

# **City of Toronto Governance Overview**

**for**

**Administrative Penalty Tribunal  
August 28, 2017**

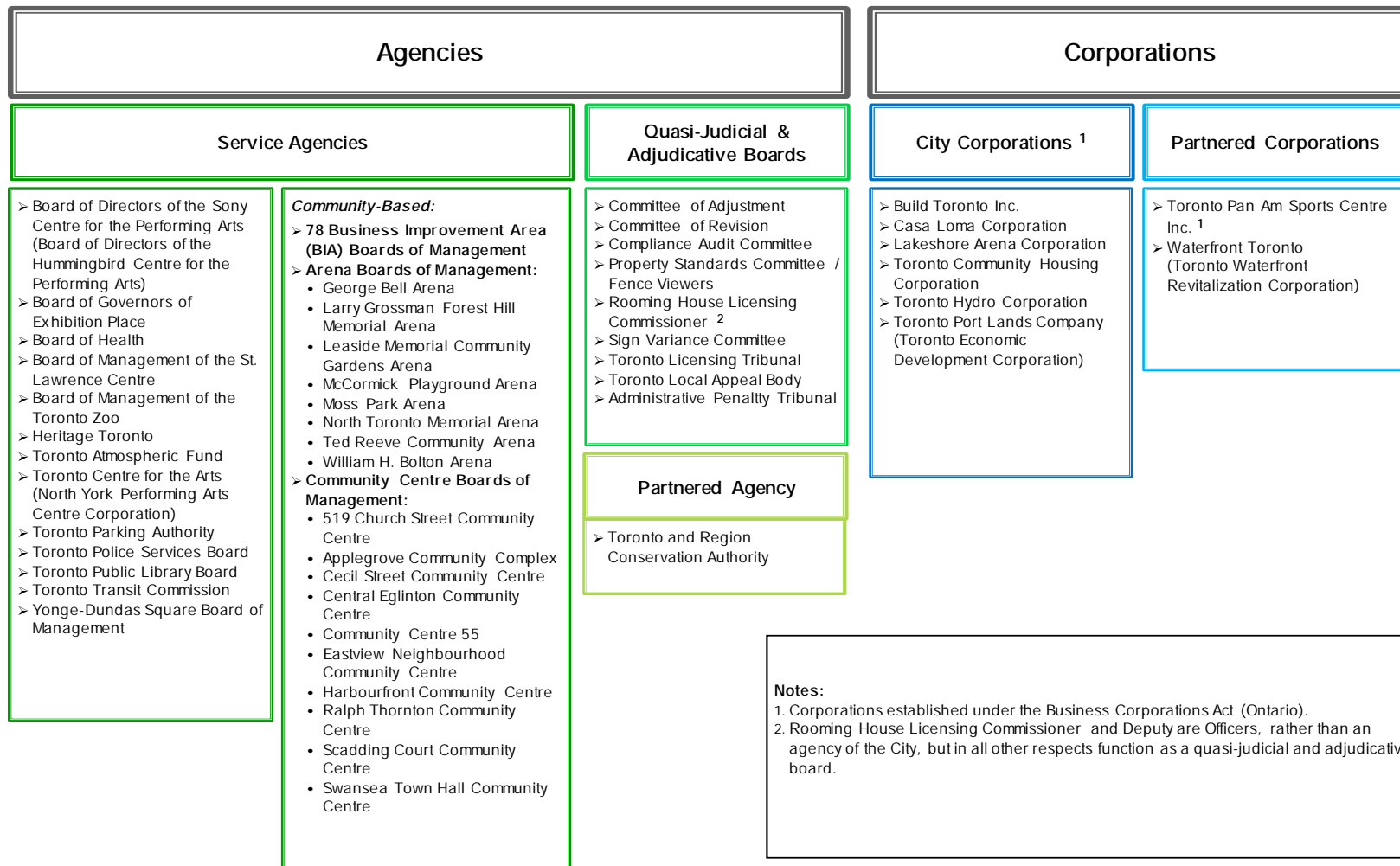
# Outline

- 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 By-law
- 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



# 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 [Code of Conduct for Members of Adjudicative Boards](#) that are specific to the requirements of that board.
- This Code of Conduct is accompanied by a procedural document called the [Code of Conduct Complaint Protocol for Members of Local Boards \(including Adjudicative Boards\)](#)
- 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 [Toronto Public Service By-law](#) (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: [Agencies and Corporations Web Site](#)
- 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](mailto:jennifer.franks@toronto.ca)

- [Agencies and Corporations Web Site](#)