



CIVIC AFFAIRS

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North York May Need an Executive Committee but NOT a Board of Control

At the present session of the Provincial Legislature, the Township of North York is seeking authority through a private Act to set up an Executive Committee with all the powers of a Board of Control. The current intention seems to be to create a body which, in all but name, is a Board of Control. Before proceeding with this change, the Council and the citizens of the Township should consider whether such a move would be in their own best interests. To help them reach an informed decision, the Bureau of Municipal Research asks and answers a number of pertinent questions.

Why is a new type of government being considered for North York?

Presumably, because the existing form of Council, which was designed to serve a rural municipality, is not regarded as capable of meeting the requirements of a very large and rapidly expanding urban municipality.

Why must authority for the change be obtained by private Act?

North York is rural in name but urban in fact. If it took on the status of a large city, it would be required under the Municipal Act to set up a Board of Control. On the other hand, as a "Township", it must secure special permission to do so through a private Act.

Under the Municipal Act, Boards of Control are REQUIRED in all cities over 100,000. Do all such cities have Boards of Control?

No! While Boards are found in Toronto, Hamilton and Ottawa, Windsor and London have done away with them by special legislation (LONDON, having tried the system from 1914 to 1918, refused to re-introduce it in 1957 when its population passed 100,000. WINDSOR switched to the Manager Plan just over a year ago, following a public referendum).

Boards of Control are PERMITTED in all the remaining Ontario cities. How many have set up such boards?

Of the twenty-five cities, only one has seen fit to adopt the plan voluntarily--Sudbury in 1951.

Have like Boards been set up by any other Ontario municipalities?

One only - METRO TORONTO. Two years ago, Metro obtained necessary enabling legislation and gave its already-existing Executive Committee powers similar to those now sought for North York.

Where did the Board of Control system come from?

Like the Council-Manager Plan, the one-year term, the election of the mayor by the citizens at large, the local school boards, and many other ideas--good and bad--it originated in the United States.

What was the theory back of it?

1. Powers were to be divided between the Council and the Board. Each was to curb the excesses of the other. It was part of the theory of "checks and balances"--an idea which has been much criticized even in the United States and one which has never gained widespread acceptance under our system of parliamentary government.
2. Since, in the U.S.A., municipal treasurers and other officials were commonly elected, there was little hesitation about transferring some of their normal functions to an elected Board of Control.

Are Boards of Control still popular in the country of origin?

No! Beginning over eighty years ago with New York City, the idea spread to other large centres--Albany, Rochester and Buffalo, for example. But its popularity has long since waned and New York, which retains the system for reasons peculiar to its own situation, is the only important city to do so.

What about other parts of Canada?

Winnipeg had such a board from 1907 to 1918. British Columbia made provision for such boards many years ago but no single municipality in that province has taken up the option. The closest parallel elsewhere is Montreal's seven-member executive committee, within its unique one hundred-member Council.

What are the main points in favour of a Board of Control?

1. Under Ontario's Municipal Act, the Board of Control system provides the ONLY approved method of electing the members of a city council, aside from the mayor, in part by wards and in part by general vote. The position of controller serves as a stepping stone from ward alderman to mayor. More important, the combination of city-wide and ward representatives in Council helps to play down ward politics in Council discussions; while recognizing legitimate ward interests along with overall city objectives.
2. A Board of Control is a compact body which can process city business more quickly than the full Council. It can relieve the mayor (or in North York's case, the Reeve) of part of his heavy work load.

What are significant objections to the Board of Control system?

1. The Municipal Act assigns administrative responsibilities to Boards of Control (composed of elected representatives) which should be (and under other systems are) entrusted to the permanent appointed officials. Victory at the polls provides no guarantee of professional administrative skill!
2. Under the Board of Control plan, the remaining representatives on Council are treated as second-class members. A two-thirds majority is required, a) to spend money not certified in Board of Control estimates, b) to increase the amount of a contract or to award it to another bidder in opposition to the Board's recommendation, c) to reinstate a department head suspended by the Board.
3. Public business is greatly delayed. In Toronto, most matters are processed first by a standing committee of Council, next by the Board of Control and finally by Council itself. Each body is tempted to only HALF DIGEST the problem, knowing the other bodies have dealt or will deal with it. To avoid an outright challenge of the Board's authority, often in circumstances where the two-thirds rule applies, Council repeatedly refers questions back to the Board or the appropriate standing committee for reconsideration.

What answer does the Bureau suggest?

If North York wants an Executive Committee, composed of representatives elected at large, the Bureau recommends that it seek legislation authorizing such a body without BINDING ITSELF either to give the Committee all the responsibilities proposed for Boards of Control or to adopt the rules of procedure under which Boards of Control must operate.

Before passing a by-law creating an Executive Committee, the Township Council should give much thought to the development of suitable terms of reference for such a body in order to ensure that the powers and responsibilities which are finally given to it are adequate but not excessive.

How should the North York legislation be altered?

As North York's private Bill now reads, the Township Council would be allowed to pass a by-law setting up a three-member Executive Committee with all the members elected by general vote. Having done so, Council must then give this Executive Committee all the rights and powers granted to Boards of Control by Section 226, subsections 2 to 19 of the Municipal Act, if it assigns the Committee any of their duties, as listed in Section 226, subsection 1.

It is recommended that the legislation be changed to enable the Council both to assign duties and to grant rights and powers in whole or in part, within the limits set under the Municipal Act for Boards of Control.

This simple change would permit the Township Council to eliminate the two-thirds rule and to reduce the administrative requirements of the Committee's work.

Your Further Enquiries Invited

The Bureau is only too pleased to expand on any of the points covered in this bulletin or to go into other aspects of the subject. Your questions, comments and suggestions will be welcomed.

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