# City of Toronto Governance Overview for

Administrative Penalty Tribunal August 28, 2017



#### **Outline**

- Overview of the City's Agencies and Corporations
- Best Practices
- Required Board Policies
- Role of a Board Member and Chair
- Strategic Actions & Toronto Public Service Bylaw
- City Liaisons and Board Resources
- Questions and Discussion.

## **Purpose**

- To provide an overview of the City's Governance principles, policies and procedures relating to the Toronto Administrative Penalty Tribunal.
- The City is committed to supporting board capacity by providing Boards with the information and tools necessary to comply with City policies and manage board affairs effectively.
- The City Manager is providing a briefing for Boards on key City priorities that require Board actions.

## **City Agencies and Corporations**

#### **Agencies**

#### Service Agencies

- Board of Directors of the Sony Centre for the Performing Arts (Board of Directors of the Hummingbird Centre for the Performing Arts)
- Board of Governors of Exhibition Place
- > Board of Health
- ➤ Board of Management of the St. Lawrence Centre
- ➤ Board of Management of the Toronto Zoo
- > Heritage Toronto
- > Toronto Atmospheric Fund
- ➤ Toronto Centre for the Arts (North York Performing Arts Centre Corporation)
- > Toronto Parking Authority
- > Toronto Police Services Board
- > Toronto Public Library Board
- > Toronto Transit Commission
- Yonge-Dundas Square Board of Management

#### Community-Based:

- > 78 Business Improvement Area (BIA) Boards of Management
- > Arena Boards of Management:
- George Bell Arena
- Larry Grossman Forest Hill Memorial Arena
- Leaside Memorial Community Gardens Arena
- McCormick Playground Arena
- · Moss Park Arena
- North Toronto Memorial Arena
- Ted Reeve Community Arena
- William H. Bolton Arena
- Community Centre Boards of Management:
- 519 Church Street Community
  Centre
- · Applegrove Community Complex
- Cecil Street Community Centre
- Central Eglinton Community Centre
- · Community Centre 55
- Eastview Neighbourhood Community Centre
- Harbourfront Community Centre
- Ralph Thornton Community Centre
- Scadding Court Community Centre
- Swansea Town Hall Community Centre

#### Quasi-Judicial & Adjudicative Boards

- ➤ Committee of Adjustment
- ➤ Committee of Revision
- ➤ Compliance Audit Committee
- Property Standards Committee / Fence Viewers
- ➤ Rooming House Licensing Commissioner <sup>2</sup>
- ➤ Sign Variance Committee
- > Toronto Licensing Tribunal
- > Toronto Local Appeal Body
- > Administrative Penaltty Tribunal

#### Partnered Agency

➤ Toronto and Region Conservation Authority

#### Corporations

#### City Corporations 1

- > Build Toronto Inc.
- ➤ Casa Loma Corporation
- ➤ Lakeshore Arena Corporation
- > Toronto Community Housing Corporation
- > Toronto Hydro Corporation
- Toronto Port Lands Company (Toronto Economic Development Corporation)

#### Partnered Corporations

- ➤ Toronto Pan Am Sports Centre Inc. <sup>1</sup>
- ➤ Waterfront Toronto (Toronto Waterfront Revitalization Corporation)

#### Nata

- 1. Corporations established under the Business Corporations Act (Ontario).
- Rooming House Licensing Commissioner and Deputy are Officers, rather than an agency of the City, but in all other respects function as a quasi-judicial and adjudicative board.

## **APT Relationship to the City**

- The APT was established to provide an independent review of administrative penalties (e.g. parking, licensing, and traffic By-laws, etc.) that are assessed to individuals.
- The APT is a City board established under the City of Toronto Act, 2006, and as such the agency is included in many of the prescribed agency policies and Council directives.
- All Members of the Board are appointed by, and serve at the pleasure of, City Council.

### **Best Practices**

- Boards are advised to ensure critical policies and processes are in place to manage the affairs of the board effectively, and to be transparent and accountable in decision-making
- Appropriate internal controls are in place to protect Board and City assets; for example, financial policies and processes
- Boards adhere to their Procedure By-law for conduct of board business (e.g., open meetings, role of Board Members and officers, etc.)
- Board Members adhere to their applicable codes of conduct, ethics policies and legislation.
- Timely submission of reports and information to the City as required.

## **Required Board Policies**

Key legislation and policies applicable to the Board include:

- Under the City of Toronto Act, 2006, s. 212 (2) a local board shall adopt policies with respect to the following matters, where applicable:
  - Its sale and other disposition of land
  - Its hiring of employees
  - Its procurement of goods and services
  - A procedure By-law (including Open / Closed meeting requirements)
- Requests from City Council issued from time to time for the Board to implement (e.g. policies requested by Council under the Toronto Public Service By-law as set out in this presentation).
- Important Acts that apply to Board members and with which you should become acquainted include:
  - Municipal Conflict of Interest Act, RSO 1990
  - Municipal Freedom of Information and Protection of Privacy Act, RSO 1990
  - Municipal Elections Act, SO 1996

## **Open Meeting Requirements**

- As a City board, the APT is governed by the open meeting rules of the City of Toronto Act, 2006.
- Under the Act, the public is entitled to attend meetings of the Board, except when the meeting is properly closed for a small number of subjects.
- An investigation may find an informal gathering of members constitutes a meeting (e.g. a quorum is present; the discussion advances the business of the board).
- The City has a Closed Meeting Investigator, with jurisdiction over the APT and other City Boards.
- Sometimes there may be legal or privacy requirements that require closed APT meetings, but they are rare.

#### **Codes of Conduct for APT Board Members**

- When acting in their capacity as a member of a City agency or corporation board, the Member is bound by provisions of <u>Code of</u> <u>Conduct for Members of Adjudicative Boards</u> that are specific to the requirements of that board.
- This Code of Conduct is accompanied by a procedural document called the <u>Code of Conduct Complaint Protocol for Members of Local</u> <u>Boards (including Adjudicative Boards)</u>
- Board Members are bound by the Code of Conduct and should become familiar with its key elements governing personal conduct.
- The APT is also governed by its Procedure By-law and the *Statutory Powers Procedures Act*.

#### Role of an APT Member

#### The Role of an APT member is to:

- Review materials filed with each application they hear;
- Conduct mediations, where appropriate;
- Preside over hearings and render written decisions based on the information presented; and
- Attend business meetings and training sessions, as required.

### Role of the APT Chair

- Ensure that the tribunal's hearing practices are fair and effective;
- Ensure quality and consistency of the tribunal's decisions;
- Act as the tribunal's lead representative and spokesperson;
- Obtain external legal advice, as needed;
- Prepare the Annual Report to Toronto City Council on the tribunal's activities;
- Chair the tribunal's business meetings;
- Liaise with City staff on administrative support matters;
- Coordinate member training and professional development; and
- Respond to information- and privacy-related matters respecting the tribunal.

## City of Toronto Strategic Actions 2013-18

**City Building:** Views the City as a whole and focuses on investment in social and physical services and infrastructure, which are fundamental to the city's quality of life.

**Fiscal Sustainability:** Refers to the City's ability to maintain its programs and services while also funding its growing commitments.

**Good Governance:** Refers to the system of municipal government in terms of its role as a democratic institution, a public policy maker and a deliverer of public services.

**Environmental Sustainability:** Encompasses principles of environmental balance and the integration of environmental considerations in our social and economic activities.

**Economic Vitality:** Refers to the health of the city's economy and includes such factors as diversified employment, skilled workforce, competitiveness, investment and affordability.

**Social Development:** Encompasses principles of social equity, social well-being and citizen engagement.

## Toronto Public Service By-law: Overview

- In June 2014, City Council adopted the <u>Toronto Public Service</u> <u>By-law</u> (TPS By-law). It is now part of the Toronto Municipal Code, Chapter 192, Public Service.
- The TPS By-law applies to the Toronto Public Service and most City Agencies. Council asked the City Manager and City Agencies to implement By-law provisions.
- It does not apply to APT members, but it does apply to City staff supporting the APT.
- The TPS By-law came into force on December 31, 2015.

## Toronto Public Service By-law: Key Elements

- Public Service Values
- Role, Responsibilities and Authorities of the City Manager and City Agencies to manage their Employees
- Minimum Human Resources Policy Requirements
- Ethical Provisions for Conflict of Interest, Political Activity and Disclosure of Wrongdoing and Reprisal Protection
- Establishment of Ethics Executives

## City's Priority To Support Boards

Support agency performance, compliance and strategic alignment with the City through:

- Board member orientations and briefings as required
- Consultation with boards on policy development and program implementation
- A web portal for agencies and corporations to provide timely City information and tools: <u>Agencies and Corporations Web Site</u>
- Advocating for appropriate corporate supports
- City Liaisons (contact information provided in this package)

## City Manager's Office Contact

Jennifer Franks, Senior Corporate Management and Policy Consultant, City Manager's Office, 416.392.5491, jennifer.franks@toronto.ca

Agencies and Corporations Web Site