (iii) St. Lawrence Centre for the Arts
  - (iv) Toronto Centre for the Arts
  - (v) Board of Management of the Toronto Zoo
  - (vi) Board of Health
  - (vii) Toronto Atmospheric Fund.
12. The Sony Centre for the Performing Arts, St. Lawrence Centre for the Arts, and Toronto Centre for the Arts be amended as follows:

- (a) The composition of the board be changed to 3 Council Members and 6 public members (3 representing the business community and 3 representing the arts and culture community) nominated through the standards open advertised process through the Civic Appointments Committee;
  - (b) Public appointees collectively demonstrate a range of qualifications including financial management, hospitality services, knowledge of the performing arts industry and facilities management, marketing and sponsorship, law, or expertise and linkages in the diverse cultural community; and
  - (c) To maintain a tenant representation for the St. Lawrence Centre, the board be augmented by 3 non-voting members including 2 representatives of the Canadian Stage Company and 1 representative of the Jane Mallett Theatre Music Presenters.
13. Since the current composition of the Board of Management of the Toronto Zoo requires nomination by the now discontinued Toronto Zoo Foundation and to implement other changes recommended in this report, the Board of Management of the Toronto Zoo be amended as follows:
- (a) The composition be changed to 2 Members of Council and 7 public members, one of whom is a nominee of the Board of the Toronto Region Conservation Authority;
  - (b) Public members of the Zoo Board collectively demonstrate a range of qualifications including financial management, tourism/attractions marketing, knowledge of zoos and the role they play in wildlife conservation, education, large scale fund-raising or public-private partnerships, leadership and partnership development, or general public sector board experience.
14. The composition of the Public Library Board be amended to 7 public members, 1 Councillor and the Mayor or the Mayor's designate.
15. The composition of the Yonge-Dundas Square Board of Management be amended to replace 2 of the 4 BIA representatives and one nominee of each of the Yonge Street Mission and the Toronto Theatre Alliance with 4 at-large members recruited through an open advertised process through the Civic Appointments Committee.
16. Council request the Provincial government and the CNE Association to amend the CNE Act to reduce the number of City of Toronto Councillors on the CNE Association, Municipal Section from 16 to 12.
17. The public member qualification be amended to require that at least one member be a qualified accountant or have comparable financial management expertise for Invest Toronto, Build Toronto, Toronto Community Housing Corporation, and Toronto Hydro.
18. As previously directed by Council, an open advertised City process be used to recruit the at-large public members of all arena boards as outlined in Appendix 1, while retaining the current board composition.

19. The City policy respecting the composition of the Debenture Committee, Waterfront Toronto and Invest Toronto be amended to permit the Mayor to name a Council Member as his designate through the Striking Committee, and for Invest Toronto the Chair of the City Economic Development Committee be appointed Chair in the place of the Mayor if the Mayor names a designate.

### **Implementation**

20. Where the current number of Council Members is being reduced through implementation of these recommendations, the composition of the boards impacted be temporarily amended to permit the current number of Council Members to continue serving on the board until the mid-term when Council Member appointments are normally adjusted.
21. The City Manager, in consultation with the City Solicitor, be authorized to amend any and all relationship frameworks, shareholder directions, policies, websites, or other documents to reflect the recommendations of this report as approved by Council and ensure that agency by-laws and other documents are amended to bring them into compliance with these directions and the prevailing legal requirements.
22. The City Solicitor be authorized to bring forward any necessary amendments to City by-laws or the Municipal Code including bills giving effect to decisions to change local boards under s. 145 of the *City of Toronto Act, 2006* or to take any other action she deems necessary to implement the recommendations in this report as approved by Council.

### **Implementation Points**

Once Council approves the amendments to the Policy, the City Clerk's Office and City Manager's Office will jointly establish a schedule for recruitment to spread the work over the remainder of 2011 so that all boards are in place by fourth quarter 2011. The schedule will be approved by the Civic Appointments Committee and distributed to all Members of Council for information.

The City Manager's Office and City Clerk's Office will provide a briefing on the Policy to the Civic Appointments Committee. The City Manager's Office will finalize the wording of the Policy to reflect Council's decisions and post the Policy on the City website and make copies available to Councillors and the general public.

### **Financial Impact**

The funding for advertising is included in the 2011 approved budget to cover the cost for the first year of the term where the majority of recruitment activity occurs. Any funding required for recruitment of corporate boards is provided by the corporations.

The Policy provides a number of methods to avoid the cost of advertising in future years of the term to fill vacancies as they occur and recommendation 4 in this report contains a

requirement that additional advertising funds for future recruitments be approved on a case-by-case basis by Council.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **Equity Impact**

One of the key objectives outlined in the Public Appointments Policy is to appoint board members that collectively represent the diversity and geographic distribution of the community. The City has won an award from the Maytree Foundation for its Policy and process and has achieved a significant improvement in balanced representation. The amendments to the Policy recommended in this report will provide the means to improve further on those achievements.

### **DECISION HISTORY**

The Policy was updated during the last term to reflect changes approved by Council during the term. This report deals with issues beyond those previously approved.

During the last term of Council, there were 32 directives from Council that had an impact on the Policy and processes that are addressed in this report. In addition there were changes in legislation that impacted the Policy and changes in the names of organizations and officials to be reflected in the Policy and new boards were created.

Staff fielded numerous inquiries and comments from Councillors, applicants, agency staff, appointees, and the general public that highlighted areas needing clarification or change in the Policy to make it more understandable, consistent, and compliant with the stated objectives.

In addition, staff met with former members of the Civic Appointments Committee (CAC) to understand what processes worked in their view, what needed revision, and any new ideas that would improve the efficiency and effectiveness of the recruitment process.

All of these inputs were considered in developing the recommendations in this report and the wording changes that will be included in the final Policy document.

### **ISSUE BACKGROUND**

The Public Appointments Policy was established to guide the City's public appointments to agencies, corporations, major advisory bodies, and external boards to which Council makes appointments based on the following principles:

- selection will be skill-based pertinent to the needs of the individual board and a variety of perspectives will ensure the best decisions
- fair, open, and competitive process will be employed to select board members
- boards in total will reflect the City's diverse population in terms of gender, age, physical ability, ethnicity, sexual orientation, and geographic representation
- only residents of Toronto will govern the municipal business of Toronto and members do not need Canadian citizenship status to qualify

In recent years, Council has been very successful in achieving these objectives and has received recognition for the integrity of the process. The Policy has been a useful tool to assist the many individuals involved in this significant recruitment effort and to make prospective applicants aware of the requirements and the process to assist them in preparing their application and interview.

For each agency, the Policy outlines the composition of the board (the number of members and the balance in number of Council Members and public members), the term of appointment, the qualifications desired for public members and written test requirements if applicable, the method of selecting members and the organizations involved in the selection process. Appendix 2 contains a chart of City agencies, corporations, and other bodies.

City staff have developed an online application computer system and applicants database that will provide a more efficient process and analytic tool. It will be much easier to develop statistics on the appointments process to assist in reporting how well the objectives are being met to assist the nominating panels in their decision-making. This will also be helpful in analyzing the geographic representation across all wards that has not been specifically monitored so far.

## **COMMENTS**

### **Timing and Scheduling of Appointments**

It is important that each new Council adopt the Public Appointments Policy as their own as one of its first major policies. This also serves to notify the public that recruitment is beginning and outlines the process being employed. This means that the recruitment process should start following adoption of the Policy.

Due to the large volume, the process is necessarily spread over a period of time. In the past, the terms were to end at the conclusion of the term of Council. If instead the board term ended 4 years from the date of the initial appointment of public members on or about April, then members would serve a full 4 years and would not need to unduly overstay the end of their term awaiting appointment of their successors. In addition, in the past, the advertisement for all boards was posted at the beginning of the process. Some applicants waited many months to hear further on the status of their application due to the high volume of applicants to be considered. It is proposed that spreading the recruitment over several months and processing them in batches will demonstrate a more efficient process to the public and prospective applicants. Advertising costs can be minimized by directing prospective applicants to the City website for the details of positions available.

### **Principle-Based Approach**

City Council has committed to an open, competitive, equitable public appointments process as documented in the Policy. It is recommended that impartiality be added as a fourth principle. This officially documents what has been one of the major principles followed in the past and evidenced by Council's adoption of the Integrity Commissioner's recommendations in this respect. It also supports the recommendations that position the

recruitment process at arm's length to the members of the board being recruited and staff that report to the board.

The current Policy engages a number of different groups in the selection process. Most recruitments are processed through the CAC with staff support from the City Clerk's Office (process) and the City Manager's Office (policy). However, some boards currently have a process that uses the staff from the agency and Councillors on the board of the agency to conduct the first screening and short-listing process. The rationale for this variation is that some boards are so specialized that they need the expertise and experience of the incumbent board to conduct the screening process. However, the screening process through the CAC for other boards already engages staff from the agencies in the screening process and the results have been successful. Centralizing the selection process under the direction of the CAC will also assist in achieving the diversity and geographic distribution objectives set out in the Policy. This report recommends that the recruitment of at-large members for all agency boards move to the standard arm's length process.

### **Recruitment Methods**

The current Policy establishes a selection process specific for each board or a process based on a combination of the following:

- advertised recruitment
- nomination from interest groups or community-based process
- recruitment through search consultant
- invitation offered to high profile candidates

The following changes are recommended to the above processes.

First, the advertised process and recruitment through a search consultant are essentially the same and it is recommended that they be combined as one method. Experience has demonstrated that search consultants generally use advertising in addition to use of their database. Search consultants are being used only for recruiting boards for City or partnered corporations and it is recommended that the open advertised process, as has been used consistently in the recent past, always be employed for corporate boards with the option of using a search consultant to augment the applicant pool.

Second, the interest group nomination process is fundamentally different from the community-based process and it is recommended that the two be distinguished as distinct recruitment types in the amended Policy. Interest group nominations are used when Council delegates to an external organization the authority to nominate one or more members on the assumption that they offer a valued perspective in the decision-making process. The community-based method is used for boards where there is an election process by a constituent base that is to be represented on the board such as election of members of AOCCs or tenants of Toronto Community Housing Corporation.

Third, the Invitation process was introduced on a trial basis for the purpose of recruiting a few high profile individuals to the Library Board. This method was subsequently extended to the Sony Centre, the Toronto Centre for the Arts, and selected members for

the Zoo. This process necessarily requires that staff of the boards control the process to select board members to which they report. This means that they are privy to confidential information about the board members to which they report such as diversity information. To ensure impartiality, and to ensure that the other principles are held central to the process, it is recommended that this method be replaced by the standard open advertised process where the CAC recommends appointments. The staff currently engaged can continue to participate as a member of the corporate review team that reviews all applications for eligibility, qualifications, and conflict of interest.

### **Alternates**

The Policy provides for naming of alternates by Council who would become members of the board when a vacancy occurs during the term. This is particularly important now that there is a four year term. When a vacancy occurs, the named alternates are contacted to ensure that they are still eligible and available and the CAC recommends a nominee from the alternates list. If no alternates remain, then the Policy provides that the first action is to review the original applicant list for the agency or to look at qualified applicants from other recruitment processes. Where no alternates are named by Council, it is a fairly expensive and time-consuming process to recruit, advertise for, and select new public members of boards. Therefore, this report recommends that the Policy be amended to require that alternates be named for every board recruited through an advertised process. Names of alternates are kept confidential until they are appointed by Council.

### **Term Limits and Staggered Terms**

A key objective of the selection process is to ensure that there is both continuity and new perspectives for each board. It is important to consider re-appointing some members with experience in past terms, but achieve sufficient turnover to ensure fresh ideas are brought to the table. There is currently a maximum term limit for all board members (usually equivalent to 8 years representing 2 terms of Council). A performance review process would help the CAC in making a selection among board members who apply to serve for a second term. As a starting point, it is recommended that all agencies and corporations submit attendance records for incumbents.

Some boards, particularly boards of corporations, have suggested that staggered terms should be used to ensure effective turnover of members. However, the current policy already provides some direction on this issue by stating as an objective the appointment of a balance of new and returning members each term. If approximately half of the board members are replaced each recruitment and members are permitted to serve for 8 consecutive years, then the objectives of both continuity and new perspectives can easily be accomplished.

### **Eligibility**

A number of directives and questions raised were related to eligibility requirements.

#### **1. Former Members of Council**

Quasi-judicial and adjudicative boards conduct hearings and make independent decisions on individual cases. They must be seen to operate in an independent manner. Currently,

former Members of Council who served in the immediately preceding term are not eligible for appointment as public members to the Licensing Tribunal, a cooling-off period that reinforces the impartiality of the decision-making process. It is recommended that this limitation be extended to all quasi-judicial and adjudicative boards and positions: the Committee of Adjustment, Committee of Revision, Property Standards Committee / Fence Viewers, Rooming House Licensing Commissioner and Deputy, and Sign Variance Committee, in addition to the Toronto Licensing Tribunal.

#### 2. Licensing Tribunal

In the past, the CAC requested staff to indicate whether applicants for the Licensing Tribunal were current license holders. In addition, the CAC selected only applicants who passed the written test. It is important for applicants for the Licensing Tribunal to demonstrate their writing ability because Tribunal members are all required to write the reasons for decisions of the Tribunal for posting on the City website. This report recommends that the eligibility requirements for the Toronto Licensing Tribunal screen out applicants who either are current license holders or engaged in the business of a current license holder or do not pass the written component of the screening process.

#### 3. Residence Requirement

The standard eligibility for all boards is that applicants be residents of Toronto. For nominees of interest groups, it has been suggested that the City waive this requirement. This is not recommended. Where the nominating panel deems necessary, the panel may request that Council waive this requirement in order to appoint a nominee.

#### 4. Subsidiaries

The Policy also prohibits City staff or staff of a City agency or corporation from applying, but does permit staff to serve on a board as ex officio members where the composition specifies. The Policy will clarify that this prohibition equally applies to boards of subsidiaries.

#### 5. Term Limits

Council also requested that the Policy be amended to permit waiving of term limits when there is an insufficient number of qualified applicants to permit incumbents to serve past the normal term limit. The Policy already provides for this situation.

### **Young Adults**

One of the major objectives set out in the Public Appointments Policy is to appoint members that collectively reflect the diversity of the community including age distribution. Staff have taken steps in the past to ensure that the applicant pool fairly represent young adults ages 18 to 30. However, it is difficult for these applicants to compete with older age groups purely based on demonstrated experience. For boards such as the Library, Zoo, Exhibition Place, the Board of Health, the theatres, and the Toronto and Region Conservation Authority, a youthful perspective is as important an input on the board as other selection criteria. It is recommended that the qualifications for these boards be amended to encourage appointment of at least one member in the 18 to 30 age range.

### **Standard Process and Role of the CAC**

In the past it was unclear what role the CAC played for nominations that were determined through processes that did not involve the Committee. There are 3 major categories where this is an issue – interest group nominations, nominations by invitation, and nominations where the individual board conducts the initial screening and/or interviews. The changes recommended in this report resolve this issue.

First, this report recommends that nominees of interest groups be required to submit applications with their nomination. This will provide the CAC with the means to review their application, their residency and other eligibility requirements, and determine their suitability in order for the CAC to support the recommendation to Council for appointment. This will also provide data for analyzing success in achieving the objectives of the appointments process.

Second, eliminating the Invitation method of recruitment for the Library, theatres, and the Zoo as discussed above places the responsibility for recruitment with the CAC using the open advertised process.

Third, the recruitment process for the Board of Health and TAF currently provides that TAF staff and/or incumbent board members conduct the initial screening of applicants, in most cases interview candidates, and make recommendations to the CAC to pass on to Council. It is recommended that these processes be normalized such that the CAC short-lists, interviews, and nominates candidates and a corporate staff review team including a staff representative for the board conducts the initial screening of applicants for eligibility, qualifications and conflicts.

### **Balance of Council Members and Public Members**

One of the fundamental reasons for establishing agencies is to engage residents in the decision-making process and take advantage of specialized expertise to oversee the business of the agency. In addition, the rationale is that agencies operate with a focus and narrower social objectives than those considered for divisional issues by Council as a whole. Political oversight is provided for agencies through:

- a) approval of the business direction as outlined in the Council-approved operating and capital budgets;
- b) the requirement for certain major decisions to come forward to Council; and
- c) performance measurement and variance reporting.

It is therefore recommended that the board size be rationalized and the balance of the number of Council Members and the number of public members be adjusted for the boards described below.

Several boards are currently fairly large. A moderate number of members is 9, large enough to provide a varied perspective and small enough to manage time for debate and reach consensus in a timely fashion. The balance between number of Council Members and number of public members should be governed by the agency's impact on the City in terms of overall cost and policy impact.

### 1. Theatres

Although the three theatre boards are essentially in the same business, the composition of the boards are very different, based on the historical origins of the board rather than business need. In addition, none of the public members are recruited through an open, advertised process and most are selected by parties not at arm's length.

<b>Board</b>	<b>#</b>	<b>#</b>	<b>Method or recruiting public members</b>
	<b>Council</b>	<b>public</b>	
Sony	3	9	recruited by Sony staff and board by invitation process
St. Lawrence	2	16	nominated by the tenants
Toronto Centre	5	7	recruited by Centre and City staff by invitation process

It is recommended that the composition of these boards be changed to 3 Council Members and 6 public members (3 representing the business community and 3 representing the arts and culture community). The St. Lawrence Centre is the only one of the three that has long-term performance tenants. To maintain a tenant representation for the St. Lawrence Centre, it is recommended that the board be augmented by 3 non-voting members including 2 representatives of the Canadian Stage Company and 1 representative of the Jane Mallett Theatre Music Presenters. The current composition also includes one nominee of the St. Lawrence Forum which is no longer operational.

It is also recommended that the standard open advertised process be employed to recruit board members and that public appointees collectively demonstrate a range of qualifications including financial management, hospitality services, knowledge of the performing arts industry, facilities management, marketing and sponsorship, law, or expertise and linkages in the diverse cultural community.

### 2. Zoo

The current composition of the Board of Management of the Zoo is 6 Members of Council, a nominee of the Zoo Foundation, 2 members invited by the Board and 2 public members recruited by the CAC. Since the Toronto Zoo Foundation is now discontinued and this report recommends discontinued use of the invitation method of recruitment, a change to the Zoo board composition is required at this time. It is recommended that the composition be changed to 2 Members of Council and 7 public members one of whom is a nominee of the Board of the Toronto Region Conservation Authority that owns approximately half of the Zoo lands.

Public members of the Board should collectively demonstrate a range of qualifications including financial management, tourism/attractions marketing, knowledge of zoos and the role they play in wildlife conservation, education, large scale fund-raising or public-private partnerships, leadership and partnership development, or general public sector board experience.

### 3. Library Board

The current composition of the Library Board is 13 members, including 5 Members of Council and 8 public members, 3 of whom may be invited to serve on the board by the

Mayor and the remainder are recruited using an open, advertised process through the CAC. To reduce the size of the board, eliminate the invitation process and rebalance the political and public membership, it is recommended that the composition of the Public Library Board be amended to 7 public members, 1 Councillor and the Mayor or the Mayor's designate.

#### 4. Yonge-Dundas Square

When the Yonge-Dundas Square Board was established, it was expected that it be a self-sufficient commercial enterprise and that the BIA would take some administrative responsibility. The board composition was set to include the ward Councillor and nominees of groups in the immediate area including 4 representatives of the BIA. To reflect the current reality that the Square is a major civic space with broader City-wide interest and still financially dependent on the City, it is recommended that the City recruit 4 public members of the board changing the composition as follows:

#### **Current**

1 Ward Councillor  
 4 members of BIA  
 1 nominee of Ryerson University  
 1 nominee residents' association  
 1 nominee Yonge Street Mission  
 1 nominee Toronto Theatre Alliance  
 1 nominee Massey Hall

#### **Recommended**

1 Ward Councillor  
 2 members of BIA  
 1 nominee of Ryerson University  
 1 nominee residents' association  
 4 public members recruited by the City  
 1 nominee Massey Hall

The ex officio non-voting members would remain the same. These include 1 staff of Toronto Parking Authority, one staff of the Police Service, and 2 City staff.

Table 1 summarizes the proposed changes in compositions of the above boards.

**Table 1: Composition and Balance of Board Members**

Board	Current			Proposed		
	#Council	# Public	#Total	#Council	# Public	#Total
Sony Centre for the Performing Arts	3	9 by invitation	12	3	6 by CAC	9
St. Lawrence Centre for the Arts	2	16 nominated by tenants	18	3	6 by CAC + 3 non-voting nominated by tenants	9 + 3 non-voting
Toronto Centre for the Arts	5	7 by invitation	12	3	6 by CAC	9
Toronto Zoo	6	5	11	2	6 by CAC +1 nominated by TRCA	9
Toronto Library	5	8	13	2	7 by CAC	9
Yonge-Dundas Square	1	4 BIA + 5 interest group nominees + 4 ex officio staff	10 + 4 non-voting	1	4 by CAC +2 BIA + 3 interest group nominees + 4 ex officio staff	10 + 4 non-voting

## 5. CNEA

The Canadian National Exhibition Association is a membership organization that plans and organizes the 18 day fair held at Exhibition Place each year. The CNEA is comprised of 4 sections including 27 members of the Municipal Section, and 44 members in each of the Manufacturers and Industry Section, Agriculture Section, and General and Liberal Arts Section. The Municipal Section is comprised of 16 Members of Toronto Council and 11 members appointed by other municipal bodies.

To provide coordination, the Board of Governors of Exhibition Place includes the President of the CNEA and 3 other nominees of the CNEA. City Council exercises its authority by approving the budget for the CNE as a program within Exhibition Place, and Exhibition Place provides staffing to support the CNEA. Since the composition of the CNEA is set out in the *CNEA Act*, it is recommended that the City recommend to the Provincial government and the CNE Association that the *CNE Act* be amended to reduce the number of Toronto Councillors on the Municipal Section from 16 to 12. The City would still maintain a majority.

### **Financial Expertise for Corporations**

Corporations incorporated under the *Business Corporations Act (Ontario)* are required to have an Audit Committee and sign off on their audited financial statements. Members of the Build Toronto Board have suggested that having a qualified accountant on the Board would be appropriate. It is therefore recommended that the public member qualifications be amended to require that at least one member be a qualified accountant or have comparable financial management expertise for Invest Toronto, Build Toronto, Toronto Community Housing Corporation, and Toronto Hydro.

### **Arenas**

At the beginning of the last term of Council, the nominations for Ted Reeve Arena were brought forward by the Board to the Community Council for appointment. The Community Council did not accept the nominations recommended by an external group and instead directed the City Manager to recommend an alternative nomination process. In the Fall 2007, through EX 11.11, the process for Ted Reeve was revised to be an open advertised process through the Community Council. Council approved the new process and directed that the process be extended to other arena boards. By that time, the new boards for other arena boards had already been completed for the term and the change for other boards was deferred to the beginning of this new term.

The process is:

- a) the City locally advertises the positions and receives the applications
- b) the Community Council names the ward Councillor and at least one other Councillor to shortlist, interview, and nominate members
- c) the Community Council approves the nominations.

The Relationship Framework for arena boards indicates that a City Manager's Office staff be an ex officio member of each arena board. It is recommended that this position be

changed to a staff person to be named by the General Manager of Parks Forestry and Recreation. Appendix 1 to this report sets out the recommended composition of each arena board, which is otherwise unchanged, and the recommended recruitment process.

### **Mayor's Designate**

In order to provide more flexibility for the Mayor to determine which boards he will serve on, it is recommended that City policy be amended to permit the Mayor to name a Council Member as his designate on the Debenture Committee, Waterfront Toronto and Invest Toronto, and for Invest Toronto the Chair of the City Economic Development Committee be appointed Chair in the place of the Mayor if the Mayor names a designate.

### **CONTACT**

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### **SIGNATURE**

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Joseph P. Pennachetti  
City Manager

### **ATTACHMENTS**

- Appendix 1 Recommended Appointment Process for Arena Boards
- Appendix 2 Chart of City of Toronto Agencies and Corporations

## Appendix 1 – Recommended Appointment Process for Arena Boards

### Arena Boards of Management

The board-specific requirements set out below have been updated to reflect changes made by Council:

- September 2007 (Item EX11.11) to the composition, qualifications and nominations process to appoint community members to serve on the Ted Reeve Arena Board of Management and directed that the City Manager apply the open advertised process used for Ted Reeve to other arena boards.
- February 2010 (Item CD30.5) to the ice allocation practices in City arenas operated by arena boards of management

**Agency Profile** There are eight indoor ice arenas operated by a board of management. These City boards were established by the former City of Toronto and Borough of East York as a means of engaging the local community in decision-making for managing these facilities. These eight facilities, listed below, were established between the early 1950s and early 1970s.

**Board Responsibilities** The mandate of arenas operated by a board of management includes:

- providing safe, full and equitable access to high quality indoor ice sport recreational facilities and where applicable other recreational facilities (e.g. community rooms, banquet halls)
- allocating the use of the facility in a fair and equitable manner among local neighbourhood residents and organizations and user groups in accordance with the City's Ice Allocation Policy, while bearing in mind the need to generate sufficient revenue to operate the facility at the lowest reasonable cost to the City of Toronto and its residents.

In February 2010 (Item CD30.5), City Council made a number of changes to ice allocation practices in City arenas operated by arena boards of management. Under these changes:

- a. the General Manager, Parks Forestry and Recreation will forward to the arena boards of management all applications for ice time at their locations together with the total hours each applicant is entitled to on a City-wide basis
- b. arena boards are to develop proposed ice allocation schedules based on the applications received and consistent with the targets and requirements set out in the City's Ice Allocation Policy and the objectives of the Relationship Framework
- c. as appropriate, the boards shall negotiate with other board-operated arenas and City staff, and subject to informing and consulting with the applicants, finalize their allocation schedules for approval by the General Manager, Parks, Forestry and Recreation.

## **Arena Boards of Management**

<b>Term of Office</b>	Four years
<b>Composition</b>	<p>Board composition ranges from 7 to 12 members and each includes the ward Councillor and in some cases an additional City Councillor usually from a neighbouring ward. In addition, the 1 non-voting staff member from the Parks, Forestry and Recreation Division serves on each Board.</p> <p><b>George Bell Arena</b> – 1 Councillor and 7 residents <b>Larry Grossman Forest Hill Memorial Arena</b> – 2 Councillors and 5 residents <b>Leaside Memorial Community Gardens Arena</b> – 1 Councillor and 9 residents <b>McCormick Playground Arena</b> – 1 Councillor and 9 residents <b>Moss Park Arena</b> – 1 Councillor and 9 residents, 1 of whom may be nominated by the Moss Park Skating Club <b>North Toronto Memorial Arena</b> – 2 Councillors and 7 residents, but 3 may be nominated for consideration as follows:</p> <ul style="list-style-type: none"><li>- 1 person by the North Toronto Skating Club</li><li>- 1 person by the North Toronto Hockey Association, and</li><li>- 1 person by one on the adjacent ratepayers' association</li></ul> <p><b>Ted Reeve Community Arena</b> – 1 Councillor and 8 residents, plus 1 non-voting staff members from the local Police Services Division and 1 non-voting representative of the Sports Centre Design and Management Ltd. <b>William H. Bolton Arena</b> – 1 Councillor and 10 residents</p>
<b>Qualifications</b>	<p>In addition to the general eligibility requirements set out in the Public Appointments Policy, board members should collectively have:</p> <ul style="list-style-type: none"><li>• an interest and commitment to volunteering and community development including an understanding of diverse neighbourhoods</li><li>• a range of skills or experience such as fundraising, financial management, sports facility operation, event planning, amateur and children's sports, law, or marketing</li><li>• a majority of members residing in the local area</li><li>• demonstrated knowledge of the programs and activities of the arena</li><li>• a youthful perspective implemented by having at least one member be a young adult age 18 to 30</li></ul>

## **Arena Boards of Management**

**Meetings** The Boards are required to meet a minimum of six times a year and at any time at the request of a majority of the members of the Board, or at the call of the Chair.

The Boards generally meet monthly, except during the summer months of June, July and August.

**Remuneration** No remuneration is paid to Board members

### **Nomination Process – Interest Group and Advertised Recruitment**

On some boards, positions have been reserved for specific neighbourhood associations or arena user groups (Type 2 - Interest Group Nomination). These groups submit recommendations to the Board, the Board forwards their nominations to the Staff review team to present to the Community Council for appointment.

The at-large public member appointees (Type 1 - Advertised Recruitment) are recruited through local advertising, screened against Council approved qualifications by a City staff team including representatives of the Parks Forestry and Recreation Division and short-listed, interviewed and nominated by a nominating panel, consisting of at least 2 Community Council Members appointed by the Community Council and nominations are recommended to the Community Council for appointment to the Board.

If the Community Council wishes to make appointments that do not comply with the Policy, it must forward its recommendations to Council for approval.

## Appendix 2 – City of Toronto Agencies and Corporations <sup>1</sup>

Agencies <sup>2</sup>		Corporations <sup>3</sup>	Other Bodies	
<b>Service Agencies</b> <ul style="list-style-type: none"> <li>➤ Board of Health</li> <li>➤ Exhibition Place</li> <li>➤ Heritage Toronto</li> <li>➤ Police Services Board</li> <li>➤ Public Library Board</li> <li>➤ Sony Centre for the Performing Arts</li> <li>➤ St. Lawrence Centre for the Arts</li> <li>➤ Toronto Centre for the Arts</li> <li>➤ Toronto Parking Authority</li> <li>➤ Toronto Transit Commission</li> <li>➤ Toronto Atmospheric Fund</li> <li>➤ Toronto Zoo</li> <li>➤ Yonge-Dundas Square</li> </ul>	<b>Quasi-Judicial &amp; Adjudicative Boards <sup>4</sup></b> <ul style="list-style-type: none"> <li>➤ Committee of Adjustment</li> <li>➤ Committee of Revision</li> <li>➤ Property Standards Committee / Fence Viewers</li> <li>➤ Rooming House Licensing Commissioner</li> <li>➤ Sign Variance Committee</li> <li>➤ Toronto Licensing Tribunal</li> </ul>	<b>City Corporations</b> <ul style="list-style-type: none"> <li>➤ Build Toronto Corporation</li> <li>➤ Invest Toronto Corporation</li> <li>➤ Toronto Community Housing Corporation</li> <li>➤ Toronto Hydro Corporation</li> <li>➤ TEDCO operating as Toronto Port Lands Company (TPLC)</li> </ul>	<b>Advisory Bodies</b> <ul style="list-style-type: none"> <li>➤ <del>Museum Boards<sup>6</sup></del>(to be replaced by reference group and Friends groups for each museum)</li> <li>➤ Toronto Preservation Board</li> <li>➤ Public advisory bodies appointed by Council from time-to-time</li> <li>➤ Program advisory bodies established by agencies and divisions from time-to-time</li> </ul>	<b>Pension Bodies <sup>5</sup></b> <ul style="list-style-type: none"> <li>➤ Metro Toronto Pension Plan Board of Trustees</li> <li>➤ Metro Toronto Police Benefit Fund Board of Trustees</li> <li>➤ Toronto Civic Employees' Pension &amp; Benefit Fund Committee</li> <li>➤ Toronto Fire Department Superannuation &amp; Benefit Fund Committee</li> <li>➤ York Employees' Pension &amp; Benefit Fund Committee</li> </ul>
<b>Community-Based Agencies</b> <ul style="list-style-type: none"> <li>➤ Arena Boards (8)</li> <li>➤ Association of Community Centre Boards (AOCCs) (10)</li> <li>➤ Business Improvement Areas (BIAs) (70+)</li> </ul>	<b>Administrative Boards</b> <ul style="list-style-type: none"> <li>➤ Compliance Audit Committee</li> <li>➤ Sinking Fund Committee<sup>6</sup></li> </ul>	<b>Partnered Corporations</b> <ul style="list-style-type: none"> <li>➤ Enwave Energy Corporation</li> <li>➤ Waterfront Toronto</li> </ul>		
<b>Partnered Agency</b> <ul style="list-style-type: none"> <li>➤ Toronto and Region Conservation Authority</li> </ul>				

**Notes:**

1. Chart includes agencies, corporations and other bodies. The City also makes nominations for board appointments to a number of external bodies (not on this chart).
2. Previously referred to as agencies, boards and commissions.
3. City Corporations are Ontario Business Corporations Act (OBCA) corporations.
4. Includes quasi-judicial positions.
5. Pension Bodies are Trust Fund Administrators.
6. To be removed if Council approves recommendations in report entitled Managing Through Agencies and Corporations

**Updated: March 2011**