

Open Letter Issued by the Bureau of Municipal Research, 24 Isabella Street, Toronto 5



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An independent fact-finding organization  
reporting to the public on civic affairs.

# CIVIC AFFAIRS

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## SEPARATED BOARDS AND COMMISSIONS

Fellow Citizens:

Sometimes people living in Toronto are inclined to overlook the number of civic bodies which are responsible for the local government services of the City. We all know that through our elected Council and school boards, Toronto voters maintain immediate control over such local services as education, welfare, water supply, public parks and recreation. There are other services, however, such as libraries, policing, electricity and public transportation which are not supervised directly by elected bodies. They come under no less than nine separated boards and commissions. The City Council has a good deal to do with their operations but direct management of these services is in other hands.

In addition, the Council is expected to maintain other and wider interests. The City owns the exhibition grounds and buildings, and eight members of Council sit on the 36-member-board of the C.N.E. Association. Representatives from the Council serve on eight public hospital boards and on the boards of twice this number of cultural, philanthropic and similar agencies. Council members sit on several bodies such as the Toronto Traffic Conference which undertake advisory jobs of direct benefit to the City. And finally, there are Council representatives on three area boards--the Humber and Don Valley Conservation Authorities and the Toronto Industrial Commission.

Essential data on the separated boards and commissions is given in the accompanying table. Each one, as can be seen, is set up a little bit differently from any other. Most of them are what we might call operating agencies. They provide direct services for our citizens. There are two, however, which hold only an advisory capacity--the Toronto City Planning Board and the Toronto and York Planning Board. They spend some money and carry out certain studies but do not themselves translate plans into civic action.

One of the separated boards--the Public Library Board--is tied in with both the Council and the school boards. Each year, the Library Board is entitled under Provincial law to requisition 50 cents per capita from City taxes. Since it spends much more, it is dependent on the City Council for approval of its budget. In its membership, however, appointees of the two school boards outnumber the Council's representatives.

AUTHORITY	TYPE OF ACTIVITY	MEMBERSHIP	TERM	1950 CONTRIBUTIONS FROM CITY TAXES	CONTROL EXERCISED BY COUNCIL in Addition to Representation or Power of Appointment*
Board of Commissioners of Police	Policing within the City	The Mayor 2 judicial appointees by Province	Annual Indefinite	\$4,477,223	Provides capital equipment. Approves current estimates but Board sets size of force. Sets commissioners' salaries at not less than minimum prescribed by Province.
Housing Authority of Toronto	Slum clearance & construction & operation of subsidized rental housing	The Mayor 1 Controller 3 appointed by Council	Annual Annual 3 yrs. straight	\$164,501	Authorizes and carries out debenture financing. Approves rent scale. Authorizes proposed operating deficit.
Toronto City Planning Board	Development of planning and zoning proposals	The Mayor 5 appointed by Council	Annual 3 yrs. stag.	\$25,000	Provides budget & acts on their recommendations.
Toronto Electric Commissioners	Distributes and sells electric power purchased from the H.E.P.C. of Ontario	The Mayor 1 appointed by Council 1 appointed by H.E.P.C.	Annual 2 years 2 years	nil	City of Toronto Act fixes maximum salaries for Commissioners. Authorizes and carries out debenture financing.
Toronto Harbour Commissioners	(1) Operates Port of Toronto (2) Develops harbour & reclaims water-front land (3) Operates airports & lifesaving for City	3 appointed by Council 2 appointed by Government of Canada (one a nominee of Toronto Board of Trade)	3 years straight	\$145,418	City guarantees debenture debt.

\* See footnote at bottom of next page.

AUTHORITY	TYPE OF ACTIVITY	MEMBERSHIP	TERM	1950 CONTRIBUTIONS FROM CITY TAXES	CONTROL EXERCISED BY COUNCIL in Addition to Representation or Power of Appointment*
Toronto Public Library Board	Public Reference and circulating libraries	The Mayor or his representative appointed by Council 3 appointed by Bd. of Educ. 2 appointed by Sep. School Bd.	Annual 3 yrs. stag. 3 yrs. stag. 2 yrs. stag.	\$827,955	Approves current estimates but Board entitled by statute to 50¢ per capita including debt charges. Authorizes & carries out debenture financing but Board entitled to debt charges of 25¢ per capita.
Toronto Transportation Commission	(1) All public transportation in City (2) Inter-city motor coach services (3) Transportation services on behalf of some suburbs	3 appointed by Council	3 years straight	nil	Fixes salaries of Commissioners. Authorizes and carries out debenture financing.
Toronto & York Planning Board	Broad planning proposals for City and County.	The Mayor 4 appointed by City Council 4 appointed by County Council	Annual 3 yrs. stag. 3 yrs. stag.	\$18,000	Provides City's share of budget & acts on recommendations affecting City.
Toronto & York Roads Commission	Maintenance and improvement of main suburban roads	2 appointed by City Council 2 appointed by County Council 1 appointed by above 4 or by Province	5 years straight	\$180,436	Authorizes City's share of budget. Carries out City's share of debenture financing.

\*The City Auditor audits or checks the audit of all the above Boards and Commissions except the Toronto and York Planning Board. His reports and the report of the private firm which audits the Toronto & York Planning Board accounts are available to the Board of Control and Council.

Some of the separated agencies are subject to a measure of control by outside authorities. Responsibility for the Toronto and York Roads Commission, for example, is shared equally by the City and the County of York. In other cases, the outside authority represented is a senior level of government. The Harbour Commission operates under Dominion legislation and two of its members are appointed by the Federal Government, one on nomination by the Toronto Board of Trade. Similarly, one of the Toronto Electric Commissioners is named by the Ontario Hydro. Even where outside interests are represented, separated boards and commissions are nevertheless regarded as essentially municipal--as part of Toronto's local government. The Police Commission illustrates this point well. Two of its three members are named by the Governor-in-Council of the Province; one is a county judge and the other a police magistrate. The Mayor sits on the Commission representing the municipal electorate and the recognized job of the Commission is to look after local policing. It is regarded as responsible primarily to the City rather than the Province of Ontario.

Another way in which separated boards and commissions can be classified is according to their sources of income. Like other branches of the civic government, separated boards and commissions may secure some provincial or Federal money. The important distinction is whether they get the remainder of their budgets from local taxation or from rates, fares or similar charges levied on those using the service. The T.T.C. is a revenue-earning commission and is fully self-supporting. The Police Commission, by contrast, depends for its funds entirely on the general revenues of the City. The Toronto Housing Authority holds a middle position. It obtains some income from the rental of housing accommodation but is expected to draw on the municipal treasury in order to balance its budget.

The relationship to the Council is also determined by the way in which members are chosen to serve on a particular board or commission. In many Ontario municipalities certain board or commission members are elected by general vote. But in Toronto, the members of all separated bodies are appointed. Sometimes one or more of the appointed members are themselves members of Council--aldermen, controllers or the Mayor. In other cases the full membership of the Board or Commission is drawn from outside the Council ranks.

The extent to which separated agencies are independent of Council in the conduct of their ordinary affairs depends primarily on two factors: 1) the way their membership is made up, and 2) their means of securing operating funds. Among the nine separated bodies, the T.T.C. had the greatest degree of independence, for it is fully self-supporting and no member of Council sits on the Commission.

#### Why do we use Separated Boards and Commissions?

By placing some civic services under separated authorities, the City Council is relieved of part of its heavy responsibilities. The members of boards and commissions, not being elected, are free to concentrate on the job in hand. Moreover, the term of their appointment in most cases is longer, and so more satisfactory, than the one-year term under which we expect Council members and trustees to give service; and there is a tendency, whatever the formal term, for re-appointment to be automatic unless a member has revealed glaring weaknesses.

Where two municipalities are sharing responsibility for a service-- as in the case of the Toronto and York Roads Commission--the separated board, either appointed or elected, is the obvious plan.

The most common claim put forward in support of the separated board or commission is that it takes control of the service "out of politics". With this reasoning the Bureau has no sympathy whatsoever. For to the extent a service is freed from politics it is removed from the control of the only people we can hold fully accountable for good or bad stewardship--our elected representatives. The greatest danger in using separated authorities is that they will in fact put public services beyond our control as electors. That, after all, is the only meaning the phrase "out of politics" can have.

Some people, however, do recognize that our elected representatives need to retain policy supervision over all public services and yet favour the use of separated authorities. Their arguments have more substance. They suggest that our elected representatives cannot be expected to undertake entire supervision of the wide range of present municipal services. They contend that the members of Council can maintain better control over the important issues if they delegate the week by week supervision of some activities to responsible appointees and refrain from mixing in every current question that comes up.

Municipal utilities are a favoured service for operation at arm's length because they are self-supporting. The Council and the public are considered capable of judging their performance by their ability to operate in the black while maintaining reasonable rates or fares. Again, a service which is regarded as highly specialized is thought to benefit by separation because board members can be chosen for their particular interest in the undertaking. The services performed in Toronto by separated boards and commissions give support to both these ideas. But the situation is not entirely logical. Today, for example, it is doubtful whether supervision of welfare department services calls for any less understanding or interest than direction of public library services. Then, too, the waterworks and the municipal abattoir are two important utilities which have always come directly under the Council.

The use of separated boards and commissions is said as well to have proven its worth in practice. Is this point fully established? Or do we just find out less about the shortcomings in their operations? A fact to remember is that members of such bodies even if paid a salary are not hired as experts; the permanent employees are intended to supply this need. Do the commissioners or board members limit themselves to questions of policy or do they intrude on the operational work of the paid staff? In matters of policy, are they fully alive to their responsibility to seek out and apply the legitimate purposes favoured by the electors? Are they content merely to satisfy the users of their particular service without thought for the taxpayers? Do they, at times, act only according to their own whims? Questions such as these should keep us from becoming too complacent about the work turned over to our separated authorities.

#### Relationship with the Council

If we accept separated authorities as part of the local government structure, it follows that those appointed to serve on such bodies should always be responsible to elected representatives for the way in which they do their jobs. In English municipalities the position is never in doubt.

There are some metropolitan commissions, but in the local municipalities the common Council holds all local authority in its own hands and guards its powers jealously. The Council includes appointed aldermen and some committees of council make use of additional co-opted members. The elected representatives, however, are always in the majority; they are able to make the decisions.

In Toronto, as in other Canadian centres, the Council traditionally has little control over education and its power to manage other services has been trimmed by Provincial statutes providing for separated boards and commissions. The latter changes came about with the consent of Council members and often with their active encouragement. Their capacity to deal with services under direct Council control has also been weakened by the one-year term, by the emphasis on ward representation and in other ways.

In February, 1942, the City Council passed a by-law prohibiting any member of Council from serving as Chairman of any Standing Committee if he had held such an appointment the previous year. The jobs, and the \$100 honorarium they carry, are passed around. This autumn the members of one Standing Committee paid personally for a dinner to honour their 1951 Chairman. In spite of this unique testimonial, his capacity for such a post cannot be utilized in 1952 unless the by-law provision is repealed. Through this foolish self-denying ordinance the Council is continuing to favour inexperience and thereby weakening its general efficiency.

Members of the City Council have also contributed to a reduced work output by expecting the Board of Control to handle such a large share of the responsibilities. The Mayor, as a full-time appointee must give many hours to ceremonial duties. The four controllers are expected to serve only half time and are paid accordingly. Although candidates for the office require no special qualifications, the position carries heavy executive and financial responsibilities in addition to the regular work as a Council member. Moreover, the Board is required to act as a standing committee on all matters not assigned to any regular or special committee.

Ordinarily, this means that the Board of Control is responsible for protecting the Council's interest in the work of all separated boards and commissions, aside from the control at budget time. From the record, it would seem that the Board of Control has seldom done more than deal with questions that the separated agencies put before it. It has made no systematic attempt to initiate inquiries into their operations or to report to Council on the state of their affairs. Most Council members see little more than the reports which the separated authorities publish and direct to them. In the case of the Toronto and York Roads Commission, they probably see only a couple of figures in the City's estimates. The Harbour Commissioners present them with a brief narrative picture and an abbreviated balance sheet but they must dig for any more detailed information.

The majority of Toronto's separated boards and commissions have been in existence for years. They have built up well-knit organizations with strong loyalties and a sense of pride in their responsibilities and accomplishments. By and large, they have gained a reputation for "getting things done".

Under the circumstances, it is not altogether surprising if there has been some tendency to be impatient with the spasmodic concern taken by the Council in their affairs. Members of Council are not always too well informed on the work of the boards and commissions and, at times, the Bureau has been conscious of some resentment at Council "interference".

## RECOMMENDATIONS

Recently the City of Peterborough opened a fine new municipal building, financed largely by a gift from a single estate. One object of the bequest was to house the Council, the school boards, public utilities, and other municipal authorities under one roof. Although, in Toronto, the physical grouping may not be possible, something of the same spirit is needed.

In support of this objective, the Bureau urges the elected Council to cling firmly to all its present responsibilities and to do everything possible to promote structural improvements and changes in procedure that will bolster its capacity to carry the load. Two simple steps are recommended for immediate action:

1. That Council revoke the by-law provision prohibiting its members from service as a Committee Chairman two years running.
2. That the Council set up a new Standing Committee charged with reviewing and reporting regularly on the affairs of separated boards and commissions.

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