



REPORT FOR ACTION

Enforcing the Residency Requirement for City of Toronto Public Appointees

Date: May 24, 2019
To: Executive Committee
From: City Clerk
Wards: All

SUMMARY

This report responds to Executive Committee's request for the City Clerk to report back on residency enforcement mechanisms in the City of Toronto appointment process.

RECOMMENDATIONS

The City Clerk recommends that:

1. Executive Committee receive this report for information

FINANCIAL IMPACT

There are no financial implications arising from this report.

DECISION HISTORY

On March 21, 2019, the Executive Committee directed the City Clerk to report back to their June 6, 2019 meeting on residency enforcement mechanisms in the City's public appointment process.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX3.13>

COMMENTS

City Council has established eligibility criteria for public members

City Council appoints local residents to serve as members of nearly 50 City boards, committees, and quasi-judicial and adjudicative bodies. Currently, there are over 300 members of the public serving in these roles.

The City's Public Appointments Policy outlines the following criteria which members of the public must meet in order to be eligible for appointment by City Council:

- Must be a resident of the City of Toronto;
- Must be at least 18 years old;
- Cannot be a spouse, partner, child, or parent of a Member of Toronto City Council; and
- Cannot be a City employee or an employee of a City agency or corporation.

Certain boards have additional eligibility criteria outlined in other by-laws, legislation, or governance documents which must be met.

Definition of resident in the City's Public Appointments Policy

The City's Public Appointment Policy does not define what is meant by the term "resident." However, it does define the term "citizen member" as follows:

The term citizen member, used interchangeably with the term public member, refers to Toronto residents who are not Council Members, City or agency staff, or staff of City corporations or their subsidiaries. It does not indicate Canadian citizenship and may include permanent residents, refugees, refugee claimants, and residents without homes.

The Policy also recognizes "that the City is best served by boards that collectively reflect the geographic distribution and diversity of the community that they serve."

We take a number of steps to assess residency throughout the appointments process

The Public Appointments Secretariat of the City Clerk's Office administers the public appointments process.

We make the residency requirement clear in recruitment and outreach

We carry out a program of continuous outreach and recruitment to attract a pool of skilled, diverse applicants. This includes broad public outreach campaigns, public information sessions and targeted outreach where the requirement to meet the eligibility is strongly emphasized.

We ask applicants to confirm their residency in the application form

Applications are submitted online through the Public Appointments website. One of the mandatory questions in all applications asks candidates to confirm they satisfy all of the eligibility requirements in order to be selected for appointment. Before submitting, each applicant must also declare that the information in their application form is true and they understand that they may be asked to provide photo identification, references, or other information to confirm their identity, eligibility, and qualifications.

We review each applicant's application for residence status

We review all the applications submitted for appointment, including each candidates' address and their responses to the eligibility criteria. Candidates that don't meet the eligibility requirements are identified as ineligible in the application packages provided to all Nominating Panels.

When new vacancies occur on a given board, staff reach out to all previous applicants to seek their interest in being considered for appointment, and confirming once again the need to meet the City's eligibility criteria. Any candidates who have moved out of Toronto since the time they initially applied are marked as "ineligible."

We ask short-listed candidates to again confirm their eligibility

Candidates selected for interview must fill out and sign an eligibility and conflict of interest disclosure statement. This document requires the candidate to declare that the information is true and accurate to the best of their knowledge. It also confirms their understanding that, if appointed, they may be removed from their appointment if they no longer meet the eligibility requirements. Any changes require them to contact the City Clerk's Office immediately.

Any recommendation by a Nominating Panel to appoint a candidate who does not meet the eligibility criteria needs to identify the special circumstances for the nomination and have City Council waive the Policy for the appointment.

We formally notify candidates in writing of their requirement to maintain residency for the duration of the appointment

Once appointed, an orientation letter is sent from the City Clerk to all public members outlining the steps they must follow in the event that their eligibility requirements change. Copies of these letters are also sent to the head of the respective agency. This information is also reiterated during overview session at their first board meeting.

Public members are required to maintain their residency eligibility

The Public Appointments Policy requires public members to maintain their residency eligibility throughout their term of office. If their residency change makes them ineligible to serve, they are required to notify both the Board chair and the City Clerk. An appointee who no longer resides in Toronto forfeits their seat unless City Council decides otherwise.

An appointee, a Council Member or a chair (or other authorized representative) of a board who wishes to seek an exception to the residency requirement in order to permit the completion of the appointee's term should bring the matter before the relevant nominating committee or, in the case of a Council Member, by notice of motion to City Council.

CONTACT

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SIGNATURE

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