

Special Committee on Governance - Summary of Findings

Date: October 23, 2019
To: Special Committee on Governance
From: City Manager
Wards: All

SUMMARY

At its meeting of December 4, 2018, City Council considered the report CC1.1 "Recalibrating City Council's Governance System for 26 Members" and adopted an interim committee structure and mandates, adopted new Community Council boundaries, amended Council member appointments to the City's boards, committees and external bodies, and public member appointments to agencies, corporations and tribunals, amended the Public Appointments Policy, increased Councillor resources including their staffing budget, staffing salary cap, and newsletter funds, amended the Constituency Offices Policy and established a Special Committee on Governance.

The Special Committee on Governance was mandated to consider the impacts on the City's governance structure and processes arising from the reduction in the size of Council and make recommendations to City Council on any further changes to its governance structure.

Consultations conducted as part of the Special Committee on Governance's workplan show support for the interim standing committee mandates, Community Council boundaries, Council and public appointments and resources to Members of Council adopted by Council in December 2018.

In addition to general support for the interim governance model, staff also received input through the consultations on a number of major themes including:

- Public engagement and civic literacy,
- An Office of Neighbourhoods and supports to neighbourhood associations, and
- Functions of City Councillors and possible delegation of some duties to appointed individuals or bodies.

Other minor themes that were raised in the consultations include:

- Electoral reform,
- Changes to the way committee meetings operate including presentations, Member Motions and agenda management,

- Council advisory bodies,
- Public appointments, and
- Onboarding and information to support public appointees to the City's agencies and corporations.

This report provides information on these themes related to governance and engagement that emerged from the staff work, examples of ideas for consideration by the committee, and where possible estimated costs to further consult with the public, as requested by the Committee at its September 2019 meeting. A summary of input from the most recent consultations can be found in Attachment 1.

This report also recommends that the City partner with a post-secondary institute to research the efficacy of community impacts of the Committee of Adjustment system, as directed by the Committee at its meeting on June 11, 2019.

RECOMMENDATIONS

The City Manager recommends that:

1. City Council direct that the governance model adopted by City Council on December 4, 2018 (CC1.1) remain in place as the continual model.
2. City Council direct the Chief Planner and Executive Director, City Planning to consider partnering with a post-secondary institute to undertake research on the organizational structure of the Committee of Adjustment to better engage and empower residents in the process.

FINANCIAL IMPACT

There are no financial impacts resulting from the recommendations in this report.

The Chief Financial Officer and Treasurer has reviewed and agrees with this financial impact statement.

DECISION HISTORY

At its meeting on September 25, 2019, the Special Committee on Governance, adopted GV4.2 "Special Committee on Governance: Public Consultation and Workplan Update". At that meeting, the Committee directed staff to report to the November 1, 2019 meeting with proposals for improving the City's governance model and a plan to consult the public on those proposals and the financial impacts of this additional work.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.GV4.2>

At its meeting on June 11, 2019 the Special Committee on Governance adopted GV3.1 a presentation from Dr. Pamela Robinson, Associate Professor, School of Urban and Regional Planning, Ryerson University on the "Complexities of City Governance" with amendments and requested that the final recommendations of the Special Committee on Governance include a recommendation that the City partner with a post-secondary institute to research the efficacy of community impacts of the Committee of Adjustment system. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.GV3.1>

At its meeting on April 16, 2019 City Council adopted MM6.15 "City Hall Hansard: Transcribing City Council Discussions for greater Accessibility and Transparency" and requested the City Clerk to report to the Special Committee on Governance on the feasibility of implementing accurate time effective transcription of meetings of City Council and the various committees, boards, agencies and special committees. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM6.15>

At its meeting on April 12, 2019, the Special Committee on Governance, adopted GV2.2 "Special Committee on Governance Work Plan and Engagement Strategy". As part of the engagement strategy, the Committee directed staff to:

- focus on identifying and articulating problems, separate from solutions;
- provide outreach to engage neighbourhood associations; and,
- identify matters raised through consultation as a) within staff purview, b) conventions, c) relating to by-laws, and d) relating to external authorities.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.GV2.2>

At its meeting on February 21, 2019, the Special Committee on Governance adopted GV1.2 "Public Input on City Council's Governance System for 26 Members", which directed staff to develop a workplan and public consultation process, and consider the feasibility for the creation of an Office of Neighbourhoods.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.GV1.2>

At its meeting on December 4, 2018, City Council adopted CC1.1 "Recalibrating City Council's Governance System for 26 Members", which included the establishment of a Special Committee on Governance with the mandate to "consider the impacts on the City's governance structure and processes arising from the reduction in the size of Council and make recommendations to City Council on any further changes to its governance structure".

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC1.1>

COMMENTS

Background

The mandate of the Special Committee on Governance ("the Committee") is to consider the impacts on the City's governance structure and processes arising from the reduction in the size of City Council and to make recommendations to City Council on any further changes to its governance structure. The City Manager and the City Clerk provided

policy, research and engagement support to the Committee. The Committee's mandate ends when it makes its final recommendations to City Council.

The Special Committee will have met five times in 2019 to:

- Adopt a workplan and engagement strategy,
- Hear from 39 public speakers, and received 50 submissions (staff received 107 submissions, input from 82 neighbourhood associations, and 570 surveys),
- Receive presentations on the City's community programs and Business Improvement Areas, on University of Toronto's City Hall Task Force from Dr. Gabriel Eidelman, Director of the Urban Policy Lab at the Munk School of Global Affairs and Public Policy, and a presentation from Ryerson University Associate Professor Dr. Pamela Robinson on the Complexities of City Governance,
- Receive reports from staff on Council's meeting statistics, and results of public consultations and jurisdictional research conducted on behalf of the Committee,
- Recommend staff partner with a post-secondary institute to undertake research on the Committee of Adjustment system, and
- Direct staff to undertake additional research and consultations to support the Committee's recommendations to City Council.

The Committee adopted its work plan and engagement strategy in April 2019. City staff implemented a number of engagement activities to learn more from stakeholders and the public about the impacts of the reduced size of City Council on the City's governance structure and decision-making processes. A wide range of ideas and feedback was received through public meetings, consultations with planning tables, students and youth, written submissions, online surveys, workshops, consultations with members of City Council and City staff, interviews and one-on-one discussions with neighbourhood associations, stakeholders, academics and other cities. In addition staff reviewed presentations, written submissions, and emails to the Committee and conducted jurisdictional research.

The major finding from this work was that there are no consistent concerns with the standing committee structure and mandates, Council Member and public appointments, Community Council boundaries, and resources to support Council Member offices as adopted by City Council in December 2018. A range of comments was received concerning the elements of the interim governance structure, however most participants felt the structure was working well, or didn't raise any concerns when asked directly about them.

The City Manager recommends that the Special Committee on Governance recommend City Council confirm the interim governance structure adopted by Council in December 2018 as the continual model.

Key themes from the Special Committee on Governance Consultations

During the Committee's consultations, the term "governance" was broadly defined by participants and included comments ranging from topics such as public speakers at standing committees, the need for more planners to speed up development reviews, and the way open data is released by the City.

Many of the issues that participants raised during the consultations related to long-term concerns with many existing prior to the change in Council size and ward boundaries. For example participants were concerned that Members of Council do not have enough time to consider local *and* city-wide issues, attend Council *and* community meetings, and review information they receive to support their decision-making. Previous governance reviews at the City have noted similar concerns and the solutions suggested continue to be varied.

Participants for example, suggested that associations could take on some of the decision-making functions of City Councillors, while others felt that any option which resulted in the establishment of an unelected body would create additional challenges for representation and equity, accountability and transparency. Some members of Council said they were able to manage their time well even with the changes, while others indicated it was difficult to find time to prepare for committees, and attend local meetings and events. In both cases some councillors suggested they would support having some of their duties delegated to other bodies, while other Members stated it would be inappropriate and they would not support any changes to do so.

Another major theme that emerged across all engagements was a sense of distance between the public and the City and its decision-making. Concern was expressed about challenges to diversity and equity of representation; access to elected Councillors and City officials; lack of information about how to participate in City consultations, local priority setting and the budget; and unclear, inaccessible information on City services, programs and processes.

These themes, and others that emerged from the consultations are described below for consideration by the Committee in advance of their recommendations to City Council.

Each section below includes examples of programs or initiatives related to these themes, along with a high level analysis about legislative or policy changes or resources that might be required to pursue each key theme further or consult on them. High level estimates of the financial impacts of each proposal and the cost of consulting on each is provided where possible.

Themes that emerged from the consultations included:

- Public engagement and civic literacy;
- An Office of Neighbourhoods and supports to neighbourhood associations;
- Functions of City Councillors and possible delegation of some duties to appointed individuals or bodies;
- Electoral reform;
- Changes to the way committee meetings operate including presentations, Member Motions and agenda management;
- Council advisory bodies;
- Public appointments; and
- Onboarding and information to support public appointees to the City's agencies and corporations.

a) Public engagement and civic literacy

As staff reported in the September 2019 report to the Special Committee on Governance, participants want the City and members of Council to better engage with residents, organizations, community groups and associations; increase communication of clear, timely information about how the City works and how to get involved; and, create better access to information about council agendas and decisions, public appointments and the City's budget. Respondents identified that a smaller City Council has reduced what they saw as already-limited opportunities for civic engagement. Some indicated that larger wards limit the ability for the public to discuss questions, concerns or input with City staff and councillors, particularly on neighbourhood-level matters. However many neighbourhood associations and some Members of Council indicated that they did not experience any problems connecting with each other.

Speakers and submissions to the Special Committee on Governance noted that the public are much more likely to participate in consultations that are focussed on single issues, are about topics of interest to the stakeholders, or about issues located close to where the participants live or impact their quality of life, family or neighbourhood.

Most noted that challenges faced by people who are regularly involved, are likely higher for populations such as youth, newcomers and those experiencing poverty. Other recent City consultations have resulted in similar findings including the Long-Term Financial Plan, Public Benefits Framework, City Planning's Growing Conversations, and TransformTO as well as the Toronto Foundation's 2019 Vital Signs report and 2018 Social Capital Study.

Currently the City's civic engagement strategies support in-person and online surveying, issue-specific and city-wide consultations, public appointments, polling, legislated public meetings, workshops and planning charrettes, and partnerships. Information about city consultations are posted to toronto.ca/consultations and volunteering, public appointments and community initiatives to toronto.ca/get-involved.

Corporate supports include research on best practices, testing new participatory models and running city-wide consultations. Divisional engagement activities are diverse, and number in the hundreds each year. Each engagement strategy considers the individual initiative's objectives, stakeholders, outreach and communication requirements, availability of budget, resources, and time and appropriate methodologies. City divisions, agencies and corporations coordinate their own engagement activities that best support their programs and communities. A corporate strategy supports these activities with training, research, and a community of practice across City divisions.

What would it take to review and update the City's civic engagement strategy?

A report on the City's civic engagement strategy was last before City Council in 2013. However, reports on individual consultation programs, and divisional engagement activities have been submitted to City Council in the interim. Although staff frequently collect feedback from participants in individual activities and programs, no comprehensive city-wide review has been undertaken.

Several Canadian cities including Vancouver, Calgary, Edmonton and Hamilton recently reviewed their civic engagement strategies with residents, local organizations, engagement experts and other stakeholders involved in the design and implementation of these reviews. Based on examples from other jurisdictions, a comprehensive civic engagement review might require a minimum of 24 months, 2 full-time staff to coordinate the review and a minimum of \$700,000 to fund materials, meeting logistics, outreach and communications as well as facilitators, research and polling, and online resources.

If a review of the City's engagement strategies was undertaken it would be appropriate for staff to prepare a proposal including a financial impact assessment for Council's Executive Committee. Toronto's engagement practice is decentralized like many other cities, however the number of consultations, outreach and communications in Toronto has historically been more complex than other jurisdictions due to the diversity and size of our population. A review should provide an assessment of the current resources applied to the City's engagement efforts across the organization, an analysis of other municipal engagement strategies, and an assessment of the best model to deliver purposeful, timely, effective engagement that serves, a diversity of stakeholders including the public, City divisions and City Council.

A review could also consider examples from other municipalities that have established an office with a central team responsible for corporate engagement activities and support to divisional consultations. Calgary, for example with a population of 1.3 million and 13 thousand employees operates a "Citizen Engagement and Insights" service which includes operating funds of \$6 Million per year for two full-time teams in their Engagement Resource Unit: an engagement "consultants" team that delivers engagement on behalf of divisions, and coordinates external vendors, as well as a capital budget for IT tools, such as their online Citizen Dashboard, and a corporate research team. In addition to the annual operating budget for the Unit, Calgary's project teams may earmark project budgets for significant city wide and strategic engagements.

b) Office of Neighbourhoods

At its meeting on February 21, 2019 the Special Committee on Governance directed staff to conduct research on an "Office of Neighbourhoods", including best practices and case studies from cities in North America. City staff undertook a jurisdictional review and spoke with staff in other cities with offices or units dedicated to supporting geographic based engagement. This research, shows that some jurisdictions have established an Office of Neighbourhoods to provide information to support neighbourhood engagement as described in this section, and others have established formal, appointed bodies with delegated authority that are described in section c below. Attachment 2 provides examples of both models including mandates, authorities and budgets. Several cities have reviewed their local approaches and are modifying them to address issues of representation and effectiveness.

Through an online survey, a series of one-on-one interviews, and a workshop, City staff asked neighbourhood associations to describe what they imagined an office of neighbourhoods to be, what it would do, how would it be run and how it would relate to their groups. The associations, along with Members of Council and the public, offered a

wide range of ideas about the office and its relationship to neighbourhood associations from:

- a virtual office supported by a website with downloadable information and a crowd-sourced map and list to which associations could add themselves;
- a summit for associations, convened by the City, a forum for sharing information on City services and programs, an opportunity to ask questions of City staff, and strengthening networks between associations;
- a small team that provided information to any group wanting to find out more about how the city works, how to get permits for special events and street fairs, and, how to establish an association, recruit members or conduct local visioning exercises;
- a storefront with a large team of staff that would go out into neighbourhoods to support new and existing associations and facilitate neighbourhood networking and animation; or
- several teams of staff located across the city to triage local issues, coordinate City divisional resources and help associations to build local capacity.

Throughout the consultations the City heard from many neighbourhood associations about their commitment to local engagement, the importance of a strong connection to the city and the challenges they face in reaching and working with the city and Councillors, particularly since the change in the size of Council. Neighbourhood associations indicated that they felt some increased responsibility to take on the work of City Councillors and help their members access city services. Many suggested that the City should provide support to them in this role, but there was no consensus on what form that support should take. Some participants expressed concern that associations are not representative of their neighbourhoods, that they vary greatly in focus, size and approaches, and need to recruit new members to achieve diversity. A summary of input from neighbourhood associations is attached and all input from all submissions to the Special Committee will be posted online.

Of all the ideas participants put forward about an Office of Neighbourhoods, two issues were raised consistently; 1) the need for access to timely information and advice, and 2) assurances that the City would not compromise the autonomy and independence of neighbourhood associations. Associations did not want the City to take on the role of managing or running them, but did request resources to support their activities such as making City data available, helping to find meeting space and creating a single point of contact within the City. Currently, information frequently requested by residents such as grants, permits, data or requests for City services are managed through 311, the City's central information source. Many said that they found it difficult to have to contact multiple city divisions to find out information on event permits, grants, development applications and public consultations - they wanted the City to do the "heavy lifting" of coordinating the information instead of their volunteers.

What would it take to establish an Office of Neighbourhoods?

Many comments from the consultations suggested an Office of Neighbourhoods that would consist of a small unit of 2 to 4 full-time staff providing information and advice to groups about starting or sustaining a neighbourhood association, and coordinating

divisional information frequently requested by associations, while others suggested it could be as large as a team providing on-the-ground resources in each neighbourhood in the city.

For example one submission summarized many of the suggestions received, referencing a 2019 Institute on Municipal Finance and Governance paper by Alexandra Flynn ("Filling the Gaps: The Role of Business Improvement Areas and Neighbourhood Associations in the City of Toronto"). The submission proposed that the City support neighbourhood associations (NAs) by, "collecting/providing information on Best Practices; creating/maintaining a centralized databank; serving as a communications hubs; serving as a referral source; developing/maintaining a website; collecting/providing papers, submissions, templates, etc. that might be of use/interest to other NA's."

Many participants suggested that the Office of Neighbourhoods be resourced with information officers similarly to those in other city divisions. Estimated costs for three staff and operations similar to these functions would be between \$500,000 and \$750,000 per year. Establishment costs in the first year (office, website, communications materials and databases etc.) may be higher. If directed by Council, staff could report on resource requirements for an Office that would undertake research, develop resources, create and maintain a central databank and map, provide advice and referrals for new and established neighbourhood associations as well as coordinate divisional information for associations.

In June 2017 the Executive Committee referred item EX26.44 to the City Manager for consideration that described an Office of Neighbourhoods as operating "in a similar way to how businesses come together to form Business Improvement Areas to drive economic development and to provide support to one another." The item identified other cities, including Calgary, Portland and Ottawa, which until the office closed in 2012 had four full time staff and a capital budget of \$10,000. These cities created offices mandated to work on issues at the neighbourhood level, to promote a culture of civic engagement and to build inclusive, safe, liveable communities, and strengthen and support neighbourhood initiatives and associations.

Toronto could choose to implement similar investments in capacity building at the neighbourhood level by, for example, extending the role of Community Development Officers (CDOs) implementing the Toronto Strong Neighbourhood Strategy 2020 in 31 Neighbourhood Improvement Areas (NIAs) to all 140 neighbourhoods in the City. Estimates to extend this work to an additional 109 neighbourhoods with a proportional ratio of staff, would be approximately \$4 million per year. CDOs currently engage residents, local agencies, business owners and other stakeholders to identify neighbourhood priorities, identify local assets and programs and services that can be leveraged to support neighbourhood priorities, and identify opportunities to strengthen capacity and resilience and manage growth in the City's 31 NIAs. Significant public consultation would need to be undertaken to develop a model that extends beyond the neighbourhoods that meet specific criteria to be identified as a NIA.

City staff, on direction of City Council could report to the appropriate Standing Committee on any options for an Office of Neighbourhoods. If, for example, Council would like to further explore an information centre option, staff would report to Executive Committee or Planning and Housing Committee or, to Economic and Community Development Committee on options to extend community development functions to all City neighbourhoods.

Additional considerations related to input recommending formalizing or setting minimum standards for neighbourhood associations to be recognized by the City.

There are no formal criteria for what constitutes a neighbourhood or residents association. Anyone or any group can designate themselves as an "association." The nature of neighbourhood associations is that they are independent and take many forms. Some have a few members, and some hundreds. They can be short term and single issue focussed or long-term addressing ever changing priorities. They may represent the views of only some or many residents. They are often politically active although some are established for social and networking purposes. In some areas of the city there are multiple overlapping associations and in other areas there are none.

Some Members of Council and the public expressed frustration that they are unable to determine who is a formally recognized group that truly represents the diverse interests of, and has the confidence of, their ward residents, and who they should meet with. Many participants suggested that the City create an official designation for associations. Setting standards for neighbourhood associations would allow councillors and residents to be able to determine who is an officially recognized group they should meet with or include in their priority setting or decision-making.

Managing a formal list and certifying associations would require significant and ongoing resources to ensure oversight and compliance. Consideration should be given to the impact of having only associations which meet specific criteria (e.g. ensuring they hold annual general meetings, produce financial records, keep and post agendas and minutes) as being certified as official associations, and any potential challenges for new and emerging groups to meet those standards. This could create further barriers for some to participate in local decision-making. Some groups may continue to choose to work outside of, or feel excluded from, a formal system. This also might suggest non-certified groups should have less expectation of access to their Councillor, or City staff.

This was the finding in a 2016 review of the Portland Office of Neighbourhoods: "Some district coalitions report that residents are driven away from volunteering with their neighborhood association by the tasks of focusing on bylaws and procedures rather than community needs. Coalitions also report an increase in formal grievances that allege rules have not been followed...Maintaining standards that are not enforced and may deter participation seems contrary to the Community Connect goal of increasing the number of residents involved in their communities."

In Toronto, neighbourhood and resident associations indicated that one reason why they would like to be recognized by the City is so that they can receive information in a timely fashion about reports and planning applications. Currently associations can subscribe to receive Council and Committee agendas through TMMIS and can request

to be added to the mailing list maintained by the City Clerk to receive statutory notices of planning applications in their ward.

Most associations that participated in the consultation indicated that they already subscribe to receive this information and follow Council and committee agendas closely. Since the establishment of the Special Committee on Governance, the City Clerk has launched a review and consultation on the Committee and Council website (TMMIS). Since this review is currently underway, this report does not include recommendations related to TMMIS.

c) Functions of City Councillors and possible delegation of some duties to appointed individuals or bodies

During consultations with Members of Council, neighbourhood associations and the public, many raised concerns about the challenges councillors face trying to find enough time to attend to both city-wide and local issues. Although some councillors indicated they were managing their time well and were not negatively impacted by the reduction in Council members or the increase in their ward size, more Councillors were concerned enough to suggest the possibility of creating two distinct functions - one to attend to city-wide, strategic and regional issues, and one to attend to local, constituent and ward issues.

The City of Toronto Act, 2006 (COTA) does not currently permit more than one elected representative for each of the 25 municipal wards. The Municipal Elections Act, 1996 (MEA) does not permit elections to be held for any other purposes than for municipal and school board elections. However, it is permissible for City Council to appoint individuals or bodies to assume some responsibilities of Council - within the restrictions set out in COTA.

Some participants suggested that 25 councillors be elected to serve city-wide functions and that they appoint individuals or create bodies with delegated authority to make local decisions. For example the elected Council could appoint 25 individuals or 25 bodies (one per ward), or 4 bodies (one per Community Council), or 140 bodies (one per neighbourhood).

Participants suggested that the more geographically focussed a body was, the better it could reflect the individual character of its neighbourhood and triage municipal service requests on behalf of its residents. However previous Council deliberations on delegating decision making to Community Councils provide some considerations on the impact of splitting decision-making into smaller areas of the City, such as neighbourhoods or wards. Concerns included the possible impact on consistent application of city policies across boundaries and by-law harmonization. Attachment 2 includes descriptions of how other cities have created local decision-making bodies, including the costs, structure, mandates and recent reviews and audits.

Others participants suggested that Councillors continue to serve in their ward-based functions with local decision-making authority, and that a city-wide body be established with delegated authority to set strategic priorities and guide Council's long-term decision-making.

The City would need to establish a process (e.g. a city-wide plebiscite or ward based poll) to select candidates to serve as appointed members. Members could not be known as or function as elected officials, as that is only permissible for the 25 Ward Councillors and Mayor. Council would be able to dissolve the body(ies) or revoke their delegation at any time, as with all City boards and corporations. Both elected and appointed officials could share the work of a current councillor by way of a specific list of functions and authorities delegated by City Council.

There were many participants who commented that the creation of another body to take on some of the work of elected officials would create an additional layer or barrier for members of the public to access their councillor. And since some decisions would still need to be made by elected members, it could increase the time for issues to go through the legislative process.

Some questioned the legitimacy of an appointed body (higher or lower) and suggested they would bypass the body and go directly to their elected Councillor. Additionally some members of Council and the public indicated that Councillors should remain the primary point of contact with constituents and that it is their role as councillor to do so. Many felt that it was imperative that they continue in both functions - that the ward-level work is necessary for their ability to understand and participate in city-wide, strategic policy issues and decision-making and vice versa.

As noted, the primary concern expressed was for councillors to have sufficient time to attend to the issues they deem the most important or critical to their role. Participants offered other possible solutions including having them assign non-legislative matters to others including their staff, City officials or local groups. For example they could ask someone to step into their role as host at local events or provide advice on local matters, step back from attending to individual service complaints or requests, or, as some Members of Council have previously done, establish local reference groups to help set the ward or neighbourhood vision and priorities.

Almost all participants offered advice about what City Councillors should focus on, such as how they engage and communicate with their constituents, who they should or should not meet/work with, that they should only vote on issues they were experts on, they should have a clear job description of their role on City boards, that they should establish a local reference group, and they should be on more/fewer committees etc. Some participants noted that formalizing a job description for Councillors would be difficult as it is a personal choice of Members of Council how they wish to balance their time and demands between local and city-wide issues. Currently the system allows for flexibility in how councillors spend their time and often reflects the types of issues, level of development, urban form, change or stability in their ward, and expectations of their constituents.

What would it take to delineate Councillor functions into elected members and appointed individuals or bodies?

If Council wished to pursue an option where two levels of officials were elected, the MEA and COTA would both need to be amended. The Provincial government recently introduced Bill 5 ("The Better Local Government Act") to reduce the number of elected

officials and further intergovernmental discussions would need to be held to propose amendments to COTA and the MEA. If Council wished to consult the public on these amendments, costs might be similar to those for the last COTA review or the Long Term Financial Plan, between \$200,000 and \$500,000 depending on scope.

If Council wished to pursue an option with both elected and appointed public members, the City would need to establish a process that would result in a list of candidates for City Council to appoint. This might be through a plebiscite or poll, but in either scenario, rules around how and where candidates run, campaign financing, and interacting with staff and council during the campaign period, etc. would need to be determined along with sufficient budget to implement the selection process. Should City Councillors participate in the appointments process, this would potentially impact their time commitments.

Staff could be requested to provide cost estimates to conduct a city-wide plebiscite, or local polls to Executive Committee which is mandated to make recommendations on Council's governance policy and structure. Financial estimates should include cost of establishing the body or bodies, including secretarial, policy support and meeting management, office and meeting space for staff and members, salaries, and honorariums and should consider any potential impacts on Toronto's Accountability Officers and public appointments.

d) Electoral Reform

As staff reported in the September report to the Special Committee on Governance, the public consultations resulted in several submissions related to electoral reforms including requests that ranked elections be put in place in time for the next general election in 2022. Staff will provide the input received during the Special Committee on Governance consultations relating to electoral reforms to the City Clerk for her information.

What would it take to implement electoral reforms?

Beginning in 2018, the Province of Ontario allowed municipalities in Ontario the option to use ranked ballots for Council elections as an alternative to first-past-the-post. The steps required to switch to ranked ballots include consulting with the public and passing a by-law. Once a by-law has been passed, ranked ballots must be used to elect all of the seats on Council.

Staff have reviewed Council's decision history, and the mandate of the Special Committee for guidance on how to address suggestions related to election process reform. In June 2013 City Council (2013.GM22.15) requested the Province of Ontario amend the Municipal Elections Act to authorize the use and establish the framework of Ranked Choice Voting to permit Toronto City Council to use ranked ballots and instant runoff voting in municipal elections. In September 2013 the Executive Committee (2013.EX34.29) deferred the item indefinitely. This matter could be referred to the Executive Committee, mandated with making recommendations on Council's governance, for future consideration.

No estimates for consulting with the public are provided in this report as provincial legislation that allows municipalities to use ranked ballots requires public consultation to be undertaken as part of the process of implementation. Separate from the cost to consult with the public (as required under the Municipal Elections Act, 1996 and Ontario Regulation 310/16), and the cost of the election itself, the cost of public education, procuring technology and equipment, and testing and external auditing of upgraded voting systems would need to be undertaken.

e) Changes to the way Standing Committee meetings operate including public speakers, members motions and agenda management

Some of the feedback received from the public and Members of Council focused on meeting processes, including the process for members of the public to speak at committee and Community Council meetings, concerns about Members' Motions, requests for clarification on how reports are routed to standing committees or to Council, and how the agendas for meetings were organized.

With respect to public presentations, a number of comments noted that the current process is inaccessible to many and does not allow for meaningful engagement. Some felt that agendas could be time managed better to provide speakers with some predictability for when the item they wish to speak to will come up. Others suggested that a specific period of time at the beginning of the meeting be dedicated to speakers. Staff identified a range of approaches in other jurisdictions including limiting speaking time to 90 seconds and allowing only questions not statements; having the speakers chosen by the Mayor, senior staff, the Chair of the committee, or randomly selected; or, having a dedicated time for speakers at the beginning of each meeting (once the time is finished, no further speakers are allowed). In Toronto, even when individual speaking time is shortened from the standard 5 minutes to 2 or 3 minutes, a relatively rare situation, it does allow for everyone who wishes to speak an opportunity to do so, and is the least restrictive of the models reviewed. If any changes are made to the process currently in place for public presenters, such changes cannot be applied to statutory matters where the public must be given the opportunity to speak.

Other feedback included requests that public presenters be allowed to participate remotely to make the process more accessible. Assessments could be undertaken to allow for this type of participation, including a review of the technical requirements, the impact on the flow of meetings, how to ensure compatibility between the City's systems and timing with remote presenters, and other logistical considerations including if any additional controls would be needed to ensure submissions were appropriate.

Another issue that emerged as a concern was the practice of Members of Council adding items to the Council agenda through Member Motions during the meetings. Chapter 27 of the Municipal Code, Council Procedures, provides for Member Motions to be added to the agenda, with the requirement that 2/3rds of Members present must vote to waive referral of the Motion to the appropriate Committee of Council. The ability of Members to add items to the Council agenda allows urgent business (e.g. a matter that requires a Council decision within a certain time frame) to be addressed by Council in a timely manner. Some members felt that the number of Members Motions was increasing and that by placing them on the Council agenda

without notice made them less subject to public review than if they were to go through the Committee process which would allow for public presentations and debate.

Several participants suggested that standing committee and Community Council meetings would be more effective if the agenda items were bundled by theme, topic, or by the staff who are required to attend to respond to questions. For example some felt that it would be better if all of the items that required planners, or legal staff to be present could be grouped together so that when those items were complete, the staff could leave. Currently the City Clerk's Office assigns times to Committee and Community Council agenda items where notice is required. Items on the Council agenda are already grouped by committee or section. Council and committee are free to organize their business under the existing rules.

f) Council Advisory Bodies

Two minor themes which emerged from the consultation focussed on Council Advisory Bodies (CABs) and Public Appointments, with some overlap between the two.

Some respondents suggested Council should consider establishing additional policy focussed CABs to provide advice on emerging issues (e.g. electric scooters and ebikes), and on geographic based issues (e.g. for different areas of the city). City Council may establish CABs at any time during the Council term to provide advice and assist its decision-making. CABs do not deliver services, direct City staff or make binding decisions on behalf of the Toronto government. City Council must approve the Terms of Reference for Council Advisory Bodies once they have been reviewed by the City Manager's Office to ensure compliance with relevant legislation, City by-laws and policies. At the end of the 2014-2018 term of Council, the City Manager's Office with the City Clerk's Office reviewed all CAB Terms of Reference and surveyed CAB members. Some feedback suggests that additional education for members about the City and their role in the City's governance system would be beneficial. Additionally some felt that their mandates could have been clearer and their terms more appropriate to their mandates (e.g. shorter or longer than a term of Council, or establishing a task force or special panel instead).

Other respondents suggested that a full review of CABs would ensure that they are serving council well, the process for their establishment is clear and effective, and that they are appropriately constituted to support Council term priorities. A few participants flagged issues related to access and diversity on CABs and the transparency of their appointments and processes.

Should Council recommend a review of CABs be conducted, the City Manager's Office could undertake this work prior to the end of this term and prior to the establishment of the next term's advisory bodies as part of their work planning.

g) Public Appointments

Similar questions were raised about the public appointments process generally including when and how applicant's names are made public, the criteria for selecting members and who should interview, shortlist and select applicants. Some Members of

Council felt that the name of the candidate should be public throughout the process, some felt it should be made public at Council, and some only after a decision was made. For each comment that suggested the process should be managed by staff, there were other comments suggesting a public selection committee or one made up of just Councillors would be the best solution.

Because there were only a few comments on this process, and the process is otherwise working well, the City Manager does not recommend making changes to the public appointments process at this time.

h) Onboarding and support to public appointees to agencies and corporations

A number of submissions noted the need for more comprehensive onboarding for public appointees to City agencies and corporations, as well as more support and oversight to ensure that agencies are accountable and aligned with City Council priorities.

Currently, there are 115 agencies (32 not counting BIAs) and 8 corporations including 2 partner corporations (Waterfront Toronto and Toronto Pan Am Sports Centre) delivering services on behalf of the City, with agencies representing 32% of the City's gross Operating Budget. They are an important part of the City's governance framework, and the public members appointed by City Council to serve on the boards of these bodies have a fiduciary duty to make decisions with due diligence with respect to the stewardship of assets. Good board governance practices are essential for these boards to exercise their duties to the agency or corporation and the City.

When new public members of boards of City agencies and corporations are appointed, they are provided with an orientation and information to assist them in understanding their role. Public appointees may have prior experience at not-for-profit organizations or in the private sector. While good board governance practices are fairly universal, there are heightened expectations of members of City agencies and corporations, given that they are entrusted with managing and overseeing public assets on behalf of City Council. It is important that board members of City agencies and corporations are provided with ongoing, comprehensive information and support in order to fulfill their duties.

What would it take to implement an onboarding and support program for agencies and corporations?

A comprehensive onboarding and support program for agencies and corporations could involve a variety of components, including a training program that would be mandatory prior to members taking their seats on a board, a detailed information package on expectations of board members prior to applying, an online resource with up-to-date information on board governance, City policies, and links to information on Toronto's Accountability Officers. An engagement process would need to be developed to consult with current board members, key agency employees, Accountability Officers, as well as City staff supporting agencies to determine the content and nature of any new program.

It is estimated that the development of this program could take place by the end of the Council term, would need to be established in consultation with City Clerk's Office and the City Manager's Office, require an estimated two dedicated FTEs and a budget of \$500,000. Once in place, the program would need to be continually updated and implemented. Anticipated annual costs would be approximately \$400,000 (e.g. staffing and training materials and logistic budgets). It would be beneficial to review programs, both in other large cities with a similar ratio of boards and other orders of government. Should City Council wish, staff could prepare a report to the appropriate Council committee with a proposal including financial impact assessment and project plan for onboarding and supporting public appointees.

Issues and recommendation from the June 2019 Special Committee Meeting regarding the Committee of Adjustment

At its meeting on June 11, 2019 the Committee directed staff to include in their report to the Committee, a recommendation that the City partner with a post-secondary institute to research the efficacy of community impacts of the Committee of Adjustment (CoA) system.

Many participants in the governance consultation offered ideas about the City's development review processes. Since the establishment of the Committee in December 2018, the development review process has undergone an end-to-end review, the outcome of which is outside of the mandate of the Special Committee.

However, staff consulted with City divisions to better understand any impacts the smaller Council and changed ward and Community Council boundaries might have on their service delivery and planning. Research undertaken by City Planning has shown an uneven distribution of applications and workload across the four CoA districts which, along with challenges to secure meeting space, has resulted in some delays in the Toronto and East York district. Current distribution of CoA applications per district is approximately: Etobicoke York 21%, North York 28%, Scarborough 11%, and Toronto and East York 41%. The delays in some instances have resulted in an inability to meet statutory deadlines. One possible solution the Special Committee on Governance might wish to consider is a recommendation to the Chief Planner and Executive Director, City Planning to consider, and implement if necessary, changes to the organizational structure of the Committee of Adjustment to address the uneven distribution of applications between the four current Community Council based districts. Another solution might be to request a report to Planning and Housing on costs related to secure dedicated space for the Committee of Adjustment in the Toronto and East York district.

CONTACT

Meg Shields, Director, Corporate Policy, 416.392.0523; Meg.Shields@toronto.ca

Jennifer Franks, Senior Corporate Management and Policy Consultant, 416.392.5491; Jennifer.Franks@toronto.ca

SIGNATURE

Chris Murray
City Manager

ATTACHMENTS

Attachment 1 - Summary of Input to the Special Committee on Governance by
Neighbourhood Associations and Members of Council

Attachment 2 - Summary of Jurisdictional Review of Municipal Neighbourhood & Locally
Based Governance Models