

Options for Public Information or Consultation Strategies on Constitutional Amendments or Changes to Toronto's Authorities

Date: March 19, 2024
To: Executive Committee
From: City Manager
Wards: All

SUMMARY

This report responds to City Council's request for options, methods and budget implications of a public information strategy that could be used to inform the public about recognizing and enshrining City of Toronto authorities within the Canadian Constitution and/or a public consultation strategy that would seek public input on where the City of Toronto should have more power or authorities.

A range of communications and public engagement options are presented in this report, from basic to moderate to best-practice in these areas. If City Council has already made a policy decision or is seeking confirmation from the public about a policy position, then basic or moderate strategies might be chosen. If City Council is seeking considerable input, advice and involvement of the public to inform a policy position, a more comprehensive set of tactics, time and resources would be required.

Considerations when developing a public information or consultation strategy for a complex, city-wide and whole-of-government public policy issue are outlined in this report and include:

- The size and diversity of Toronto's population.
- Applicable legislation, City policies, Council decisions, research or existing public input on the issue.
- The complexity of the issues being communicated and consulted on.
- Any sectors, communities, City divisions, agencies or partners who may be impacted by the issue or a decision by Council.
- The public's interest and level of understanding of the City, the issue and its impact on them.
- How people receive information and want to be engaged.
- Barriers to public participation and supports participants require to participate.
- The City's Reconciliation Action Plan, the Toronto Action Plan to Confront Anti-Black Racism, and other equity-related policies and plans.

- If there are any municipal, provincial or federal legislated processes, reporting requirements, critical steps or timelines that must be followed.
- The appropriate tactics and methods to meet stated objectives and where in the decision-making process the strategies would occur.
- City staff capacity, need for external consultants, available budget and timelines.

Information from past consultations and engagements for complex public policy issues served as the basis for identifying potential methods and resource requirements for a city-wide public information or consultation strategy at the scale and scope required for seeking constitutional changes or amendments to Toronto's authorities.

RECOMMENDATIONS

The City Manager recommends that:

1. City Council receive this report for information.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of the recommendation in this report. This report provides various options and cost range estimates for public information and public consultation strategies for a significant, complex, city-wide, policy issue to help Council determine further direction to staff. Should City Council direct staff to undertake a public information and/or a public consultation strategy related to constitutional amendments or changes to the City of Toronto's authorities, a report including recommended methods, timing, equity and financial impacts would be submitted for Council's consideration.

DECISION HISTORY

City Council on June 14 and 15, 2023, when considering the Member's Motion Exploring Toronto as a Charter City, adopted the following:

1. City Council direct the City Manager to report to City Council with a proposal by the end of 2023, including options for methods and budget implications, to provide the public with information on recognizing and enshrining City of Toronto authorities within the Canadian Constitution.
2. City Council direct the City Manager to report to City Council with a public engagement proposal by the end of 2023, including options for methods and budget implications, to seek public input on which powers City Council should have more control over such as planning, taxation, and elections that directly affect the City's ability to deliver services to its residents.

3. City Council direct the City Solicitor to report to City Council by the end of 2023 on the legal mechanism for making an amendment to the Canadian Constitution that would recognize and enshrine certain City of Toronto authorities.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2023.MM7.23>

The City Solicitor has prepared a supplementary report in response to part 3 of the motion.

COMMENTS

A) Selecting a Public information or a Public Consultation Strategy

A city-wide public information or consultation strategy on a complex governance or legislative matter such as a request for constitutional amendments or changes to the City's authorities could be carried out with 1) basic, 2) moderate or 3) best-practice approaches. Designing and implementing an approach would depend on Council's objectives, including how the communications and engagement would inform decision-making and desire for specific approaches.

In general, communication, public education and consultation strategies should:

- Be commensurate to the complexity, scope and scale of the issue.
- Allow sufficient time and appropriate phasing.
- Meet the needs of a wide range of audiences, participants and stakeholders.
- Apply best practices for communication and engagement.

Attachment 1 to this report provides additional details of staff considerations when developing public information and/or consultation strategies.

As a first principle of public engagement, if there is no real opportunity for the public to influence City Council's decision or if, for example, a decision has already been made, then the focus should be on communicating that decision to the public and not carrying out a broader public consultation.

While the City could disseminate public information without a consultation, it could not consult without a public information strategy. In order for a public consultation to result in meaningful input and data for Council's consideration, the public needs to be provided with accessible information about the City, the issue and impact of any decision, how they can participate, how their input will be used, and any report or findings from the consultation in a variety of methods and formats.

When deciding on a public information and/or a consultation strategy, City Council can consider:

- Implementing a public information strategy without a public consultation if a decision has already been made.
- Not carrying out a public consultation strategy if public input will not be considered in Council's decision-making.

- Ensuring accessible information, advertisements and outreach tactics are used to support effective public consultation.
- Ensuring a diversity of communication and consultation methods when an issue is complex, the stakeholders are diverse, and the goal is for the public to inform Council's decisions.
- Ensuring adequate time and resources are provided for the strategies to be meaningful, purposeful and successful.

B) Considerations for Public Information and Consultation Strategies for Complex Issues

While this report does not comment on the policy issues related to seeking a constitutional amendment or revisions to the City's authorities, staff have identified the type of factors that would need to be considered to develop and deliver public information and consultation strategies for such a topic.

- Most residents would require information to better understand the City's current authorities, the role and mandate of the federal and provincial government, the Canadian Constitution and the process of advancing any amendments to the constitution or the City's authorities, and the impact of achieving any amendments.
- Legal, legislative and governance terms would need to be explained and common definitions developed. For example, there is no common definition of the term "Charter City" frequently applied to this policy area.
- Information and questions would need to reflect multiple perspectives, interests, and values unless City Council has made a policy decision on the issue.
- In addition to public opinion, the City would seek subject matter expertise, conduct jurisdiction and literature reviews, consult with City divisions, agencies and partners, and review City finances, authorities and relevant legislation, intergovernmental agreements and regional, provincial and federal relations to understand the impact of any policy decision.
- In Canada, amending the Constitution is a complex process that involves several steps and the agreement of multiple parties. Any change to the powers and status of the City of Toronto currently requires only provincial approval.
- The Mayor and City are continuously advancing intergovernmental relations and seeking new agreements with the federal, provincial and regional governments. Any new legislation, changes to City policies or changes in government could impact the issue being communicated or consulted on. For example, in 2019 City Council requested the City Manager report on options for the City of Toronto to have additional autonomy from senior levels of government, including a City Charter, and in 2020 council voted not to support a request to the Federal Government for similar changes.

Consultation methods and tools need to effectively gather public input to meet Council's goals, be appropriately scoped and scaled, accessible, and within any budget and time constraints. City Council's goals, for example, could include participation objectives (rate, representation, geography etc.) that would impact the choice of tactics and costs for any option.

For significant, complex, city-wide engagements, participants should be provided a choice of opportunities to participate that:

- Take into account that people have work, personal and family commitments.
- Recognize cultural, religious and historic days of significance.
- Reflect different abilities, comfort and experience in participating in public activities.
- Provide time and options to learn, discuss and submit input in-person, online, by (e)mail or phone.

Attachment 2 provides examples of the City's public communication, information and consultation approaches and methods.

C) Options for Basic, Moderate and Best-Practice Approaches to Public Information and Engagement Strategies, Resource and Cost Estimates

This section provides sample goals, strategies and tactics for public information and consultation strategies for an issue on the scale of seeking public input on a constitutional amendment or new or amended City authorities.

City Council could choose to implement:

- a standalone public information strategy,
- both a public information and consultation strategy,
- a single or multi-phased approach, or
- either basic, moderate or best-practice options as described below.

Scenarios for Basic, Moderate and Best-Practices Public Information and Consultation options.

Scenario 1. Basic: Communication Strategy

Council Decision	<ul style="list-style-type: none">• City Council has made a decision and public input is not sought or will not impact the outcome.
Goal	<ul style="list-style-type: none">• Communicate Council's decision.• General public awareness.
Tactics	<ul style="list-style-type: none">• Basic owned and earned media.• Council roundup.• Information to the public from councillors.

Scenario 2. Basic: Communication and Consultation Strategies

Council Decision	<ul style="list-style-type: none">• City Council has made a decision.
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Goal	<ul style="list-style-type: none"> • City Council would like to inform and confirm with the public their position or secure public agreement on next steps. • Communicate a decision or policy position. • Explain any new or next steps and invite public to indicate support or provide input through their Councillor or Committee of Council, or a simple feedback tool (yes/no/why).
Tactics	<ul style="list-style-type: none"> • Proactive owned and earned media. • Basic paid media, including some multi-lingual outlets. • Short online survey. • Info provided to councillors to share with constituents. • Info provided to other interested parties and community groups. • Public speakers and submissions to Committee of Council.

Scenario 3. Moderate Communication and Consultation Strategies

Council Decision	<ul style="list-style-type: none"> • City Council has not made a decision.
Goal	<ul style="list-style-type: none"> • Council would like input and advice from the public on a moderately scoped set of considerations, proposals or position papers through multiple consultation tools supported by multiple public information and education tactics. • Communicate the issue, and provide information on options, City and Council's authorities and decision-making processes, and financial and governance implications. • Seek input from the public including understanding a diversity of perspectives, and impacts on residents, businesses, stakeholders, and communities.
Tactics	<ul style="list-style-type: none"> • Proactive owned and earned media. • Moderate paid media, including multi-lingual and specialized outlets. • Short online survey. • Online and in-person public information sessions, open houses and meetings. • Accessible and translated clear language educational materials. • Multi-mode surveys. • Materials to support community and Councillor-led sessions. • Community outreach and promotion.

Scenario 4. Best-Practice Information and Consultation Strategies with co-creation and enhanced learning opportunities, community-based engagement and public opinion research

Council Decision	<ul style="list-style-type: none"> City Council has not yet made a decision.
Goal	<ul style="list-style-type: none"> City Council would like input and advice from the public on an extensive scoped set of considerations, proposals or position papers through multiple consultation tools supported by multiple public information and education tactics. City Council would like the City to co-design and deliver a public information and consultation strategy with communities, support in-depth learning and conduct statistically representative polling. Communicate the issue, and provide information on options, City and Council's authorities and decision-making processes, and financial and governance implications. Seek input from the public including understanding a diversity of perspectives, and impacts on residents, businesses, stakeholders, and communities. Co-development of consultation strategies with Indigenous, Black and Equity-deserving communities. Confirm and/or test consultation questions or findings through public opinion polling conducted by a third-party firm.
Tactics	<ul style="list-style-type: none"> Proactive owned and earned media. Increased paid media; including multi-lingual and specialized outlets; potential for multiple advertising insertions. Online and in-person public information sessions, open houses and meetings. Accessible and translated clear language educational materials. Multi-mode surveys. Materials to support community and Councillor-led sessions. Community outreach and promotion. Public speaker series and position paper with academics, diverse communities, perspectives and subject matter experts. Public opinion polling. Review of data and interpretation of findings with Indigenous, Black and Equity-deserving communities. Funding to support extensive multi-lingual, multi-mode and community-led outreach and consultation tactics such as ambassadors, champions and leadership tables. Time-limited advisory body with a mandate to inform public information and consultation strategies from start to finish.

Scenario 5. Best Practices for Information And Consultation Strategies For Later Phases Of A Multi-Phased Process

Council Decision	<ul style="list-style-type: none"> City Council has reviewed a preliminary report and consultation data but has not yet made a decision. Decision pending additional input and report.
Goal	<ul style="list-style-type: none"> City Council would like to confirm the findings of the initial round of consultation, seek additional input due to the release of new information, legislation or decisions. City Council would like input and advice from the public on an extensive scoped set of considerations, proposals or position papers through multiple consultation tools supported by multiple public information and education tactics. Release of report and data from round one. Seek input additional input on emerging or new issues to support Council's decision. City Council would like the City to co-design and deliver a public information and consultation strategy with communities, support in-depth learning and conduct statistically representative polling. Communicate the issue, and provide information on options, City and Council's authorities and decision-making processes, and financial and governance implications. Seek input from the public including understanding a diversity of perspectives, and impacts on residents, businesses, stakeholders, and communities. Co-development of consultation strategies with Indigenous, Black and Equity-deserving communities. Confirm and/or test consultation questions or findings through public opinion polling conducted by a third-party firm.
Tactics	<ul style="list-style-type: none"> Proactive owned and earned media. New public resources with updated information. Highest paid media spend (more outlets and channels used) over several phases. Additional public sessions, surveys and public opinion polling to reflect new information or Council direction. Reporting on new findings and differences/commonalities across consultation phases. Online and in-person public information sessions, open houses and meetings. Accessible and translated clear language educational materials. Multi-mode surveys. Materials to support community and Councillor-led sessions. Community outreach and promotion. Public opinion polling.

	<ul style="list-style-type: none"> • Public speaker series and position paper with academics, diverse communities, perspectives and subject matter experts. • Review of data and interpretation of findings with Indigenous, Black and Equity-deserving communities. • Funding to support extensive multi-lingual, multi-mode and community-led outreach and consultation tactics such as ambassadors, champions and leadership tables. • Time-limited advisory body with a mandate to inform public information and consultation strategies from start to finish.
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Resource Implications

To support a public information and/or public consultation strategy, resources would be required for:

- Legal, legislative, governance, research, public opinion polling, data analysis, policy, outreach, consultation, communications, and subject matter expertise.
- Technology infrastructure, web development, online consultation, ideation and survey tools, data management and security.
- Procurement and management of external expertise or consultants.
- Public education and design expertise to produce accessible public information on complex issues.
- Translation and interpretation, attendant and accessibility supports.
- Public meeting space, equipment, signage, materials.
- Paid and/or earned media and outreach materials and dissemination.

a. Public Information Strategy single round (e.g. scenario 1 above)

A review of previous examples in Toronto and other jurisdictions indicated that a multi-lingual, multi-mode public information strategy on a significant complex governance, intergovernmental and policy issue might be conducted with an estimated cost of \$350K to \$500K if the strategy was delivered over an extended timeline.

b. Public Information and Consultation Strategy single round (e.g. scenarios 2 and 3 above)

A public consultation with the same scope as above would require both a public information strategy, and additional communication and outreach tactics and budget to inform the public about the opportunities for participation. Depending on the information, communication and online and in-person consultation tactics chosen, costs for logistics and tools, legal, legislative, governance, policy, research, communication and consultations expertise, data analysis and reporting would be required for an estimated minimum cost of \$1.5M. Additional resources would be required if best practice engagement tactics are applied including strategies that are co-developed and co-delivered with Indigenous, Black and equity-deserving communities, require new tools, data agreements and funding to support community-led activities.

c. Public Information and Consultation Strategy multiple rounds (e.g. scenarios 1, 3, 4 and 5 above)

A public information and consultation strategy on a complex, significant issue such as a constitutional amendment or changes to the City's authorities would likely require multiple rounds to allow time for outreach, public education, discussion, input, confirmation of findings, communication of consultation results and Council's decision. Communication and consultation activities would likely need to be phased to align with any municipal, provincial and federal processes, including proposal development and submission timelines, public consultation requirements, negotiations, or any changes in government or elections. A multi-year, multi-phased process, a public information strategy alone might cost an estimated \$1M and a multi-phased public consultation with best practice public information, outreach and communications tactics, an estimated cost of \$2.5M to \$3M.

Should City Council direct staff to undertake a public information and/or a public consultation strategy related to constitutional amendments or changes to the City of Toronto's authorities, a detailed implementation plan including recommended methods, timing, equity and financial impacts would be developed by the City Manager's Office.

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SIGNATURE

Paul Johnson
City Manager

ATTACHMENTS

Attachment 1 General Considerations for Public Information or Consultation Strategies
Attachment 2 Examples of City of Toronto Public Communication, Information and Consultation Methods and Tools

Attachment 1 General Considerations for Public Information or Consultation Strategies

When City staff develop public information or consultation plans, they review the goals, objectives, Council direction, legislative requirements, Toronto's demographics, critical communities, stakeholders or audiences and then select the appropriate mix of tools and resources required to deliver that plan on time and on budget. Staff consider best practices for public information, communication, outreach, education, consultation, and jurisdictional research in planning and implementing any strategy.

For a complex issue that could impact all city residents, businesses, communities, organizations, City divisions, agencies and partners, regional and intergovernmental relationships, a public information or consultation strategy would need to:

- Secure communication, engagement, legal, legislative, policy, research and community development experts including from City divisions, agencies, and partners, academics and likely external consultants.
- Serve Toronto's diverse, multi-lingual population with information and resources that explain complex or legal information to the public, delivered in formats and settings that are accessible and supportive, with options for simple, quick participation or in-depth or multiple junctures.
- Incorporate data collection, analysis and reporting strategies, with consideration for privacy and data sovereignty agreements, which result in meaningful information to support Council's decision-making.

Population and demographic considerations

All residents, businesses, communities, neighbourhoods, organizations – and potentially those who don't live in but work, visit or study in Toronto - should receive information and be able to participate in consultations on significant public policy issues.

When designing information and consultation strategies staff consider the population size and diversity, age, language, ability and literacy levels of potential audiences and participants. Tactics must include multi-lingual, and accessible information available to a range of audiences and learning styles including those who may require interpretation, translation and accessibility accommodations.

- Toronto's population is just over 3 million; the GTA is nearly 6.5 million.
- A quarter of Torontonians regularly speak a language other than English or French at home, and over 60 languages are spoken by at least 1,000 residents.
- Half of adults score below high-school literacy levels; 17% scored at the lowest level.
- 20% aged 15 and over report they have a disability that limits day-to-day activities.
- City Council adopted strategies, such as the Reconciliation Action Plan and the Confronting Anti-Black Racism Strategy, including directives for public outreach and consultations.

The complexity of the issue being communicated or consulted on

The complexity of the issue and nature of how the proposed change(s) will affect target audiences, will influence both the approach and cost of a public information and consultation strategy. If, for example, the City was seeking constitutional amendments,

the scope and complexity of the proposed changes would influence the tactics and the costs. More extensive changes may require a longer consultation period, multiple phases, and different types of educational materials. Ongoing legal, constitutional, and legislative advice would be required to draft information, respond to questions and analyze public input.

Accessible, clear and multi-lingual public educational materials must be produced explaining any complex governance, legal and constitutional issues – as well as the City decision-making process, current authorities and intergovernmental responsibilities. Public sessions will need to allow time for delivering educational information to support learning, time for questions, discussions and providing input.

It would also be important that a range of Torontonians are engaged for a change as significant as a constitutional amendment, with targeted engagement for every City ward and across demographics.

Public consultation best practices

Emerging public consultation research points to the need for strategies that are co-developed, co-led and co-reported to ensure a diversity of perspectives and approaches are incorporated from the planning stage, through to delivery and evaluation. The City's commitment to Indigenous, Black and Equity-deserving groups should inform any communication, public information and consultation work.

Other best practices include ensuring the process is meaningful, purposeful and accessible. The methodologies that are selected should match the scope and scale of the objectives – not, for example, require participants to respond to a long, complex survey that collects information that won't be used, attend more meetings than are purposeful, or repeat input that has previously been collected and could be applied to the current decision. Participants should receive information describing who is producing the information, leading the consultation, and analyzing the input, how their input and advice will be used, and where in the decision-making process the consultation is occurring. Public information, communication and consultation tactics should be continuously evaluated and modified as required. Reporting should be transparent and provided in a variety of formats with public input posted to the City's OpenData website.

Current City examples of best practices include:

- working to understand and develop Indigenous data agreements in City engagements that lay out how information from Indigenous Peoples is collected, analyzed, shared, and reported.
- providing funding to local communities to coordinate and lead their own public outreach, learning opportunities, consultation activities, analysis and reporting in coordination with the City's strategies.
- Procuring external engagement expertise from Indigenous, Black and equity-deserving communities and companies.

Attachment 2 Examples of City of Toronto Public Communication, Information and Consultation Methods and Tools

Public consultations and engagement

City Divisions, Agencies and the City Manager's office deliver public consultations on a wide range of issues, services, programs, and policies. Staff use in-person, online, hybrid and print consultation tools to deliver broad public, local, community-centred and community-co-designed consultations. Consultation tactics include:

- Surveys, polling and ideation tools
- Townhalls, tele-townhalls, open houses and public meetings
- Public opinion research
- Advisory bodies and public panels
- Kits to support sessions led by organizations, communities and Members of Council
- Charrettes and workshops
- Resources to fund Indigenous, Black and equity-deserving community-designed and delivered consultations that inform City and Council decision-making
- Pop-ups and place-based intercepts
- Public information and communications delivered through a wide range of activities and tactics including storytelling, social media, workbooks, posters

Strategic Public and Employee Communications (SPEC) leads and works with City divisions to develop communications strategies to best reach target audiences. SPEC and divisional staff apply multiple tactics in their work including:

- Earned media, including outreach via news releases, media advisories, technical briefings, spokesperson availabilities, fact sheets and/or backgrounders
- Paid media, including digital, out of home, specialized and traditional advertising
- City-owned channels, including Toronto.ca and social media
- Community outreach strategies, networks and partnerships, including posters, postcards, and toolkits
- Accessible and translated information about the city and City government including services, City Council and decision-making including speaking at a committee of Council and connecting with City staff and Members of Council
- Multi-channel dissemination of information about the issue and opportunities to participate in City consultations.

SPEC aims to ensure that City of Toronto communications demonstrate accountability and transparency, are clear and accessible, and reach and inform the intended target audiences for all City initiatives, services or programs.