

**Phillip Abrahams – Comments on Presentation by Mark Kleinman
Towards a City Charter for London
IMFG June 8, 2009**

The experience of the London Charter that Mark just described is instructive for a number of reasons that resonate in the Toronto context.

First is the renewed, and growing, recognition of the importance and relevance of City Government as a political institution. The GLC (along with the other English metro counties) was abolished by the Thatcher government in 1986. It came back in the form of the GLA a dozen or so years later with a strengthened mandate and a strong, directly elected Mayor.

In Toronto, with amalgamation in 1998, and passage of the COTA in 2006, we have seen the emergence of a more empowered City Government, with an expanded mandate, led by a Mayor who is strengthened by a large City-wide electoral base.

The London and Toronto experiences are both expressions of the ascent of City Government in the national scheme of governance arrangements, driven largely by the recognition that:

- when it comes to complex issues, place matters; and

- empowered City governments are well placed to convene communities and mediate competing interests.

The second point, and the one I want to focus on, is the growing importance and changing nature of intergovernmental relationships. This, after all is what the London Charter is all about.

In Toronto, the need to have an equivalent of the London Charter, which is focused on the relationships among municipal governments active within the same geographic area, was obviated by amalgamation. Toronto is grappling with finding the right balance between City-wide focus and more localised focus, through evolution of its own machinery of government, for example, the creation of the community councils and the enactment of delegation by-laws.

In Toronto's case, the governments that are active within the same geographic area are the City, Provincial and Federal governments. That said, there are similarities between the approaches to the navigation of those vertical relationships, and the approach to the London Charter.

A few years ago, when rethinking Toronto's intergovernmental relations strategic objectives, we realised that at least three elements are essential to us:

- sufficient legislative authority to set our own priorities;
- fiscal capacity to actually act on the priorities; and
- collaborative mechanisms to engage with other governments whose actions and interests intersect with those of the City of Toronto.

The third element is really a recognition that issues are so complex and so mobile that it doesn't make sense for any single government to try to address them from within the narrow confines of its particular mandate and jurisdiction.

Our big challenge has been that, in Canada, municipal government is a constitutional orphan. Therefore, we've been looking for ways to entrench our involvement in intergovernmental arrangements, first by stealth and serendipity, and then through protocols.

The Canada-Ontario-Toronto Immigration and Settlement MOU, is an example of such a protocol. It is particularly important to Toronto because it

engages the national government in dialogue on urban issues. The settlement lens is a way in to a host of other aspects of the "urban agenda".

Traditionally, Canadian federal governments have used the constitution as pretence that they have no interest in the urban agenda. This, of course, is nonsense. So go the cities; so goes the nation. Newcomer settlement and integration into the economic, social and political life of the nation is an example.

We managed to land the Immigration & Settlement MOU because it is fairly low key, quite narrowly focused on a few areas of interest (access to services, etc.), and, deliberately, is not about money. Therefore, it was not threatening to the federal government.

But it created a venue for policy discussion, and it has brought the three governments to the table together. There is a focused, modest, workplan associated with the MOU. Significantly, the "table" has removed the mystery about each government and exposed each to the perspectives, interests, decision making processes and, most importantly, capacities and

expertise of the others. This exposure has served to legitimise all of these things.

So, really, coming to the table under the guise of developing an MOU-specific workplan, is beginning to validate the importance of coming to the table generally and using the table to discuss some items that are not tied to the narrow focus of the MOU workplan. In many ways, the value of the MOU is as a catalyst.

The Immigration and Settlement MOU was a by-product of a 2005 process to develop a broader Fed-Prov-City Framework Agreement, that would provide a venue for ongoing discussion of matters of mutual interest.

Immigration and settlement was to be a first focus for the partners.

In 2005 the Federal Government of the day was particularly sympathetic to the urban agenda. The broader framework agreement was more or less ready for political sign-off but went into hibernation when the national government changed in early 2006, and the new administration had different priorities. I am still optimistic that the broader agreement will be resuscitated at some point, simply because it makes practical sense.

Another outcome of the process to develop the broader framework agreement was a decision by the three governments to partner in commissioning the OECD to undertake a territorial review of the Toronto metropolitan region. We are equal partners in all aspects of this commission. In some ways that makes it a bit of a cumbersome process. On the other hand, it means that the perspectives, interests and needs of each of the three partners are recognised and validated by the others. This is important to the City as it puts Toronto in an intergovernmental relationship rather than a supplicant-donor relationship.

Another product of the urban-friendly Paul Martin days was the decision by the federal government to begin transferring a portion of the national gas tax to municipalities for investment in infrastructure. In most parts of Canada this was done via agreements between the federal and provincial governments, the latter then making the transfers to their municipalities. In Ontario, uniquely in Canada because of a set of favourable political relationships at the time, the City of Toronto is a signatory to the agreement and receives its transfer directly from the federal government.

In addition, Toronto sits with the federal and provincial governments on an oversight committee that manages the implementation of the agreement.

Importantly, this means engaging in policy discussions about relationships between infrastructure investment, growth management and sustainability.

This arrangement, which possibly would not have been instituted under the current national government, has continued because the protocols, made possible by serendipitous circumstances of the day in 2004-2005, were in place and able to transcend the less favourable circumstances of the day in 2006 to the present.

Toronto also has an important bilateral protocol with the Ontario Government. This Toronto-Ontario Cooperation and Consultation Agreement (T-OCCA) was signed in January 2008.

It stems from Toronto's enabling legislation, the *City of Toronto Act, 2006* which says that the relationship between the province and the City will be based on mutual respect and ongoing consultation and recognition of the city as if it is an order of government, the constitution notwithstanding.

The T-OCCA sets out some general principles. It expresses the two governments' will to cooperate with each other on matters of common interest (but doesn't define what those look like). It commits each government to consult the other when developing policy or legislation that, in its opinion, will have an impact on the other. The agreement does not define what that means or what form consultation will take.

In my view, that is its strength. When the rules of engagement are set out too rigidly, the parties tend to do the minimum to be in compliance and go to lengths to resist and circumvent the rules. If anything, this principles-based, flexible agreement is causing people to "overcomply".

More structured protocols for engagement will follow the acceptance of the wisdom of engagement. With T-OCCA, as with the Immigration and Settlement MOU, the rather general, vague, non-threatening agreement is a catalyst to accepting the municipal government into the scheme of intergovernmental relations.

I mentioned serendipity. Good interpersonal relationships between particular political leaders, or coincident values and priorities of different

governments at certain points in time, have provided opportunities to move ahead quickly on the development of agreements. However, once these agreements are in place, the protocols they establish begin to entrench the government to government relationships in a way that transcends the hit and miss of interpersonal relationships.

We have seen this play out here in Toronto, and we are seeing it play out in London.

In conclusion, I think the approaches I've just described work because they make sense. I believe that is true in Toronto, and it is true in London. I see remarkable similarities between the characteristics and dynamics of our approach to intergovernmental collaboration and Mark's description of the underpinnings of the Charter for London.