



**STAFF REPORT  
ACTION REQUIRED**

**Proposed Amendments to Municipal Code Chapter 636 –  
Yonge Dundas Square**

<b>Date:</b>	October 19, 2009
<b>To:</b>	Executive Committee
<b>From:</b>	City Manager
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	

**SUMMARY**

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This report recommends that Chapter 636 of the Toronto Municipal Code, *Public Squares*, be amended to add a provision respecting quorum for the Yonge Dundas Square Board of Management (the Board), and to increase the size of the Board from 13 to 14 members by adding a position to be nominated from Massey Hall by the Corporation of Massey Hall and Roy Thompson Hall. The report also recommends housekeeping changes to Chapter 636, and provides for the City Manager to make the corresponding amendments to the Relationship Framework between the City of Toronto and Yonge Dundas Square Board of Management.

**RECOMMENDATIONS**

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**The City Manager recommends that City Council:**

1. amend Chapter 636 of the Toronto Municipal Code, *Public Squares*, substantially as set out in Appendix 1, in accordance with the Yonge Dundas Square Board’s request to:
  - a. increase the number of members of the Board of Management from 13 to 14, by adding a position to be nominated from Massey Hall by the Corporation of Massey Hall and Roy Thompson Hall;
  - b. include a provision to redefine quorum, so that the ward Councillor appointed to the Board shall not be included for the purpose of

determining what constitutes a quorum of the Board, but the Ward Councillor attending a meeting of the Board may be counted in order to achieve quorum;

- c. update the names of two member organizations as follows: from “Ryerson Polytechnic University” to “Ryerson University”, and from “Toronto Theatre Alliance” to “Toronto Alliance for the Performing Arts”.
  - d. clarify that the member representing the Toronto Parking Authority is on the Board in a non-voting capacity, which is not currently specified in the Municipal Code as intended.
2. grant authority to the City Solicitor to submit any bills required to amend Chapter 636 of the Municipal Code, and for the City Manager to amend the Relationship Framework to reflect these changes.

## **Financial Impact**

There are no financial impacts resulting from the adoption of these recommendations.

## **Equity Impact**

The Corporation of Massey Hall and Roy Thomson Hall is a registered charitable not-for-profit organization operating two of Canada’s premier concert halls. Founded on the legacy of Massey Hall’s central role in the vitality of Toronto’s cultural life, its mission is to present a diverse schedule of Canadian and international performing artists of the highest quality from classical and jazz to lectures, world music and dance, and rock.

The nomination of a member by the Corporation of Massey Hall and Roy Thompson Hall will improve the balance between the business interests of Board members from the business improvement area and the entertainment/cultural sector. This may facilitate the Yonge Dundas Square Board’s outreach to a broader cultural community, as Massey Hall is located in a socio-economically diverse neighbourhood.

## **ISSUE BACKGROUND**

The Yonge Dundas Square Board of Management has adopted a motion recommending the City increase the size of the Board from 13 to 14 members, with the new position being a nominee of Massey Hall.

For several months, the Board has experienced difficulties in achieving quorum. To help address the situation, the Board requested that the City consider establishing for the Board a provision similar to that which applies to Business Improvement Areas (BIAs)

and Association of Community Centres (AOCCs) boards of management, whereby the local Councillor appointed to a board is not included for the purposes of determining quorum, but may count towards quorum when the Councillor attends a meeting of the Board.

## **COMMENTS**

### **Current Composition of the Yonge Dundas Square Board of Management**

The Board currently consists of 13 members appointed by Council as follows:

- 1) The City Councillor for Ward 27, Toronto Centre-Rosedale (the “Ward Councillor”);
- 2) Four members of the Downtown Yonge Street Business Improvement Area as nominated by the BIA;
- 3) One member nominated by Ryerson Polytechnic University;
- 4) One member nominated by the Toronto Parking Authority, who shall be a staff member acting in an ex officio capacity;
- 5) One member nominated by the Yonge Street Mission;
- 6) One member nominated by the Toronto Theatre Alliance;
- 7) One member nominated by a residents’ association; and
- 8) Three staff members including one employee of the Police Services Board and two City staff, who shall all be ex officio members without votes.

Staff recommend that Council amend Chapter 636 of the Toronto Municipal Code, Public Squares, to increase the number of members of the Yonge Dundas Square Board of Management from 13 to 14 by adding a position to be nominated from Massey Hall by the Corporation of Massey Hall and Roy Thompson Hall.

Massey Hall is a venerable performing arts theatre and a heritage site that is located as is Yonge Dundas Square in a major entertainment zone of downtown Toronto. If Council approves the new position on the board, the specific nominee from Massey Hall will be submitted according to the City of Toronto Public Appointments Policy, to the Toronto and East York Community Council for recommendation to Council.

With respect to the issue of quorum, an existing provision in Chapter 19 of the Toronto Municipal Code, *Business Improvement Areas*, and in the Relationship Framework for AOCCs, has proven very useful in assisting these boards in achieving quorum. The

provision excludes from determining quorum a Councillor appointed to the board, but counts the Councillor towards achieving quorum when the Councillor attends a board meeting.

Staff expect the same provision will also assist the Yonge Dundas Square Board of Management, and therefore recommend Council further amend Chapter 636 of the Toronto Municipal Code, in accordance with Attachment 1, to establish a provision respecting the role of the member of Council appointed to the Board in determining and achieving quorum.

Other recommended amendments to Chapter 636 of the Municipal Code are of a housekeeping nature as follows:

- update references to the current names of Board member organizations, Ryerson University and the Toronto Alliance for the Performing Arts; and
- clarify that the member representing the Toronto Parking Authority is non-voting, as intended and currently practiced.

## **CONTACT**

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## **SIGNATURE**

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Joseph P. Pennachetti  
City Manager

## **ATTACHMENT**

Appendix 1: Proposed By-Law Amendments

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Authority: Executive Committee Item EX36. \_\_\_\_\_ of November 2, 2009, as adopted by City of Toronto Council at its meeting of November 30 and December 1, 2009.

Adopted by Council: November 30 and December 1, 2009

### **CITY OF TORONTO BY-LAW No. \_\_\_\_\_, 2009**

#### **To amend the Municipal Code of the City of Toronto with respect to Yonge Dundas Square - Chapter 636, regarding the composition and quorum for the Board.**

The Toronto City Council HEREBY ENACTS as follows:

1. Article 636-7 of the Municipal Code is hereby amended by adding the following:  
  
G. A majority of the members of the Board constitutes a quorum of the Board. The ward Councillor appointed to the Board shall not be included for the purpose of determining what constitutes a quorum of the Board, but the Ward Councillor attending a meeting of the Board may be counted in order to achieve quorum.
2. Article 636-7.A. is hereby amended by deleting the number “13” and substituting therefor the number “14”.
3. Article 636-7.A. is further amended by adding thereto the following:  
  
(9) One member nominated from among staff of Massey Hall by the Corporation of Massey Hall and Roy Thompson Hall.
4. Article 636-7A(3) is hereby amended by deleting “Ryerson Polytechnic University” and substituting therefor “Ryerson University”.
5. Article 636-7A(4) is hereby amended by adding after the phrase “ex officio” the phrase “non-voting”; and
6. Article 636-7A(6) is hereby amended by deleting “Toronto Theatre Alliance” and substituting therefor “Toronto Alliance for the Performing Arts”.

ENACTED AND PASSED this 1<sup>st</sup> day of December, A.D. 2009.

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Sandra Bussin  
Speaker

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Ulli S. Watkiss  
City Clerk