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To: Mayor John Tory
and Members of City Council

From: Peter Wallace, City Manager
Anna Kinastowski, City Solicitor

Reference: Notice of Motion MM11.9

Notice of Motion MM11.9 recommends that City Council direct the Chief Planner and Executive Director, City Planning, to treat the Ontario Municipal Board hearing for 36-40 Churchill Avenue as a pilot project for precedent setting applications, and to assign as the staff planning witness a senior planner with successful experience as a witness in similar applications. The motion relates this recommendation to Planning and Growth Management Committee's endorsement of the concept of creating a team of planners and lawyers with the expertise for precedent setting Ontario Municipal Board cases and its request for a report from the Chief Planner about the concept. MM11.9 is out of order because responsibility for allocation of staff resources rests with the City Manager rather than Council.

The City of Toronto Act, 2006 provides that if the City appoints a chief administrative officer that person shall be responsible for exercising general control and management of the affairs of the City for the purpose of ensuring the efficient and effective operation of the City. Municipal Code, Chapter 169, Officials, City provides that the City Manager is the City's chief administrative officer under the legislation.

In addition, Chapter 169 provides that the City Manager provides organizational leadership to staff and is responsible for the efficient and effective delivery of services. It states that the City Manager is the head of the administrative and operational aspects of the government of the City of Toronto and is responsible to Council for the proper administration of the affairs of the City. In particular, it assigns the City Manager responsibility for managing the human, fiscal and physical resources of the City.

Given the breadth of the City Manager's role as it pertains to staffing, any motion recommending that Council give direction to division heads about staff assignments is out of order. MM11.9 is one such motion.

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