

**Managing Through
Agencies and Corporations
&
Public Appointments Policy**

Background & Context

Why Manage through Agencies and Corporations

- some agencies required by legislation
- engage citizens in decision-making
 - add expertise, experience, commercial view
 - attract funding from outside sources
 - engage stakeholders, volunteers, neighbourhood
- objectivity desirable for quasi-judicial decisions
- focus on single objective, service, or facility
- operate in a commercial environment or objectives beyond core municipal services

Ownership

City Owned

- established by City
- City appoints Board and sets rules of operation
- City financially responsible (limited for City Corporations) (TTC, Build Toronto)

Partnered

(TRCA, Enwave)

External

- established by others
- City may nominate members
- City not financially responsible, but may provide some funding (CNE Association, Metro Toronto Convention Centre)

Degree of Autonomy

Agency

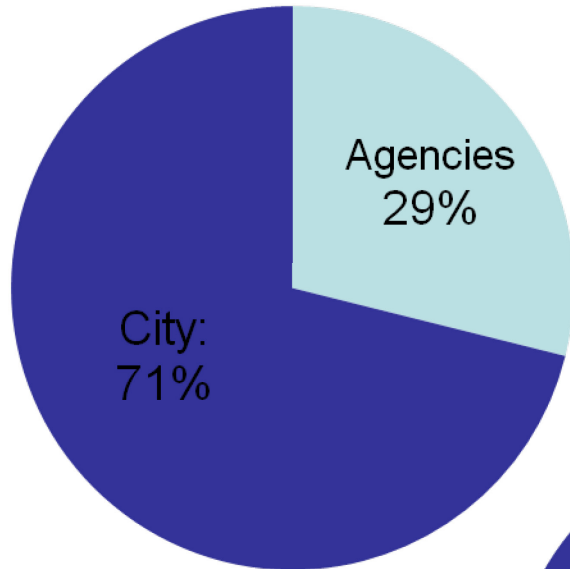
- Agent of the City
- Council approves budget
- City owns the assets
- Policies consistent with Council's
- City has full liability

Corporation

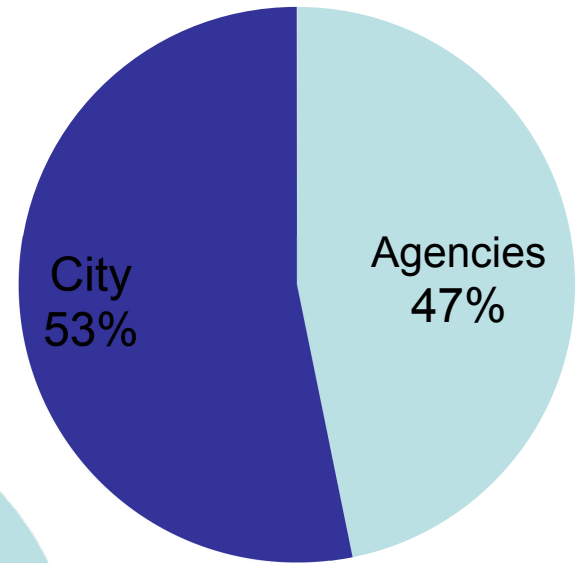
- Independent
- Board finalizes budget
- Corp. owns assets
- Policies consistent with values of the City
- City's liability limited to investment

2010 Share of Resources

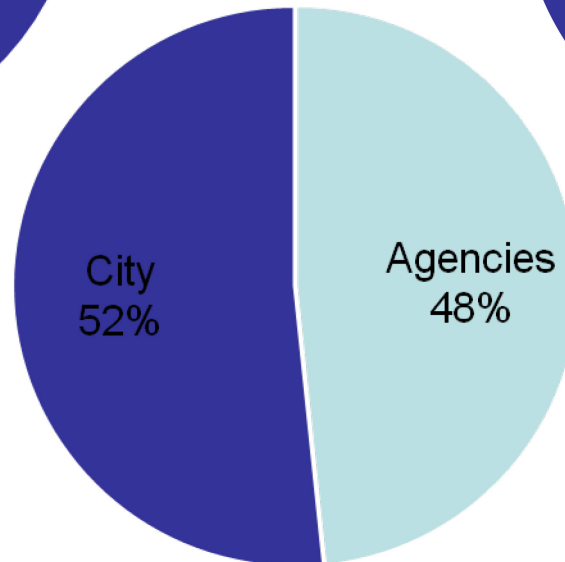
Operating



Capital



Staff



City of Toronto Agencies and Corporations ¹

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

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

Degree of Independence

- corporations
- quasi-judicial
- service agencies
- community – based agencies (Arenas and AOCCs)



Council Currently Approves - for agencies

- relationship frameworks
- composition of board
- method of recruiting board
- operating & capital budgets
- purchase & sale of real property
- capital projects
- borrowing (City borrows on agency's behalf)

Board Appointments

- Council Members
 - Striking Committee makes recommendation to Council including Mayor's designates
- Public Members
 - Governed by Public Appointments Policy
 - Appointments made by:
 - Council appoints most boards
 - Community Councils appoint community-based boards (AOCCs, BIAs, arenas)
 - Nomination Processes:
 - CAC through open advertised process for most boards
 - Community Councils short-list for Committee of Adjustment
 - Corporations Nominating Panels for corporations
 - Some nominations from stakeholders or elected by membership

Managing Through Agencies and Corporations Report

Recommended Actions

- Continue to review governance structures focusing on key opportunities for improvement (*Rec. 1*)
- Implement accountability mechanisms (*Rec. 2*)
- Review HR practices (*Rec. 3*)
- Recommend a framework to govern how City policies apply to categories of agencies (*Rec. 4*)
- Rationalize structures:
 - dissolve Sinking Fund Committee/Investment Committee (*Rec. 5*)
 - clarify status of Museum Boards as advisory bodies (*Rec. 6*)

Recommended Actions

- Accountability Mechanisms (*Rec. 2a*)
 - Council to appoint the Chairs of agency boards
except: AOCCs, BIAs, arenas (Community Councils approve appointments) and Library, Health, and Police (legislation requires that boards elect Chair) and Committee of Adjustment (Planning Act requires appointees to elect Chair)
 - Council to approve agency procedure by-laws
 - Council to establish City by-laws governing structure and financial requirements for agencies
 - Agencies to submit reports through City Manager to assess impact on the City
- And continue to develop relationship frameworks for each agency and update existing to reflect Council decisions

Public Appointments Policy Report

Changes to Specific Board Compositions

Board	Current Councillors + Public	Recommended Councillors + Public
Sony Centre	3 + 9 by invitation	3 + 6 by advertised
St. Lawrence Centre	2 + 16 by tenants	3 + 6 by advertised + 3 non-voting tenants
Toronto Centre for the Arts	5 + 7 by invitation	3 + 6 by advertised
Zoo	6 + 2 advertised + 2 by invitation + 1 Zoo Foundation	2 + 6 by advertised +1 by TRCA
Library	5 + 5 by advertised + 3 by invitation	2 + 7 by advertised
Yonge Dundas Square	1 + 4 BIA + 5 interest group nominees + 4 non-voting staff	1 + 4 by advertised + 2 BIA + 3 interest group nominees + 4 non-voting staff

General Policy Changes to Improve Consistency and Transparency

- Employ open advertised process instead of “Nomination by Invitation” method of recruitment
- Alternates be named for all boards
- Agencies submit record of attendance for incumbents
- Nominees of special interest groups to submit applications
- Add “youthful perspective” as qualification-selected boards
- Extend to all quasi-judicial boards the restriction on Council members from previous term

Recruitment Process Changes

- Standardize process for most agencies
 - Open, advertised process
 - Staff team (including representation from Board) review applications for eligibility, conflicts, qualifications
 - Civic Appointments to short-list, interview, nominate
- Exceptions
 - AOCCs, arenas, BIAs continue to be appointed by Community Councils – no changes for AOCCs and BIAs
 - Arenas use open, advertised process by Community Councils for at-large members, nominations by interest groups cont'd
 - Community Councils continue to short-list for Committee of Adjustment

Implementation Points

- Councillors remain on boards until the end of their appointment terms
- In future, Policy revisions early in term, then appointment process begins
- Spread workload of CAC over 6 months
- Revised Policy will incorporate changes approved by Council and be posted on City website