



DRAFT LEGISLATION

Toronto Municipal Code

CHAPTER 25 – CITY GOVERNMENT IN THE COMMUNITY

TORONTO RESIDENT COMMUNITY BOARDS

P. Moulder, April 2014 / Rev. June 2019





Discussion Paper Toronto Resident Community Boards

Rev. June 2019

INTRODUCTION

The City of Toronto Act, Sections 141 through 147, provide the “Power to establish city boards”.

<https://www.ontario.ca/laws/statute/06c11>

In the late 1960’s New York City created Community Boards “to encourage and facilitate coterminous community districts and service districts to be used for the planning of community life within the city, the participation of citizens in city government within their communities, and the efficient and effective organization of agencies that deliver municipal services in local communities and geographic areas.”

In 1961, the concept of community planning received an enormous boost from Jane Jacobs's classic, “The Death and Life of Great American Cities”. Her recommendations were taken up in the 1963 New York City Charter. The Charter extended the neighborhood-governance concept to the other boroughs, establishing "Community Planning Boards" with advisory powers throughout the city. These boards eventually became known simply as "Community boards."

New York City Community Boards have functioned satisfactorily for the past 50 years, and the legislation governing the New York City Community Boards is found in the New York City Charter, Chapter 70. This chapter is the model and basis for similar draft legislation found in this document to be added to the City of Toronto Municipal Code to provide Community Boards for the residents of Toronto.

Formalizing “community consultation practices” is now an imperative for the City of Toronto, and this can be done through the implementation of Resident Community Boards. In fact, there is probably no better way to ensure “community consultation” is done well, is respectful to residents, and has positive impact on our communities and city management and operations. Local residents and taxpayers are always the “primary stakeholders” when local issues arise.

To assist your review of the draft legislation for Toronto Community Boards, **Part I** of this Discussion Paper contains “Frequently Asked Questions” (FAQ) and attempts to anticipate the important questions residents would have on this topic.



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Part 2 contains the draft legislation for Toronto Community Boards and the clauses in the document are referenced in the FAQ section.

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An additional resource for residents review is the NYC 2010 Handbook for Community Board Members. It has been extensively expanded and edited over the many years since its first edition in 1978. Most importantly, it has been read and used as a reference by thousands of community board members over the past four decades. It, no doubt, will assist in the future creation of a Handbook for Toronto Resident Community Boards.

<http://www.nyc.gov/html/mancb3/downloads/resources/handbook%20for%20community%20board%20members.pdf>

Toronto Resident Community Boards will greatly assist residents and neighbourhood associations, as well as City Council and staff, through the legislated organization of input by residents directly into the Decision-Making Process by City Council that is coordinated, inclusive, transparent, efficient, well-informed and effective.

The Toronto Official Plan (OP), Zoning By-laws, Growth Plan for the Greater Golden Horseshoe (GPGGH) and Provincial Policy Statement (PPS) and other legislation are “plain language” legislation created with input from residents.

There are opportunities for online education on planning Legislation, together with classroom education, which would benefit residents, council members, planners, city staff, appeal board members, and developers.



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PART 1 – FREQUENTLY ASK QUESTIONS

A. WHAT ARE RESIDENT COMMUNITY BOARDS?

For each City Ward there shall be a resident community board which shall consist of:

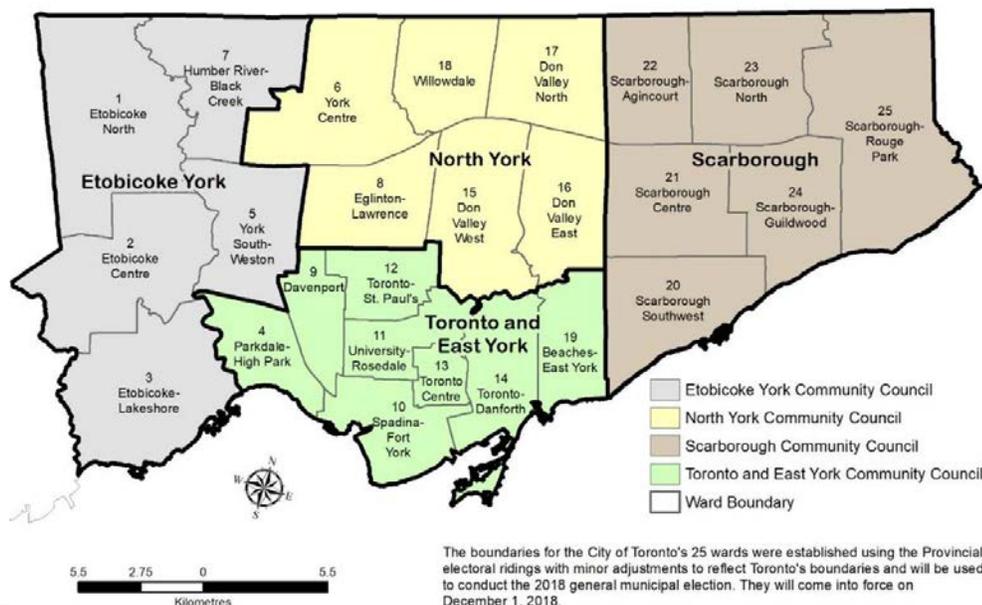
- (1) not more than fifty persons appointed by the council for staggered terms of two years, at least one-half of whom shall be appointed from nominees of residents of the Ward, and
- (2) the council member as a non-voting member of the board.

Community boards, civic groups, other community groups and neighborhood associations and individuals may submit nominations to council members.

Ref. §25-2 A

B. WHAT ARE BOUNDARIES OF THE CITY WARDS?

The map of twenty five City Wards, within the four community council areas, coincides with the map of Provincial Riding Boundaries as of December 1, 2018. There will be twenty five resident community boards, one for each Ward.





C. WHO CAN BE A MEMBER OF THE RESIDENT COMMUNITY BOARDS?

- a. No person shall be appointed to or remain as a member of the board who does not have a residence, business, professional or other significant interest in the Ward. The council shall assure adequate representation from the different geographic sections and neighborhoods within the Ward. In making such appointments, the council shall consider whether the aggregate of appointments fairly represents all segments of the community.
- b. Members of resident community boards shall serve as such without compensation but shall be reimbursed for actual and necessary out-of-pocket expenses in connection with attendance at regularly scheduled meetings of the community board.
- c. Members of resident community boards shall declare in writing any and all apparent or real conflicts of interest concerning any matter coming before the board. The board shall be the final determiner of whether the member should be excluded from participating in any matter as a result of a conflict of interest.
- d. Prior to appointment, all members of the community boards shall undergo a Police Reference Check.

Ref. §25-2 A

D. WHAT ARE THE DUTIES OF RESIDENT COMMUNITY BOARDS?

1. Hold Public Meetings

- a. At its discretion hold public or private hearings or investigations with respect to any matter relating to the welfare of the Ward and its residents, but the board shall take action only at a meeting open to the public;
- b. Within budgetary appropriations for such purposes, disseminate information about city services and programs, process complaints, requests, and inquiries from residents of the Ward;
- c. Conduct substantial public outreach, including identifying the organizations active in the community board Ward, maintaining a list of the names and mailing addresses of such community organizations, and making such names and, with the consent of the organization, mailing addresses available to the public upon request;

Ref. §25-2 D 3, 20, and 21



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- d. Except during the months of July and August, each resident community board shall meet at least once each month within the Ward and conduct at least one public hearing each month. Notwithstanding the foregoing, a community board shall be required to meet for purposes of reviewing the scope or design of a capital project located within such community board's Ward when such scope or design is presented to the community board. Such review shall be completed within sixty days after receipt of such scope or design.
- e. Each board shall give adequate public notice of its meetings and hearings and shall make such meetings and hearings available for broadcasting and cablecasting, and prepare a written report for the Public Record. At each public meeting, the board shall set aside time to hear from the public. The area community council shall provide each board with a meeting place if requested by the board.

Ref. §25-2 H

2. Work with City Agencies and City Council

- a. Cooperate with, consult, assist and advise any public officer, city agency, local administrators of agencies, legislative body, or the community council with respect to any matter relating to the welfare of the Ward and its residents;
- b. Assist city departments and agencies in communicating with and transmitting information to the residents of the Ward;
- c. Request the attendance of city agency representatives at meetings of the resident community board;
- d. Assist city agencies in the preparation of service statements of agency objectives, priorities, programs and projected activities within the community board Ward and review such statements;
- e. Evaluate the quality and quantity of services provided by city agencies within the community board Ward;
- f. Each city agency shall furnish promptly to each community board on request any information or assistance necessary for the board's work. Each agency shall also report periodically to each board on its service activities, programs and operations within the community board Ward.

Ref. §25-2 D 2, 4, 8, 18, 19 and E



3. Work with resident community boards of other Wards

- a. Cooperate with the boards of other Wards with respect to matters of common interest.

Ref. §25-2 D 5

4. Prepare and Submit Reports

- a. Render an annual report to the mayor, the council and the community council within three months of the end of each year and such other reports to the mayor or the community council as they shall require (such reports or summaries thereof to be published in the Public Record);
- b. Prepare comprehensive and special purpose plans for the growth, improvement and development of the community board Ward;
- c. Prepare and submit to the mayor on or before a date established by the mayor, an annual statement of community board Ward needs, including a brief description of the Ward, the board's assessment of its current and probable future needs, and its recommendations for programs, projects, or activities to meet those needs;

Ref. §25-2 D 6, 9 and 10

5. Elect Officers, appoint a Board Manager, Employ Staff

- a. Elect its own officers; adopt, and make available for reasonable public inspection, by-laws and statements of the duties assigned by the board to its community board manager and other appointed professional staff, and keep a Public Record of its activities and transactions, including minutes of its meetings, majority and minority reports, and all documents the board is required by law to review, which shall be made available, in accordance with law, to elected officials upon request and for reasonable public inspection;
- b. One of the community board members shall be elected by the other members to serve as chairperson. The chairperson shall use no title other than chair or chairperson of the community board and the other members shall use no title other than member of the community board or community board member, except for any member who is elected or appointed to an official position on the board, including but not limited to, vice-chairperson, secretary, treasurer, or chair of a committee or subcommittee of the board shall be allowed to use such title when acting in such capacity.



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- c. The chairperson of the community board or his or her representative shall be a member of any city agency or service department committee for the Ward.
- d. Each community board, within the budgetary appropriations therefore, shall appoint a manager and shall be authorized to utilize the services of such other professional staff and consultants, including planners and other relevant experts, as it may deem appropriate, all of whom shall serve at the pleasure of the community board and shall provide the board with the staff support and technical assistance it requires to fulfill the duties assigned to it by this by-law or any other applicable law. The community board manager shall:
 - (i) Have responsibility for processing service complaints,
 - (ii) Preside at meetings of any city agency or service department committee for the Ward.
 - (iii) Perform such other duties as are assigned by the community board in accordance with the statement of duties required of community boards.
- e. Each community board may employ such other assistants as it may require within budgeted appropriations for such purposes or funds contributed for such purpose. Any funds appropriated by the city to enable the community boards to conduct their duties and responsibilities pursuant to this chapter shall be allocated directly to each board subject to the terms and conditions of such appropriations. The basic budget appropriation for the personal service and other than personal service needs of each community board shall not include rent. Within reasonable limits appropriate to each board's location, rent shall be separately appropriated for the board.

Ref. §25-2 F and G

6. Participate in Budgetary Planning

- a. Consult with city agencies on the capital needs of the Ward, review departmental estimates, hold public hearings on such needs and estimates, and prepare and submit to the mayor capital budget priorities for the next fiscal year and the three succeeding fiscal years;
- b. Conduct public hearings and submit recommendations and priorities to the mayor, the council and the city planning department on the allocation and use within the Ward of funds earmarked for community development activities under city, provincial or federal programs;

Ref. §25-2 D 11 and 12



- c. Consult with city agencies on the program needs of the Ward to be funded from the expense budget, review departmental estimates, hold public hearings on such needs and estimates, and prepare and submit to the mayor expense budget priorities for the next fiscal year;
- d. Assist in the planning of individual capital projects funded in the capital budget to be located in the Ward and review scopes of projects and designs for each capital project provided, however, that such review shall be completed within sixty days after receipt of such scopes or designs;

Ref. §25-2 D 13 and 14

7. Evaluate Land Use Planning Projects

- a. Evaluate the progress of capital projects within the community board Ward based on status reports to be provided to the board;
- b. Be authorized to assign a representative to attend any meeting held by a city agency to determine, in advance of drafting, the form and content of any environmental impact statement required by law for a proposal or application for a project in such board's Ward;
- c. Exercise the initial review of applications and proposals of public agencies and private entities for the use, development, modification or improvement of land located in the Ward, including the conduct of a public hearing and the preparation and submission to the city planning department of a written recommendation;

Ref. §25-2 D 15, 16 and 17

8. Create Committees

- a. Each community board may create committees on matters relating to its duties and responsibilities. It may include on such committees persons with a residence or significant interest in the community who are not members of the board, but each such committee shall have a member of the board as its chairperson. Except as otherwise provided by law, meetings of such committees shall be open to the public.

Ref. §25-2 I



E. WHAT GOVERNMENT FUNDING IS AVAILABLE FOR COMMUNITY BOARDS TO CARRY OUT THEIR DUTIES AND RESPONSIBILITIES?

The City of Toronto 2019 operating budget provides for total expenditures by City Council of \$21,578,000 or approximately \$863,120 for each of the 25 members of City Council.

A \$200,000 start-up budget can be contributed by each of the 25 Councillors for each of the 25 resident community boards (\$200,000 x 25 = \$5,000,000). From the \$200,000 budget, funds will be used initially by the community boards to hire a community board manager, commence the business of the board, and create a website.

In turn, each council member will be able reduce the total number of the councillor's office staff to reflect the transfer of certain duties and responsibilities to the community board for the Ward.

The city will be responsible for providing and bearing the cost of public meeting spaces, office space and equipment and for each of the 25 resident community boards.

Ref. §25-2 G

F. WHAT ARE THE RESPONSIBILITIES OF CITY AGENCIES AND SERVICE DEPARTMENTS TO RESIDENT COMMUNITY BOARDS

1. City agencies and service departments will communicate and coordinate with the chair and manager of the resident community boards concerning:
 - a. Planning, and the development and recommendation of programs to meet the needs and priorities of Wards and Community Council areas and their residents;
 - b. Publically consult with residents of the Ward and their community board representatives about local service problems and activities; and
 - c. Keep a public record of its activities and transactions, including minutes of its meetings.
2. Each agency providing services in the Wards and community council areas shall prepare annually a statement of its service objectives, priorities, programs and projected activities within each Ward and each area for the new fiscal year, if requested by the respective community board or community council.

Ref. §25-2 E and G



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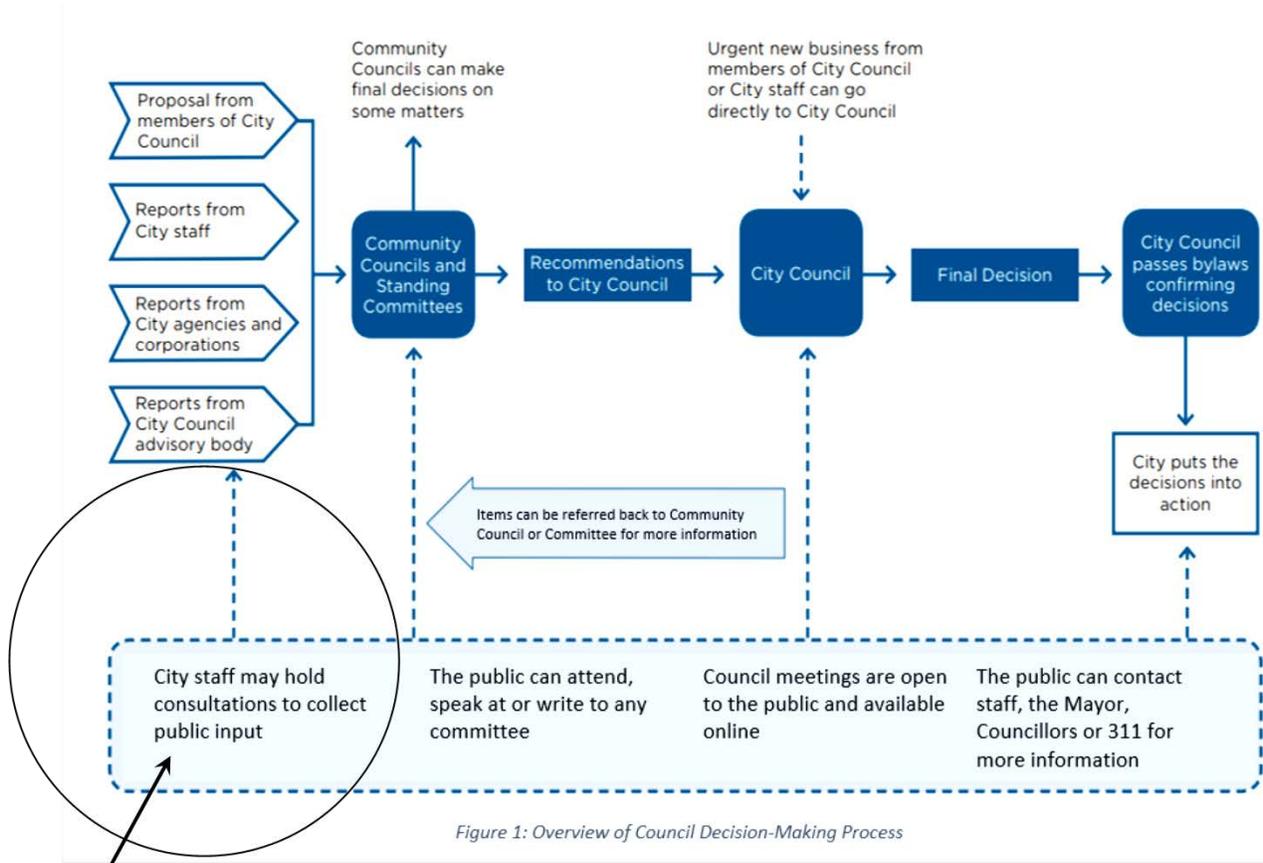
3. Within four months after the end of the fiscal year, each city agency providing services in the Wards and areas shall report to the respective community boards and community councils the amount of expenditures in the Ward for the preceding year.



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G. FLOW OF COMMUNICATIONS FROM COMMUNITY BOARDS TO COUNCIL



PROCESS TO BE MODIFIED TO REFLECT IMPLEMENTATION OF LEGISLATED RESIDENT COMMUNITY BOARDS.

Source: City of Toronto Website— May 25, 2019

Current Council Decision-Making Process

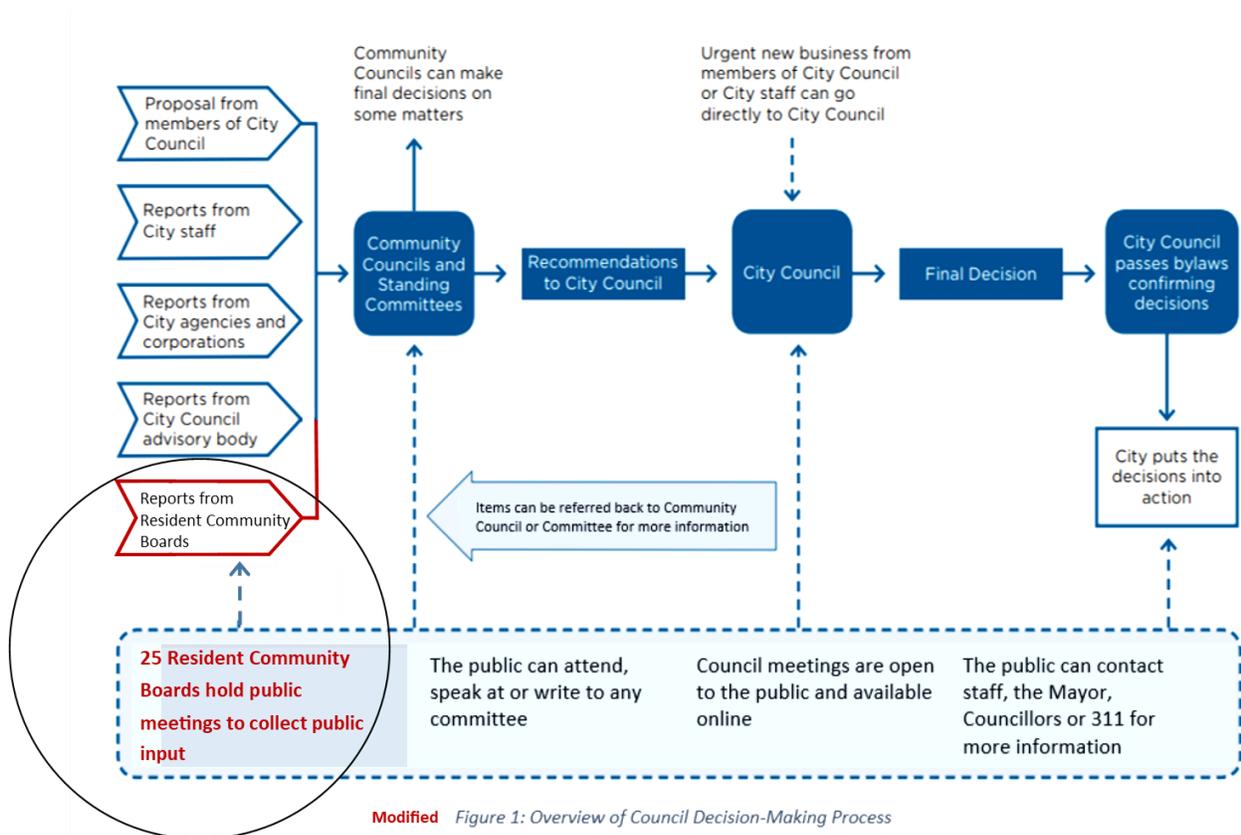
The creation of legislated resident community boards, with responsibility to hold public consultation meetings to collect public input and submit reports, will provide residents with formal, direct input into City Council decisions.

See the modified chart on next page.



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PROCESS MODIFIED TO REFLECT IMPLEMENTATION OF LEGISLATED RESIDENT COMMUNITY BOARDS.

REVISED Council Decision-Making Process

The community boards will hold public meetings and submit reports directly to Community Council and City Council. Public meetings will be video-taped and minuted.

The reports from community boards will reduce the number of email, letters and oral submissions to Community Councils and Committees, and will substantially, comprehensively and efficiently consolidate the views of many residents into one report for the public record.

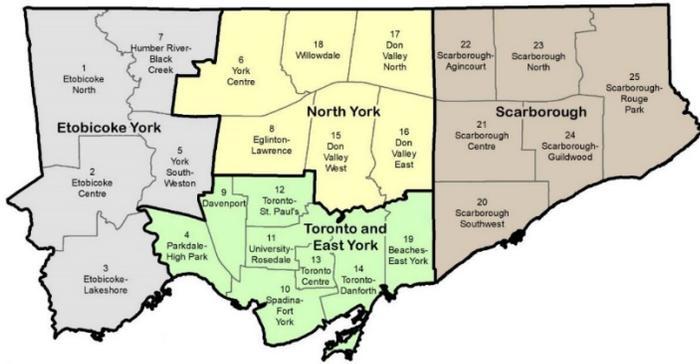
Legislated resident community boards will conveniently fit into the existing flow of communications from various entities to City Council.



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H. COMPARISON OF TORONTO AND NEW YORK CITY COMMUNITY BOARDS



4 Community Council Areas – 25 Wards

Land Area: 243 SQM or 640 SQKM

Total Population (Census 2016): 2,731,575

Etobicoke York: 5 Wards – pop. 589,860

North York: 6 Wards – pop. 865,140

Toronto & East York: 8 Wards – pop. 644,685

Scarborough: 6 Wards – pop. 631,890

Average pop/Ward: 109,263



5 Boroughs – 59 Community Districts

Land Area: 303 SQM or 784 SQKM

Total Population (NYC June 2017): 8,622,298

Manhattan: 12 Districts - pop. 1,664,727

Brooklyn: 18 Districts - pop. 2,648,771

Queens: 14 Districts – pop. 2,358,582

The Bronx: 12 Districts – pop. 1,471,160

Staten Island: 3 Districts – pop. 479,458

Average pop/District: 146,147



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PART 2 – DRAFT LEGISLATION FOR TORONTO COMMUNITY BOARDS

DRAFT LEGISLATION - TORONTO MUNICIPAL CODE
CHAPTER 25 - CITY GOVERNMENT IN THE COMMUNITY

§ 25-1. Definitions.

§25-2. Resident Community Boards.

§ 25-3. Actions of community boards.

§ 25-1. Definitions.

AGENCY – Refers to any municipal department or agency.

AREAS - Are the particular urban geographical areas.

COMMUNITY COUNCIL - A council committee whose members represent the Wards located in a particular urban geographical area.

COUNCIL – The elected members of Toronto City Council.

THE MAP OF WARDS - The map of twenty five City Wards, within the four community council areas, coincides with the map of Provincial Riding Boundaries as of December 1, 2018, and shall be continued until modified pursuant to this chapter.

WARDS – Each Ward has the same boundaries as the provincial riding, and lies within the boundaries of a particular urban geographical area.

§25-2. Resident Community Boards.

A. For each Ward there shall be a community board which shall consist of:

- (1) not more than fifty persons appointed by the council for staggered terms of two years, at least one-half of whom shall be appointed from nominees of residents of the Ward, and
- (2) the council member as a non-voting member of the board.

Community boards, civic groups and other community groups and neighborhood associations in the relevant Ward may submit nominations to council members.

One-half of the members appointed to any community board shall serve for a term of two years beginning on the first day of April in each odd-numbered year in which they take office and one half of the members appointed to any community board shall serve for a term of two years beginning on the first day of April in each even-numbered year in which they take office. Members shall serve until their successors are appointed but no member may serve for more than sixty days after the expiration of his or her original term unless reappointed by the council.

No person shall be appointed to or remain as a member of the board who does not have a residence, business, professional or other significant interest in the Ward. The council shall assure adequate representation from the different geographic sections and neighborhoods within the Ward. In making such appointments, the council shall consider whether the aggregate of appointments fairly represents all segments of the community.

Members of resident community boards shall declare in writing any and all apparent or real conflicts of interest concerning any matter coming before the board. The board shall be the final determiner of whether the member should be excluded from participating in any matter as a result of a conflict of interest.

Prior to appointment, all members of the community boards shall undergo a Police Reference Check.

B. An appointed member may be removed from a community board for cause, which shall include substantial nonattendance at board or committee meetings over a period of six months, by the council or by a majority vote of the community board. Vacancies among the appointed members shall be filled promptly upon the occurrence of the vacancy by the council for the remainder of the unexpired term in the same manner as regular appointments.

C. Members of community boards shall serve as such without compensation but shall be reimbursed for actual and necessary out-of-pocket expenses in connection with attendance at regularly scheduled meetings of the community board.

D. Each community board shall:

- (1) Consider and address the needs of the Ward which it serves;
- (2) Cooperate with, consult, assist and advise any public officer, agency, local administrators of agencies, legislative body, or the community council with respect to any matter relating to the welfare of the Ward and its residents;
- (3) At its discretion hold public or private hearings or investigations with respect to any matter relating to the welfare of the Ward and its residents; but the board shall take action only at a meeting open to the public;
- (4) Assist city departments and agencies in communicating with and transmitting information to the residents of the Ward;
- (5) Cooperate with the community boards of other Wards with respect to matters of common interest;
- (6) Render an annual report to the mayor, the council and the community council within three months of the end of each year and such other reports to the mayor or the community council as they shall require (such reports or summaries thereof to be published in the public record);
- (7) Elect its own officers; adopt, and make available for reasonable public inspection, by-laws and statements of the duties assigned by the board to its board manager and other professional staff appointed pursuant to subdivision F of this section; and keep a public record of its activities and transactions, including minutes of its meetings, majority and minority reports, and all documents the board is required by law to review, which shall be

made available, in accordance with law, to elected officials upon request and for reasonable public inspection;

- (8) Request the attendance of agency representatives at meetings of the community board;
- (9) Prepare comprehensive and special purpose plans for the growth, modification, improvement and development of the Ward;
- (10) Prepare and submit to the mayor on or before a date established by the mayor, an annual statement of Ward needs, including a brief description of the Ward, the board's assessment of its current and anticipated future needs, and its recommendations for programs, projects, or activities to meet those needs;
- (11) Consult with agencies on the capital needs of the Ward, review departmental estimates, hold public hearings on such needs and estimates and prepare and submit to the mayor capital budget priorities for the next fiscal year and the three succeeding fiscal years;
- (12) Conduct public hearings and submit recommendations and priorities to the mayor, the council and the city planning department on the allocation and use within the Ward of funds earmarked for community development activities under city, provincial or federal programs;
- (13) Consult with agencies on the program needs of the Ward to be funded from the expense budget, review departmental estimates, hold public hearings on such needs and estimates, and prepare and submit to the mayor expense budget priorities for the next fiscal year;
- (14) Assist in the planning of individual capital projects funded in the capital budget to be located in the Ward and review scopes of projects and designs for each capital project provided, however, that such review shall be completed within thirty to sixty days after receipt of such scopes or designs;
- (15) Evaluate the progress of capital projects within the Ward based on status reports to be furnished to the board;
- (16) Be authorized to assign a representative to attend any meeting held by a city agency to determine, in advance of drafting, the form and content of any environmental impact statement required by law for a proposal or application for a project in such board's Ward;
- (17) Exercise the initial review of applications and proposals of public agencies and private entities for the use, development, modification or improvement of land located in the Ward, including the conduct of a public hearing and the preparation and submission to the city planning department of a written recommendation;
- (18) Assist agencies in the preparation of service statements of agency objectives, priorities, programs and projected activities within the Ward and review such statements;
- (19) Evaluate the quality and quantity of services provided by agencies within the Ward;
- (20) Within budgetary appropriations for such purposes, disseminate information about city services and programs, process complaints, requests, and inquiries of residents of the Ward; and
- (21) Conduct substantial public outreach, including identifying the organizations active in the

Ward, maintaining a list of the names and mailing addresses of such community organizations, and making such names and, with the consent of the organization, mailing addresses available to the public upon request.

E. Each agency shall furnish promptly to each community board on request any information or assistance necessary for the board's work. Each agency shall also report periodically to each board on its service activities programs and operations within the Ward.

F. Each community board, within the budgetary appropriations therefor, shall appoint a board manager and shall be authorized to utilize the services of such other professional staff and consultants, including planners and other experts, as it may deem appropriate, all of whom shall serve at the pleasure of the community board and shall provide the board with the staff support and technical assistance it requires to fulfill the duties assigned to it by this by-law or other law. The board manager shall:

- (1) have responsibility for processing service complaints,
- (2) preside at meetings of any agency or service department committee for the Ward, and
- (3) perform such other duties as are assigned by the community board in accordance with the statement of duties required by paragraph seven of subdivision D of this section.

One of the board members shall be elected by the other members to serve as chairperson. The chairperson shall use no title other than chair or chairperson of the community board and the other members shall use no title other than member of the community board or community board member, except that any member who is elected or appointed to an official position on the board, including but not limited to, vice-chairperson, secretary, treasurer, or chair of a committee or subcommittee of the board shall be allowed to use such title when acting in such capacity.

The city auditor shall investigate any allegations concerning the misuse of a community board title and shall report its findings to the mayor, the council and the community council in whose area the community board is located. The knowing and intentional use of an improper title by any member of a community board shall be punishable by a civil penalty of not less than one hundred dollars nor more than two hundred and fifty dollars for every infraction thereof.

The chairperson of the community board or his or her representative shall be a member of any agency or service department committee for the Ward.

A member of a community board shall be eligible for appointment to the position of board manager provided that such member does not participate in any manner in the selection of the board manager by the board and resigns as a member of any board prior to or upon assuming the duties of Board manager.

G. Each community board may employ such other assistants as it may require within budgeted appropriations for such purposes or funds contributed for such purpose. Any funds appropriated by the city to enable the community boards to conduct their duties and responsibilities pursuant to this chapter shall be allocated directly to each board subject to the terms and conditions of such appropriations. The basic budget appropriation for the personal service and other than personal service needs of each community board shall not include rent. Within reasonable limits appropriate to each board's location, rent shall be separately appropriated for the board.

H. Except during the months of July and August, each community board shall meet at least once each month within the Ward and conduct at least one public hearing each month. Notwithstanding the foregoing, a community board shall be required to meet for purposes of reviewing the scope or design of a capital project located within such community board's Ward when such scope or design is presented to the community board. Such review shall be completed within thirty to sixty days after receipt of such scope or design. Each board shall give adequate public notice of its meetings and hearings and shall make such meetings and hearings available for broadcasting and cablecasting, and prepare a written report for the public record. At each public meeting, the board shall set aside time to hear from the public. The area community council shall provide each board with a meeting place if requested by the board.

I. Each community board may create committees on matters relating to its duties and responsibilities. It may include on such committees persons with a residence or significant interest in the community who are not members of the board, but each such committee shall have a member of the board as its chairperson. Except as otherwise provided by law, meetings of such committees shall be open to the public.

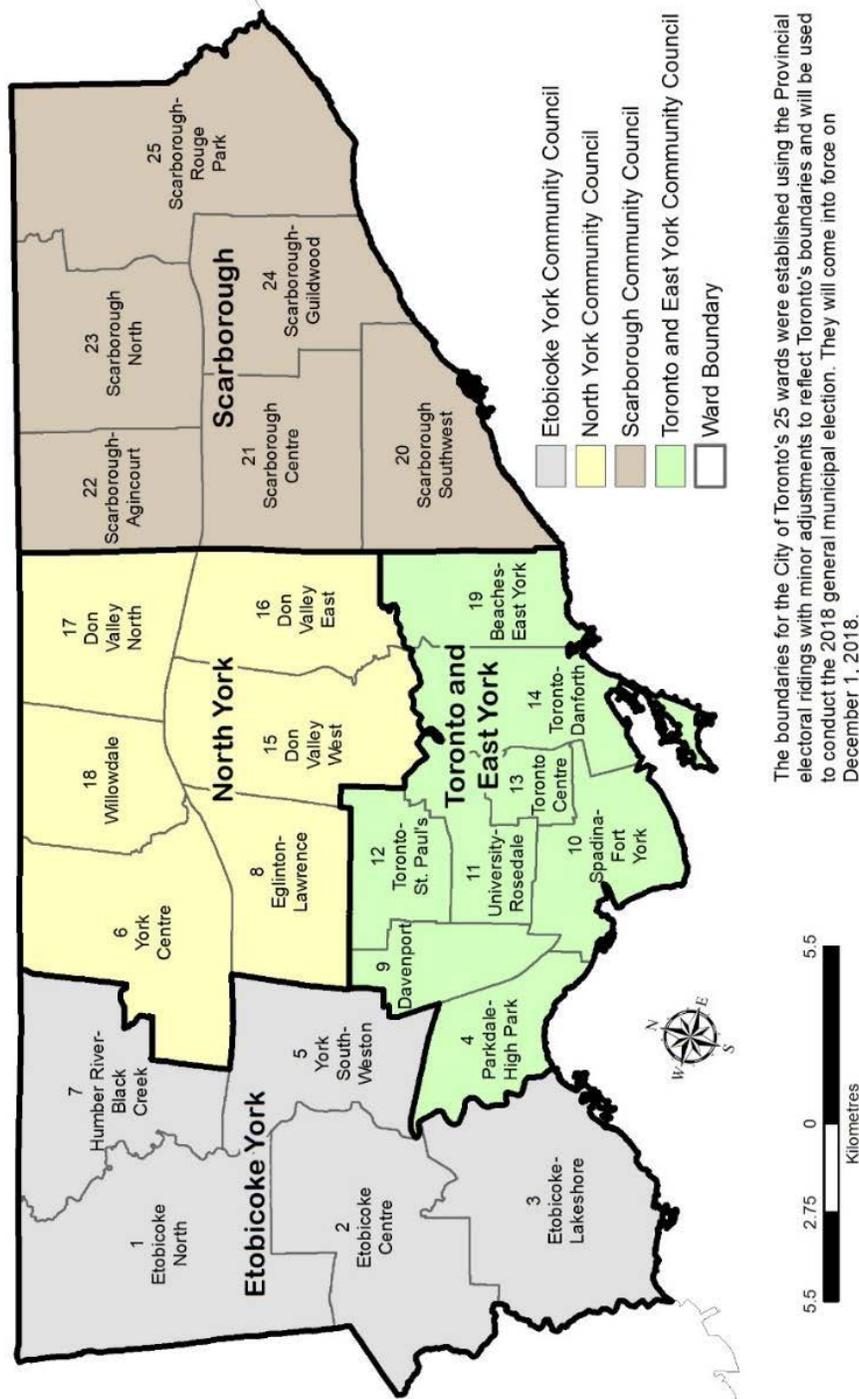
§ 25-3. Actions of community boards.

A. A majority of the appointed members of any community board shall constitute a quorum of such board.

B. Whenever any act is authorized to be done or any determination or decision made by any community board, the act, determination or decision of the majority of the members present entitled to vote during the presence of a quorum, shall be held to be the act, determination or decision of such board.

APPENDIX A.

The map of twenty five City Wards, within the four community council areas, coincides with the map of Provincial Riding Boundaries as of December 1, 2018. There will be twenty five resident community boards, one for each Ward.



The boundaries for the City of Toronto's 25 wards were established using the Provincial electoral ridings with minor adjustments to reflect Toronto's boundaries and will be used to conduct the 2018 general municipal election. They will come into force on December 1, 2018.

