



REPORT FOR ACTION

Amendments to Toronto Parking Authority Policy Resolutions 5-10: Delegation of Authority and Delegation of Operationally Focused Toronto Parking Authority Policy Resolutions

Date: April 6, 2024

To: Board of Directors, Toronto Parking Authority

From: President, Toronto Parking Authority

Wards: All

SUMMARY

Toronto Parking Authority (TPA) aspires to be the world's best provider of sustainable parking, Bike Share and last mile mobility experiences. As part of this journey, Management is continually seeking opportunities to streamline its policies, systems, and decision-making processes to provide greater agility for Team TPA to deliver real-time outcomes and compete in the marketplace.

The purpose of this report is to provide Audit & Risk Management Committee and the Board with a preview of amendments that Management will be proposing to TPA Policy Resolution 5-10: Delegation of Authority and a proposed delegation of operationally focussed policies to the President, TPA. Formal approval will be requested at the July 19, 2024, meeting of the Board.

Management is proposing to clarify an inconsistency in TPA Policy Resolution 5-10: Delegation of Authority with TPA Policy Resolution 5-7: Procurement and provide a modest increase in the President's authority to amend contracts originally awarded in an amount greater than \$500,000 by the lesser of twenty percent (instead of fifteen percent) or a further \$500,000 in commitments. Administrative amendments are also proposed to simplify and clarify language to ensure consistency in the application of the policy.

At the same time, Management is proposing that TPA Board of Directors delegate its authority over seventy-eight (75) operationally focused TPA Policy Resolutions that address internal practices and procedures governing the day-to-day activities and operations of the organization. These policies, which are summarized in Appendix C will

be the subject of a comprehensive review to ensure that there is alignment with TPA's current mandate and commercial focus to drive revenue. It is expected that this review will drive a reduction in the number of policies that are now redundant or no longer applicable.

The twenty-eight (28) remaining policies are proposed to remain under the oversight of the Board. These policies address governance, risk and/or compliance-based issues where the Board has express responsibility for ensuring that TPA complies with the requirements of law, policies identified in the City of Toronto - TPA Relationship Framework and decisions by Council where Council has required that TPA comply with the requirements of the decision. Appendix D includes a summary of the Policy Resolutions that TPA is proposing remain under the oversight of the Board.

RECOMMENDATIONS

The President, Toronto Parking Authority recommends that:

1. The Board of Directors of the Toronto Parking Authority receive this report for information.

FINANCIAL IMPACT

There is no financial impact resulting from the adoption of the recommendations in this report.

DECISION HISTORY

At its meeting of November 8, 2021, Toronto Parking Authority Board of Directors adopted Item PA27.2, as amended. In providing this approval, the Board approved and endorsed amendments to TPA Policy Resolution 5-10: Delegation of Authority and directed the President to enact the updated Policy Resolution, as approved and endorsed.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.PA27.2>

COMMENTS

TPA Policy Resolution 5-10: Delegation of Authority Policy Resolution 5-10: Delegation of Authority (see Appendix A) sets out the authorities delegated by the Board to the President and certain other staff to make financial commitments and execute documents. Management is proposing to amend this policy in five (5) areas to:

1. *Align Management's authorities to make commitments through non-competitive or limited solicitations under TPA Policy Resolution 5-7: Procurement with TPA Policy Resolution 5-10: Delegation of Authority.*

Under TPA's procurement policy, the President may make commitments through non-competitive or limited solicitations to an amount not exceeding \$250,000 where specific conditions are met. Vice Presidents have the same authority for commitments not exceeding \$20,000. These authorities are inconsistent with Note 7(i) of the Delegation of Authority, which states that the Delegated authority to the President shall not apply to any proposed agreement that is proposed to be sole sourced.

To address this inconsistency, TPA is proposing to include a new item in Table 1 of the Delegation of Authority (refer to Appendix A) to align with the authorities of the President and Vice President to make commitments through non-competitive or limited solicitations under the circumstances defined in TPA's Procurement policy. The following changes to Note 7 are also proposed to ensure consistency throughout the Delegation of Authority policy:

Existing Note 7: Delegated authority to the President shall not apply to any proposed agreement that:

- (i) is proposed to be sole sourced;

Proposed Note 7: Delegated authority to the President and TPA staff as described above shall not apply in respect to any proposed agreement that:

- (i) is sourced through a non-competitive or limited solicitation process without satisfactorily meeting at least one of the conditions as defined under TPA Policy Resolution 5-7 for such procurements.

2. *Authorities to amend contracts originally approved in an amount greater than \$500,000*

Management is proposing that the Delegation of Authority be amended as follows to include a modest increase in the President's authority to amend contracts originally awarded in an amount greater than \$500,000 by the lesser of 20 percent or \$500,000 in further commitments instead the lesser of 15 percent or \$500,000 in further commitments.

The increased authority will provide TPA with increased operational flexibility particularly for the management of construction contracts where TPA's aging infrastructure can drive greater risk and uncertainty in project scope and budget definition. Commensurate changes are included in Table 2: Execution Authorities to reflect this proposed amendment.

3. *Stylistic / editorial changes*

Several changes are proposed throughout the Delegation of Authority to simplify language that is intended to drive clarity and minimize the potential for misinterpretation in the application of the Delegation of Authority. These changes are shown as black-line changes in Appendix A.

4. *Explanatory Notes*

The explanatory notes included in the Delegation of Authority policy are proposed to be included as a separate document that provides practical examples and scenarios to ensure a clear understanding of how the policy should be applied. These explanatory notes may be updated from time to time provided the explanatory notes are consistent with the approved Policy - refer to Appendix B for the current version of the explanatory notes.

5. *Definitions Section*

The following definition has been added to the definitions section of the policy as this definition was included in the explanatory notes. The definition itself remains unchanged.

Execution Responsibilities – The individual with the delegated purchase authority identified in Table 1 shall have the authority to execute the documents that commit TPA to within the stated delegated limits as set out under Table 2. Alternatively, documents may be executed by the TPA Board, if otherwise authorized by a delegated authority. Execution by the TPA Board of an agreement authorized by a delegated authority requires the signature of a member of TPA Board, as well as corresponding signature of the President, TPA.

Delegation of Operationally Focussed TPA Policy Resolutions

TPA has 103 Policy Resolutions that address a wide range of issues, including: Public Relations (11), Parking Charges (12), Operations (15), Personnel (32), Finance (14), Planning & Design (4), Administration (2) and Information Technology (13). A review of these policies is carried out on a biannual basis with any proposed changes requiring the approval of TPA Board of Directors. A summary of the policy categories is provided below:

Public Relations: eleven (11) policy resolutions covering matters that include: Notification of Rate Changes and opening of new Municipal Parking Facilities, Communications with Media, Requests for Information and Statistical Data, Memberships in Organizations, MFIPPA, Sponsorships, etc.. These policies set forth practices and procedures that govern the daily activities of TPA staff only. Other policies affirm commitments to meet Municipal Code (Council procedures) or legislated requirements (AODA, MFIPPA for example) and as such, several of

these policies are identified to remain under the oversight of the Board. On balance, TPA is proposing to delegate six (6) of the policies to the President, TPA.

Parking Charges - thirteen (13) policy resolutions that govern rate setting practices, the frequency of rate reviews, monthly parking permits, the administration of parking rates when an attendant is not in place, cost recovery for the disruption of on-street paid parking by third parties, special parking and bike share arrangements for organizations, among others. Management is recommending that nine (9) of these policies be delegated to the President, TPA.

Operations - fifteen (15) policies that address such matters as reserved parking, complimentary parking passes, the issuance of lifetime and annual parking passes, residential overnight use of car parks, restriction of dangerous vehicles in car parks, use of TPA Marks and Trademarks and the placement of bike racks and clothing drop boxes in car parks, among others. Several of these policies address activities governed by other policies or reflect past practice that does not align with TPA's current mandate (placement of bike racks in car parks, for example). Management is proposing that twelve (12) of these policies be delegated to the President, TPA.

Personnel - thirty-two (32) policies that include OHSA workplace policies, employee rights to equal opportunities, workplace human rights, political activity provisions, fraud prevention, smoking, substance abuse, senior executive compensation, attendance management and visitor policy, among others. Policy 4-1: Employment Terms and Conditions has nine (9) separate appendices alone that define TPA employment policies (payment of overtime, paid vacation, the recognition of statutory holidays, etc...). A number of these policies can be packaged together into an employee handbook while others repeat standard operating procedures or legislated requirements. In total, Management is proposing that 23 of the policies be delegated to the President, TPA.

Finance - fourteen (14) policies that govern the internal subsidization of car parks (operating car parks that do not generate profit), the disposition of lands by sale or lease, donations to charitable organizations, benefitting assessments, procurement, delegation of authority, authorized signatories, mileage reimbursement, etc.. TPA is proposing that ten (10) of these policies be delegated to the President, TPA.

Planning & Design - four (4) policies that address requests for TPA to undertake parking studies, joint venture development guidelines, greening of car parks and incorporation of community benefits in TPA facilities. These policies define decision-making on matters already subject to MFIPPA or practices that are no longer actively used because TPA real estate activities have been centralized under the City-Wide Real Estate Model. All four (4) policies are identified for delegation to the President, TPA.

Administration - two (2) policies addressing lobbying disclosure for RFP's and Tender/Quotation Calls and CCTV Video Monitoring and Disclosure Request to Access/Disclose History. Both of these policies define practices and procedures that are to be followed in specific situations and reflect requirements under the Municipal Code and MFIPPA. Both are considered operational in nature.

Information & Technology - thirteen (13) policies address matters such as third party access management, physical and environmental security management, acceptable use of IT resources, access controls, reporting security incidents, and an affirmation of TPA's commitment to address all applicable legal and regulatory compliance requirements, etc... Nine (9) of the policies are recommended for delegation to the President, TPA.

Management has reviewed the 103 TPA policy resolutions and is proposing that the oversight and continued administration of the seventy-five (75) operational policies identified in Appendix C be delegated to the President. These policies define internal practices and procedures that govern the day-to-day activities and operations of the organization. Where appropriate, Management will provide updates on these matters to the Board.

The remaining twenty-eight (28) policies identified in Appendix D should continue to be governed by the Board as these policies address governance, risk and/or compliance-based issues where the Board has express responsibility for ensuring that TPA complies with the requirements of law, policies identified in the City of Toronto - TPA Relationship Framework and decisions by Council where Council has required that TPA comply with the requirements of the decision. These policies address employment fairness, workplace safety, procurement, fraud, financial management risk, information privacy and data security and should continue to fall under the oversight of the Board.

The proposed policy changes and delegation of authority have been developed in the spirit of continual improvement with a focus on improving productivity and delivering outcomes. Once the Board has had an opportunity to review the proposal in detail and provide feedback to Management, recommendations will be brought forward for approval at the July 19, 2024 meeting of the Board.

CONTACT

Jeffrey Dea, Vice President, Growth & Strategy, Toronto Parking Authority
437-243-6545, Jeffrey.Dea@greenpmobility.com

Rose-Ann Lee, Chief Financial Officer, Toronto Parking Authority
Rose-Ann.Lee@greenpmobility.com

SIGNATURE

W. Scott Collier, President
Toronto Parking Authority

ATTACHMENTS

Appendix A: Proposed Amendments to Toronto Parking Authority Policy Resolution 5-10 - Delegation of Authority

Appendix B: TPA Policy Resolution 5-10: Delegation of Authority Explanatory Notes

Appendix C: Summary of Operationally Focussed TPA Policy Resolutions

Appendix D: Summary of Governance, Compliance and Risk-Based TPA Policy Resolutions