



TORONTO
BY-LAW NUMBER

1996-0409

BOX NUMBER

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SUPPLEMENTARY FILE

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No. 1996-0409. A BY-LAW

*To re-enact Municipal Code Ch. 16, Board of Management,
to define the duties, mandate and responsibilities of the Board.*

(Passed August 13, 1996.)

WHEREAS Council passed By-law No. 1996-0233, being "A By-law To define the duties, mandate and responsibilities of the Board of Management of the City of Toronto in Municipal Code Chapter 16, Board of Management.";

AND WHEREAS under section 72 of the *Municipal Act*, Council may by by-law appoint a chief administrative officer and the Board of Management established by § 16-3 of Municipal Code Chapter 16, Board of Management is to act as the Chief Administrative Officer for the City;

AND WHEREAS Council passed By-law No. 1996-0234, being "A By-law To appoint Thomas R. Greer, Barry H. Gutteridge, John D. M. Morand and Margaret Rodrigues as Commissioners and jointly as the City's Chief Administrative Officer (called the 'Board of Management').";

AND WHEREAS Council, at its meeting of August 12 and 13, 1996, adopted Clause 34 of Executive Committee Report No. 23, as amended, and authorized the amendment of Municipal Code Chapter 16, Board of Management to define in more detail the duties, mandate and responsibilities of the Board of Management and the Commissioners;

THEREFORE the Council of The Corporation of the City of Toronto enacts as follows:

1. *The Corporation of the City of Toronto Municipal Code is amended by deleting Chapter 16, Board of Management, and substituting the following as Chapter 16, Board of Management:*

§ 16-1. Title.

This chapter may be cited as the "Board of Management By-law".

§ 16-2. Definitions.

In this chapter, the following terms shall have the meanings indicated:

BOARD -- The Board of Management for the City established under § 16-3.

COMMISSIONER -- A member of the Board.

SERVICE AREA -- A Commissioner's service area as described in § 16-8.

§ 16-3. Purpose of Board; composition; general functions.

- A. A Board is established which is to act as the Chief Administrative Officer for the City.
- B. The Board shall have general control and management of the administration of the government and affairs of the City and shall perform the other duties prescribed in this chapter or as vested in, conferred upon or assigned to the Board by by-law or resolution of Council.
- C. The Board shall consist of the four (4) persons appointed from time to time by by-law as the following Commissioners:
 - (1) The Commissioner of City Works Services.

- (2) The Commissioner of Community Services.
- (3) The Commissioner of Corporate Services.
- (4) The Commissioner of Urban Development Services.
- D. The Board shall report through the Executive Committee to Council.
- E. The Board's short title shall be "Board of Management".

§ 16-4. Decisions.

- A. The Commissioners shall carry out their duties and powers as a Board.
- B. Despite Subsection A, a Commissioner may make a decision, recommendation or report that affects or involves only the service area assigned to the Commissioner or a matter or thing assigned to the Commissioner by Council or the Board.
- C. The Board shall make a decision, recommendation or report that affects or involves more than one service area.
- D. Any one Commissioner acting alone binds the other Commissioners as if they all acted in concert in the service area that is specifically assigned to the Commissioner or in the matter or thing assigned to the Commissioner by Council or the Board.
- E. The Board may hold formal meetings.
- F. The Board shall establish procedures for the calling and proceedings of formal meetings of the Board, including quorum and decision making procedures, and the procedures shall be published as a separate document or as part of the civic administration manual.

§ 16-5. Commissioner's absence.

- A. When a Commissioner is absent or refuses to act or a Commissioner's position is vacant, the Board shall appoint another Commissioner as the temporary replacement Commissioner to act in the place of the Commissioner.
- B. The replacement Commissioner appointed under Subsection A shall have all the duties, powers and responsibilities of the Commissioner he or she is replacing until the absent Commissioner, returns, again agrees to act or the position is filled, except that the replacement Commissioner shall not have more than one (1) vote in the making of a Board decision.
- C. The Board may recommend to Council for approval an Acting Commissioner appointment when a Commissioner position is vacant and is expected to be vacant for a significant period of time pending replacement or when a Commissioner will be absent for a significant period of time through illness or for any other reason.

§ 16-6. Corporate role of Board; limitations.

- A. Under the corporate leadership of the Board, specific responsibility for a service area is assigned to each of the Commissioners as set out in § 16-8.
- B. In carrying out its duties, responsibilities and powers, the Board shall comply with any applicable statutory, Municipal Code or by-law provision, any applicable law, and any specific Council direction, resolution, policy, approval or funding limitation.

- C. The Board shall not expend or direct the expenditure of any sum not provided for in the interim estimates, the operating budget or the capital budget.
- D. The Board shall not prohibit or interfere with:
 - (1) A statutory official of the City carrying out his or her statutory duties as set out in applicable provincial legislation.
 - (2) The City Auditor carrying out his or her statutory duties under The City of Toronto Act, 1909, or any other provincial legislation; for example, the Municipal Act.
 - (3) The City Solicitor providing independent and professional legal advice to Council, a Council committee or sub-committee, a City Councillor, the Board and a City agency, board or commission on a solicitor client basis.
 - (4) The Manager, Fair Wage and Labour Trades Office, carrying out his or her duties under By-law No. 51-71.

§ 16-7. Powers, duties and responsibilities.

A. General.

- (1) The Board is responsible overall for the supervision, care, control and maintenance of all programs and services of the City, except the programs and services of boards of management for art centres, business improvement areas or museums, boards or committees of management for community recreation centres, City of Toronto Economic Development Corporation (TEDCO), City of Toronto Non-Profit Housing Corporation (Cityhome), The Parking Authority of Toronto, Toronto Electric Commissioners (Toronto Hydro), Toronto Historical Board and The Toronto Public Library Board.
- (2) The Board shall report and make recommendations to Council on matters concerning the general control and management of the administration of the government and affairs of the City that the Board believes require the input or direction of Council, provide information for decision-making by Council, advise on feasibility, cost and other pertinent factors, and propose policies, by-laws and resolutions arising from Board recommendations.
- (3) The Board shall direct, coordinate and generally supervise the civic administration in the implementation of all policies, plans, programs and services approved by Council.
- (4) The Board shall request and obtain from the civic administration reports and information on the policies, plans, programs or services of the City as the Board considers advisable.
- (5) Subject to § 16-6D, the Board shall review items proposed for a Council or a Council committee or subcommittee agenda in order to determine that the items are appropriate for the agenda, that there is sufficient information, that the content of a recommendation or report to Council, the committee or sub-committee is satisfactory, that relevant material is available, and, where appropriate, that suitable alternatives to the recommended course of action are identified.
- (6) The Board shall investigate and report to Council upon all matters referred by Council to the Board for report.
- (7) The Board shall attend general and special meetings of Council and shall advise Council during the debate on matters relevant to the actions being considered by Council.

- (8) When required, the Board shall attend, by way of at least one (1) Commissioner, meetings of a Council committee or subcommittee, or a City agency, board or commission appointed by Council, and may participate in the discussions before the committee, sub-committee, agency, board or commission.

B. Management of City property.

- (1) The Board is responsible overall for the care, control, repair and maintenance of the following:
 - (a) All property, improvements and works owned or controlled by the City.
 - (b) All public thoroughfares and public places owned or controlled by the City.
- (2) The Board may consent on behalf of the City to the use of the name "Toronto" by any other person or body if the requested use complies with City policies on that use.

C. Management of City finances.

- (1) The Board shall provide financial control for the City and all of the service areas, and shall carry out investigations, tests and other processes as the Board considers necessary to maintain the financial integrity of the City.
- (2) The Board shall prepare and present to Council for approval the interim estimates, the operating budget and the capital budget and shall submit a five-year forecast of the City's capital requirements with the capital budget.
- (3) The Board shall submit the following to Council, quarterly, after the passage of the applicable budget:
 - (a) A progress report on the projects included in the capital budget with relevant explanation.
 - (b) A statement of the City's revenues and expenditures in relation to the operating budget and a progress report on the projects included in the operating budget with relevant explanation.
- (4) The Board may reallocate money within the capital budget and within the operating budget of not more than two hundred fifty thousand dollars (\$250,000.) per reallocation in each budget, and not more than one million dollars (\$1,000,000.) in total per year in each budget, to facilitate the programs, projects, services and objectives of the City and Council for the fiscal year of the budgets.
- (5) The Board shall report a reallocation under Subsection C(4) to Council for Council's information in the quarterly reports required under Subsection C(3).
- (6) The Board may authorize expenditures from the corporate contingency fund only in an emergency situation and shall report the expenditures to the next meeting of Council.

D. Management of civic administration.

- (1) The Board is responsible overall for the organization, supervision, care, control and maintenance of the civic administration.
- (2) The Board shall develop, implement and amend a civic administrative manual of corporate administrative policies and practices, including, for example, administration, budgeting, financial, personnel, property and purchasing procedures.

- (3) The Board shall determine the senior management structure within a service area.
- (4) The Board shall determine the functions, tasks, duties, powers and responsibilities of City officials and employees.
- (5) The Board may delegate duties, powers and responsibilities of the Board to one (1) or more Commissioners, other City officials or City employees, as the Board considers appropriate.
- (6) The Board may delete and add positions to the civic administration.
- (7) The Board may approve staff redeployments, severance payments, early retirement options, attrition incentives, filling vacancies, and job amalgamations.

E. Personnel appointments.

- (1) The Board shall appoint all officials and employees of the City except the officials in Subsection E(2), (3) and (4).
- (2) The Commissioners, the City Solicitor and the statutory officials of the City that Council by law must appoint shall be appointed by Council in accordance with any recruitment and selection process determined by Council.
- (3) The Board shall recommend to Council for approval the appointment of the Manager, Fair Wage and Labour Trades Office.
- (4) Where the office of one of the following City officials is vacant or the official is unable to carry on his or her duties through illness or for any other reason, the Board may submit its recommendation for the appointment of an acting official in the form of a bill prepared by the City Solicitor on the instructions of the Board naming the person recommended by the Board for appointment as the "Acting [insert official title]":
 - (a) City Clerk.
 - (b) City Engineer.
 - (c) City Solicitor.
 - (d) City Surveyor.
 - (e) City Treasurer.
 - (f) Manager, Fair Wage and Labour Trades Office.
 - (g) Medical Officer of Health.
 - (h) Fire Chief.
 - (i) Chief Building Official.
- (5) The Board may introduce bills in Council to repeal by-laws appointing acting officials.
- (6) The Board or, if an appointment applies to the Commissioner's service area, a Commissioner may submit the Board or Commissioner's recommendation for the appointment or revocation of appointment of a City employee as an inspector, provincial offences officer or municipal law enforcement officer in the form of a bill prepared by the City Solicitor on the instructions of the Board or Commissioner naming the person recommended for appointment or revocation of appointment.

F. Management of human resources.

- (1) The Board is responsible overall for the management of the City's employees and the City's employee group agreements.
- (2) The Board shall determine salaries, working conditions, work locations, benefits, hours of employment and all circumstances of employment for all City personnel for whom an employee group agreement does not exist and, when the Board considers advisable, may have employment contracts entered into with one (1) or more employees in this category.
- (3) The Board is responsible for negotiating employee group agreements with the negotiating committee of each union or employee association representing or acting on behalf of City employees.
- (4) The Board shall seek the direction of Council in respect of the parameters to be followed on the issues being negotiated in employee group agreements.
- (5) The Board shall submit to Council for approval a memorandum of agreement that has been signed by the representatives of the City and the union's or employee association's negotiators and, after Council approval, authorize execution of the agreement when it has been approved by the membership of the affected union group or employee association.
- (6) The Board shall take the necessary steps to implement a labour arbitration under any employment agreement or statute, including the appointment of the City's representative on a board of arbitration.
- (7) The Board may suspend any employee of the City, except a Commissioner, a statutory official, the City Solicitor and the Manager, Fair Wage and Labour Trades Office, as the Board considers necessary.
- (8) The Board may dismiss any employee of the City except a Commissioner, the City Solicitor, the Manager, Fair Wage and Labour Trades Office, or a statutory official of the City that only Council by law can dismiss.

G. Actions, claims and revenues.

- (1) The Board is responsible for the adjustment of claims against the City.
- (2) The Board is responsible for the initiation, commencement, prosecution, maintenance, defence or settlement of an action at law or in equity that may be undertaken by or brought against the City if the action has a value equal to or less than two hundred fifty thousand dollars (\$250,000.).
- (3) The Board is responsible for the collection of rates, charges, levies, taxes and other revenues and money due and payable to the City, including the determination of write-offs and the making of appropriate payment schedules and settlements.
- (4) The Board is responsible for finalizing an expropriation settlement within its approved budget allocation.

H. Emergency planning.

The Board shall oversee emergency planning for the City and manage an emergency situation in accordance with Chapter 43, Emergency Planning.

I. Tenders, agreements and City property.

- (1) The Board may call for or direct an employee to call for bids, quotations, tenders, proposals or work by day labour as the Board considers appropriate for any project, work, service, program, goods, materials or other personal property.
- (2) The Board may award or direct an employee to award bids, quotations, tenders, proposals or work by day labour for any project to be undertaken, work to be done, service to be rendered, program to be implemented, goods, materials or other personal property to be acquired.
- (3) The Board may enter into or direct the entering into of an agreement or purchase order to implement the award of a bid, quotation, tender, proposal call or work by day labour authorized under Subsection I(2).
- (4) Where the Board has made or authorized an agreement or purchase order under Subsection I(3), the Board may authorize an extension to the amount of consideration payable under the agreement or purchase order or of the project to be undertaken, the work to be done, the service to be rendered, the program to be implemented, or the goods, materials or other personal property to be acquired.
- (5) Where the City is presently a party to an agreement under which the City provides or receives a continuing service, the Board may authorize the extension of the agreement with any variations as the Board considers necessary, including any change or increase of amounts received or paid by the City.
- (6) Where the City is presently a party to an agreement or has undertaken a project for which funds are approved, the Board may make or authorize the making of one (1) or more agreements to enable the proper performance of the agreement or the proper completion of the project.
- (7) Where personal property belonging to the City is no longer needed by the City, is obsolete or is unsuitable for use, the Board may sell the property.
- (8) Where a project, work, program or service requires the ownership of land or buildings by the City, the Board may negotiate or direct negotiations with the owner and any occupier or other person interested in the land or building for the ownership and:
 - (a) If the consideration to be paid by the City is not more than two hundred fifty thousand dollars (\$250,000.), the Board may enter into or direct the entering into of any agreement necessary to acquire the ownership; and
 - (b) If the consideration to be paid by the City is more than two hundred fifty thousand dollars (\$250,000.), any proposed agreement to acquire the ownership shall be subject to Council approval.
- (9) Where real property owned by the City is no longer needed by the City, the Board may recommend to Council that the real property be declared surplus.
- (10) Where Council declares real property surplus, the Board shall arrange for its sale by tender, proposal call or "for sale" announcement as the Board considers appropriate, and the sale shall be to the proposed purchaser submitting the highest price equalling or exceeding the reserve bid.
- (11) Where the acquisition of any of the following at or below fair market value is necessary in connection with the implementation of a project, work, program or service, the Board may enter into or direct the entering into of:

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- (a) Leases of land or buildings.
 - (b) Licenses of occupation for land or buildings, including railway crossing agreements.
 - (c) Easements.
 - (d) Encroachments.
- (12) Where a person has requested any of the following at or above fair market value and it will not have a negative impact on the City's interest, the Board may enter into or direct the entering into of:
- (a) Leases of City land or buildings.
 - (b) Licenses of occupation for City land or buildings.
 - (c) Easements over City lands.
 - (d) Encroachment on City lands.

§ 16-8. Service areas.

A. The service area of the Commissioner of City Works Services is as follows:

- (1) By-law enforcement and administration.
- (2) Energy, efficiency and conservation services.
- (3) Engineering, design and construction of capital works projects (roads, water, sewer).
- (4) Maintenance of works facilities (roads, sewer and water).
- (5) Noise control services.
- (6) Park sanitation services.
- (7) Planning and programming for capital works expenditures (roads, water and sewer).
- (8) Refuse collection, recycling and materials management.
- (9) Street repair, cleaning and winter services.
- (10) Survey and mapping functions.
- (11) Traffic planning and calming.
- (12) Vehicle and equipment maintenance and repair, including the qualifications of equipment operators.

B. The service area of the Commissioner of Community Services is as follows:

- (1) Animal control programming.

- (2) City property functions and property operations functions, excluding real estate and land development services.
- (3) Environmental Protection Office.
- (4) Fire prevention and suppression.
- (5) Healthy City Office.
- (6) Housing policy and programming, including housing policy and programming for the City of Toronto Non-Profit Housing Corporation (Cityhome).
- (7) Parks and forestry policy and program development.
- (8) Public health inspection policy and programming.
- (9) Public health policy and programming.
- (10) Recreation policy and programming.
- (11) Repair and maintenance of City parks.
- (12) Repair and maintenance of all City property except roads, water and sewer facilities.
- (13) Social policy co-ordination.

C. The service area of the Commissioner of Corporate Services is as follows:

- (1) Accounting services.
- (2) Budgeting services.
- (3) City Clerk services.
- (4) Claims adjusting services.
- (5) Consulting services.
- (6) Corporate management systems' policies and programs.
- (7) Corporate records and freedom of information services.
- (8) Council governance processes, policies and programs.
- (9) Council members' services.
- (10) Fair Wage and Labour Trades Office.
- (11) Financial services.
- (12) Human resources and labour relations services.
- (13) Information and communication services.
- (14) Information technology services.
- (15) Legal services.

- (16) Payroll services.
- (17) Printing, mailing and transportation services.
- (18) Protocol and civic events services.
- (19) Purchasing and material supply services.
- (20) Real estate and land development services.
- (21) Risk management services.

D. The service area of the Commissioner of Urban Development Services is as follows:

- (1) Architecture and urban design services.
- (2) Building inspection services.
- (3) Committee of Adjustment services.
- (4) Community planning.
- (5) Development Law Practice Group for functional purposes, with the Group reporting for administrative and legal service purposes to the Commissioner of Corporate Services.
- (6) Economic development services.
- (7) Land use planning policy and research.
- (8) Official plan services.
- (9) Parks planning.
- (10) Permits and licenses services.
- (11) Plan examination services.
- (12) Public health development review functions.
- (13) Site plan services.
- (14) Zoning by-law services.

§ 16-9. Status and terms of employment of Commissioners.

A. Changes.

- (1) It is intended that the persons appointed to the position of Commissioner shall be interchangeable, and no reassignment, assignment or substitution of any area of responsibility or service area shall be considered to affect the status or general nature of the Commissioner position or of any person appointed to that position.
- (2) No change in the number of Commissioners on the Board or any other change to the composition or general nature of the responsibilities of the Board shall be considered to change the status or general nature of any Commissioner position or person appointed to that position.

B. Employment terms.

- (1) A person shall not be appointed as a Commissioner or continue as a Commissioner unless the person is an employee of the City under a written employment agreement and continues to act in accordance with the provisions of the employment agreement as the agreement is renewed or amended from time to time.
- (2) The salary, benefits and conditions for service of each Commissioner shall be as established by Council and reviewed as required, in accordance with the employment agreement applicable to each Commissioner.
- (3) Subject to the employment agreement and any statutory requirements, Council may suspend or dismiss a Commissioner.

C. Performance review.

- (1) The Mayor and Council operating as a Committee of the Whole shall make an annual in camera assessment of the performance of the Board and each Commissioner.
- (2) The performance review of a Commissioner shall be consistent with the requirements of the Commissioner's employment agreement and the Commissioner's performance review and the Board's performance review shall be made available to the Commissioner.

§ 16-10. Transition; corporate administrative policies, practices and procedures.

- A. Where before August 13, 1996 Council has adopted an administrative policy, practice or procedure as a provision in the Municipal Code or otherwise that is delegated to the Board under § 16-7, the administrative policy, practice or procedure is deemed to be amended as necessary to reflect the duties, responsibilities and powers delegated to the Board under § 16-7.
- B. Where before August 13, 1996 an office or department of the civic administration, by virtue of the duties, responsibilities and powers invested in the office or department, has adopted an administrative policy, practice or procedure that is delegated to the Board under § 16-7, the administrative policy, practice or procedure is amended as necessary to reflect the duties, responsibilities and powers delegated to the Board under § 16-7.
- C. The Board may amend an administrative provision in a policy, practice or procedure described in Subsections A or B whenever necessary.
- D. The Board may process bills for introduction in Council to amend the Municipal Code or other by-laws to reflect the delegation of an administrative policy, practice or procedure to the Board under § 16-7.
- E.
 - (1) Subject to applicable law, including the professional requirements that apply to certain City officials, where before August 13, 1996 one of the following documents contains a reference to a Commissioner or other City official, or to a City department, the reference shall as regards to any subsequent action, matter or thing be deemed and construed to be a reference to the Board or to the Commissioner whose service area includes the reference's subject matter or to the service area of the Commissioner that includes the references subject matter, as the case may be:
 - (a) Agreements.
 - (b) By-laws.
 - (c) Approvals, permits or licences.

- (d) Bids, quotations, tenders, service proposals or purchase orders.
 - (e) Leases, encroachments, easements, transfers, charges or any other instruments with respect to interests in real property.
- (2) Where as a result of a process commenced before August 13, 1996, any document listed in Subsection E(1)(a),(b),(c),(d) or (e) refers to a Commissioner or other City official, or to a City department as they existed before August 13, 1996, Subsection E(1) applies with necessary modification.

Interpretation.

2. *In accordance with § 1-10 of the Municipal Code, the headings and titles in the body of section 1 of this by-law form no part of the by-law and shall be deemed to be inserted for convenience of reference only and may be revised by the City's editor in the supplement to the Municipal Code.*

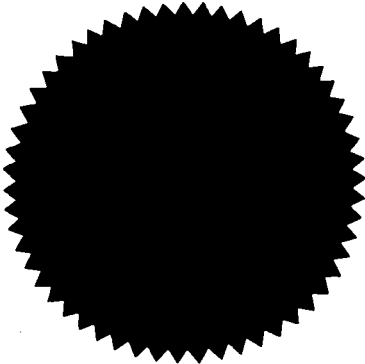


BARBARA HALL,
Mayor.



BARBARA G. CAPLAN
City Clerk.

Council Chamber,
Toronto, August 13, 1996.
(L.S.)



BILL No. 394

No. 1996-0409

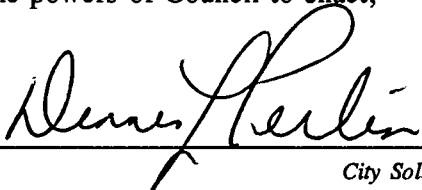
A By-law

*To re-enact Municipal Code Ch. 16, Board
of Management, to define the duties, mandate
and responsibilities of the Board.*

Passed August 13 19 96

City Clerk

Certified as to form and legality and as being
within the powers of Council to enact,


City Solicitor

ce 34

Exec 23

Aug 12.15/96

One recodification