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The Fault Lines at City Hall:

Reflections on Toronto's
local government

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Executive Summary

The “Fault Lines at City Hall” is the first in a new series of *IMFG Perspectives*. A shorter, accessible style of publication, this series is intended to help inform and spark public debate about important and current issues in urban public affairs. This paper is a fitting introduction to the series. The unprecedented judicial ruling to remove Mayor Rob Ford from office for a violation of conflict of interest rules has heightened uncertainty and tension at Toronto City Hall. Regardless of the ultimate outcome of the legal proceedings, there is an urgent need for public debate about municipal governance as the City of Toronto tries to restore stability. Drawing on academic literature, media reporting, and some illustrative events, the paper takes a careful look at local government in Toronto and examines three of the major fault lines that are causing friction at City Hall.

The first fault line is *political leadership*, focusing on who is providing it and how it is effectively exercised in a system in which Council is supreme and the mayor has fewer formal powers of agenda control, persuasion, and patronage than his parliamentary counterparts. While recent Toronto mayors have had success advancing their policies, opposition in Council to Mayor Ford’s agenda grew during 2012 into a significant obstacle to governing effectively. That this environment of contested leadership produces heightened political conflict and policy incoherence should come as little surprise. The same dynamic is evident in minority parliaments. It is constructive that some councillors stepped in to play a leadership role on certain files, such as the waterfront, social housing, and transit. But over the long term, only the mayor is positioned to advance a citywide agenda. To do this successfully, academic literature and recent history suggest that mayors struggle to impose their will, and must instead rely on their political acuity and the softer skills of persuasion and consensus-building.

The second fault line is *accountability*, which the paper explores through two lenses: formalized *institutional* accountability mechanisms in law and policies, and the informal way in which citizens hold elected officials *politically* accountable for commitments, choices, or the general condition of the city. In terms of the first lens, great strides have been made. Legal rules now exist regarding privacy, elections, and ethical behaviour. Council has a Code of Conduct. Budget and agency oversight has been a priority. Four accountability officer positions have also been created to oversee the finances, lobbying, and interactions among councillors, staff, and the public. Tensions relating to the application of these rules or the adversarial role of the officers are natural and are also common in parliamentary government. Yet the picture is murkier through the second lens. Elected officials are held to account through the ballot box, but this presumes that voters can reliably assess what politicians are accountable *for*. Such an assessment is difficult in an environment in which accountability rests with Council as a whole, the policy process is influenced by a range of voices, and the province exerts significant control.

The third fault line is the *role of the Toronto Public Service*, amid concerns that political pressure, the public dismissal of senior officials, and other forces are “politicizing” staff. The capacity of public servants to provide honest and impartial advice is inevitably affected when political terrain is contested and staff report to 45 “bosses.” Still, it is difficult to say whether the pressures are more intense today than in the past. There is a strong case for a Toronto Public Service Act that would formally outline staff roles, responsibilities, and protections in their interactions with elected officials. But the tension in the relationship is rooted in the informality of the working arrangements between politicians and public servants. Personalities, values, and relationships matter; legislation codifying rules and responsibilities will not change that fact.



The Fault Lines at City Hall: Reflections on Toronto's local government

Introduction

“This is worse than the Roman Senate,” moaned one of Toronto’s city councillors, following an acrimonious transit debate in March 2012.¹ The remark reflects a perception held by many Torontonians that City Hall is dysfunctional. The proponents of this view can point to a growing list of recent examples, including the spectre of a megamall and Ferris wheel on the waterfront and the last-minute brokerage that averted it; the divisive and politically charged dismissals of senior officials with the Toronto Transit Commission and Toronto Community Housing; the accusations of ethical

breaches levelled at elected officials; or the general incivility of Council discourse at times.

While debating the latest sign of dysfunction in the Council chamber is a popular parlour game in Toronto, the unprecedented judicial ruling in late 2012 to remove Mayor Rob Ford from office for a violation of conflict-of-interest rules has created a moment of genuine uncertainty and tension about Toronto’s city government. Regardless of the ultimate outcome of the legal proceedings, there is an urgent need for public debate about municipal governance as the City of Toronto tries to restore stability. Drawing on academic literature, media reporting, and some illustrative recent events, the paper takes a careful look at Toronto’s government and examines three of the major fault lines that are causing friction at City Hall.

The first fault line is *political leadership* and the perpetual questions of who should provide it in the contested political arena and how it is effectively exercised. The second relates to how *accountability* is understood and applied, both through formal laws and policies, and the more informal ways citizens hold elected officials to account. The third is the *role of the Toronto Public Service*, amid concerns that political pressure

and other forces are threatening staff's capacity to provide honest, neutral advice. The paper concludes with some observations and conclusions intended to contribute to civic discussion about the state of local government in Toronto.

Municipal government – an entirely different beast

Most Canadians are more familiar with the system of parliamentary government at the federal and provincial levels than they are with local government. The parliamentary model they recognize has two prevailing features: leader-dominated political parties and highly centralized executive authority. Parties impose structure, select leaders, provide brand identity and continuity, and maintain ties with citizens. They also provide leaders with significant control over policy platforms and candidate selection.

In government, executive authority is embodied in the Prime Minister or Premier and Cabinet. As representative of the Crown, the Executive has formal powers through law or convention, such as directing the public service, making patronage appointments, submitting spending bills, dissolving Parliament, and calling general elections. Informally, its electoral mandate, media profile, and control of political communications help manage the policy agenda. The convention of party discipline – rigidly upheld in Canada – compels backbench members to vote along party lines, enabling a majority government to ensure the largely uncontested passage of its legislative agenda.

Neither of these two features is present in Toronto's municipal government. There are no political parties² and the legislative branch – City Council – is supreme at the local level, even possessing some executive authority.³ Toronto mayors have neither the party machinery nor the formal executive powers of their parliamentary counterparts. Formally, they act as head of Council and chief executive officer, provide leadership to Council, and publicly represent the municipality. Informally, mayors are empowered by their political visibility. But they lack a cabinet to help set and manage the agenda, the power to direct public servants, and the leverage to command votes in Council meetings. Recent governance changes have provided Toronto's mayor with additional powers, but the basic structure remains largely intact: the mayor has the “bully pulpit,” but only one of 45 votes in the Council chamber.

The City of Toronto, like its federal and provincial counterparts, also has a large, permanent, non-partisan administration to develop policy and deliver services. The Toronto Public Service (TPS) has about 50,000 employees, including more than 10,000 with the Toronto Transit Commission (TTC) and nearly 8,000 with Toronto Police Services. The TPS is led by a city manager – appointed by Council, usually on the advice of the mayor – and three deputy city managers, who oversee the City's corporate functions and finances, “hard” services like infrastructure and water, and “soft” services such as social assistance, economic development, and public health.⁴

While TPS staff members play an independent and professional role similar to that of public servants in Ottawa or at Queen's Park, there are some notable differences. As City Council and committee meetings are open and televised, city staff face more public scrutiny than do federal or provincial officials, who are shielded by the confidentiality of Cabinet decision-making processes and the convention of the “faceless bureaucrat.” Whereas deputy ministers are the bridge between the political

and administrative realms in parliamentary government, the city manager and other senior city staff have a less linear or clear reporting relationship with City Council and the mayor. Both of these dynamics play a prominent part in discussions later on about

the role of staff members and the pressures they face.

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Fault Line #1 – Leadership

Discussions about leadership in local government usually focus on the closely scrutinized interactions between elected officials in advancing the Council's agenda. Other kinds of leadership are, of course, also essential. For example, administrative and managerial leadership in the implementation of Council decisions and the delivery of services is critical in ensuring that the City runs smoothly. These important responsibilities rest largely with city staff, although councillors also have an administrative role through community councils, planning processes, or direct dealings with constituents. But the emphasis here is on *political* leadership, and the capacity of politicians to develop agendas or causes that advance the city's interests and appeal to residents, and to move their policies through City Hall's processes to secure Council approval.

Discussions about political leadership usually start with the mayor. With electoral endorsement of his or her platform,

a public profile as the focal point of media attention, and the ability to act as a spokesperson on city issues, the mayor has a central role in leading public discourse and setting the policy agenda. But mayoral leadership can be highly contested because of the absence of formal executive powers. Following Toronto's amalgamation in 1998, as the scale and complexity of city issues increased, these limitations on the mayor's capacity to lead were identified as an institutional barrier to good governance, particularly for advancing citywide issues.

In 2006, Council approved governance reforms that provided the mayor with additional tools to plan and manage decision-making processes. The mayor can now set the Council agenda at the outset of the term. A new Executive Committee, composed largely of mayoral appointees, was created to focus on the key areas of strategic, fiscal, and intergovernmental policy and on Council priority-setting. A Speaker chairs Council meetings, freeing up the mayor to participate in debates. The mayor can also direct staff in setting the terms of the budget process, and can appoint issue-specific task forces that can meet behind closed doors. Other recommendations to create a more Cabinet-like Executive Committee were not adopted, nor was there consideration of powers to appoint and direct city officials or veto Council decisions, as in U.S. "strong mayor" systems. But the reforms were a modest step in that direction.⁵

Under Mayor David Miller, efforts were made to use these new powers. Miller's 2006 election platform set out the policy agenda for the Council term, and the Mayor's Office secured support for key initiatives such as Transit City, Tower Renewal, and the imposition of land transfer and vehicle registration taxes. Mayor Miller also demonstrated a willingness to use his new powers as a disciplinary tool, for example, by removing a councillor from the Executive Committee for opposing the tax proposals.⁶ While Miller suffered major political setbacks – notably during the 2009 garbage worker strike – columnist Edward Keenan recently described Miller as "an astonishingly effective mayor, in the sense that he implemented his agenda while his opponents at City Hall flailed on the sidelines," although he was also a mayor who sometimes failed to engage councillors and constituents with opposing perspectives.⁷

Following his election in 2010, Mayor Rob Ford also identified his priorities for his term of office. He has had some success in pursuing them, notably in the area of cost containment.⁸ Constructive labour settlements were secured with two of the City's major unions. Council endorsed a review of core city services, a freeze on councillor salaries, essential service status for the TTC, and proposals to explore outsourcing. Mayor Ford also secured support for a property tax freeze in 2011 and the elimination of the vehicle registration tax. As the Council term progressed, however, he

had increasing difficulty controlling the policy agenda and maintaining Council's support.

Council opposed Mayor Ford on a growing number of issues. For example, the "insurrection" over the 2012 city budget saw a group of newly elected centrist councillors garner support for a motion to reverse a series of planned cuts.⁹ The most prominent example of Council opposition to the mayor's agenda has been the transit file. Elected with a subway-building transportation strategy as a platform centrepiece, Mayor Ford cancelled the previous mayor's transit plan on his first day in office. By early 2012 though, after months of debate, Council deemed the mayor's subway expansion strategy unworkable and rejected it in favour of a compromise plan that restored investments in light rail.¹⁰ More generally, the degree to which Council has increasingly contested the Mayor's agenda is reflected in a rough scorecard of voting patterns for major Council decisions compiled by Matt Elliott of *Metro News*, which suggests that the percentage of councillors voting with Mayor Ford has declined from about 70% in 2011 to just over 20% through much of 2012.¹¹

That this environment of contested leadership produces heightened political conflict and policy incoherence should come as little surprise. What is notable though is the degree to which certain councillors have stepped in to assume constructive and effective leadership roles on certain files. TTC Chair Karen Stintz effectively brokered a transit strategy Council could support in a highly fractious political environment. Though her subsequent proposal for the sweeping new OneCity transit strategy was later rejected, Councillor Peter Milczyn secured Council support for a motion to proceed with the transit planning process as part of the Official Plan review.¹² Councillors Jaye Robinson and Ana Bailao similarly played central roles in stewarding Council agreement on the contentious waterfront and social housing files.¹³

What can we make of these cases of diffuse or single-issue leadership? They have been criticized as backroom deal-making or as encroachments on the mayor's leadership terrain. These criticisms are misguided. While brokerage decision-making is often portrayed as the opaque and seamy trading of favours, academic Andrew Sancton notes that "there is nothing unsavoury about encouraging people with conflicting interests to explore possible compromises in private."¹⁴ There is a tradition of councillor-led, issue-specific brokerage at City Hall. But overreliance on this type of leadership can have negative consequences. The 44 councillors have varied policy interests and political ideologies, and are often strongly influenced by local constituents and ward-specific issues. There are also transaction costs in cobbling together issue-by-issue coalitions, and this approach inevitably makes it difficult to plan for the future.

What these cases also demonstrate is that political success at City Hall is often more about the *type* of leadership than the *source*. Lacking the formal powers of federal or provincial leaders, mayors struggle to impose their will. As a result, successful leadership is more often the product of softer factors like public popularity, political acuity, and the willingness to build consensus. Richard C. Tindal and Susan Nobes Tindal have written that mayors “must rely heavily on their personality and persuasive skills in attempting to provide leadership.”¹⁵ Sancton has similarly suggested that increasingly sophisticated electorates “want a mayor who will at a least appear capable of playing a constructive role in making difficult policy decisions about the urban future.”¹⁶ While individual councillors are important in the Council decision-making process, the mayor is uniquely positioned to shape and advance a unified, citywide policy agenda over a longer time horizon. If the mayor struggles to present a coherent vision or if his or her leadership is contested, increased conflict and uncertainty can be expected.

Fault Line #2 – Accountability

Uncertainty about leadership is often coupled with a lack of clarity about who is accountable for what. James Lightbody has captured the public *zeitgeist* in suggesting that “the recurring problems of metropolitan city politics are that everyone seems to have a say, decisions seem to be made with little durability, and...no one seems to be accountable for either specific choices or for the general condition of the city.”¹⁷ But does this comment do justice to the complexity of the concept of accountability in local government today?

This section explores accountability at City Hall through two lenses. The first is the formalized legal or institutional accountability for decisions, financial management, and behaviour, as set out in provincial legislation and municipal bylaws or as established by convention. The second is the more informal notion of political accountability: that is, the extent to which citizens can hold elected officials to account for, as Lightbody puts it, specific choices or the general condition of the city.

The City has made great progress in recent years in creating a robust framework for legal and institutional accountability. Councillors and city officials are subject to statutes¹⁸ that establish rules and obligations for privacy protection, elections, and ethical behaviour, among other things. These legal measures have been supplemented by a Council Code of

Conduct that sets out rules for gifting, privacy, conflict of interest, and discreditable conduct. The Toronto Municipal Code sets out Council Procedures, for example, members’ obligation to attend, vote, and listen respectfully at meetings, or the duties of the senior staff to advise Council on the financial implications of motions tabled without notice.

Perhaps the most significant innovation of the past decade has been the creation of the City’s four Accountability Officers: the Auditor General, the Lobbyist Registrar, the Integrity Commissioner, and the Ombudsman. The Auditor General is the most well-established position, providing both oversight of financial management and value-for-money audits of government spending. There is also a separate internal audit function as part of the city administration. The other three officers oversee different aspects of the activities and interactions of elected officials, public servants, and external actors, borrowing from the independent oversight practices used by the federal and provincial governments.

Another accountability challenge for the City is its relationships with more than 100 agencies, boards, commissions, and corporations (ABCCs), which are responsible for nearly one-third of the annual operating budget. These entities range in size and complexity from the Toronto Police Service to the

George Bell Arena Board of Management.¹⁹ In 2008, the Mayor’s Fiscal Review Panel pointed out that the City “has very little say or control over [ABCC] budgeting and decision-making, yet is accountable to the public for their financial performance and service quality.”²⁰ While this is an ongoing challenge, the City Manager recently noted that municipal code amendments are being developed to help address these concerns and increase oversight. The largest city ABCCs have also been subject to Service Efficiency Reviews to identify operating improvements and cost savings.²¹

The budget process is also being used to establish more explicit accountabilities for specific financial management and service delivery outcomes. The City’s 2012 Budget provides Program Budget Summaries for all city divisions, ABCCs, rate-supported programs such as water and parking, and the Mayor’s Office and City Council.²² For each area, the documents set out detailed budget allocations, assess the service levels being achieved, and list

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annual “service deliverables,” or the key operational objectives and targets for the year. The City Manager and TPS senior officials are accountable to Council and the public for achieving these service deliverables each year.²³

All of these measures focus largely on *institutional* functions: articulating rules of conduct and core responsibilities; regulating relationships, interactions, and processes; and creating reporting requirements and enforcement mechanisms. These laws, policies, and rules are helpful in transparently setting out expectations and sanctions. Still, there are always tensions relating to their interpretation and application.

The most obvious case is the 2012 judicial ruling against Mayor Ford under the *Municipal Conflict of Interest Act*. While the political implications are striking, the case also raised important questions about the scope of the legislation and the legal interpretation of the Act’s provisions and penalties, as well as broader discussions about how public officials should ethically think about “conflict of interest” and the standard of judgement reasonably expected of them.

Another, less dramatic, example was the resistance of some members of Council to the function and findings of the new accountability officers.²⁴ Tensions relating to the role of the Accountability Officers are natural, given the independent and adversarial role they play, and the similar challenges faced by peers like the Parliamentary Budget Officer.

More confounding in many ways is the broader notion of *political* accountability: the idea that citizens can hold elected officials to account for their promises and decisions and the outcomes of those decisions. The obvious and authoritative way for citizens to collectively compel political accountability is the ballot box, through which they can express their views every four years. But the vote is a blunt instrument, available only intermittently. Moreover, its effective use presumes that voters can reliably make assessments about what elected officials are accountable *for*. A number of factors make such assessments difficult.

The first issue comes back to the role of the mayor. The central challenge for the public in assigning accountability for citywide decisions or outcomes is that the mayor, elected citywide, is at the mercy of a Council made up of members who are electorally answerable at the ward level. Despite

a strong executive branch, parochial local interests also feature prominently in parliamentary decision-making, where regional dynamics and riding-by-riding electoral considerations are always a factor. But municipal government is different, argues T. J. Plunkett. The mayor “cannot be considered an accountable political executive as this term is understood within the parliamentary model.”²⁵ The result is that accountability rests with Council as a body and cannot be easily assigned to individual politicians.

The policy development process at City Hall is another factor. It is recognized for its openness if not always its transparency. The mayor’s agenda is politically contested and can be vague. For example, in the 2012 Budget documents, there is no clear expression of Council’s policy objectives beyond the Mayor’s four “strategic priorities.” The range of access points and participatory opportunities is also a mixed blessing. While increasing transparency, they enable a diffuse array of external voices – from corporate lobbyists and developers to social-sector advocacy groups and ratepayers’ associations – to influence decision-making. These voices

make themselves heard through a number of channels: the Mayor’s Office or that of their ward councillor, staff consultations, or attendance and deputations at standing committee and community council meetings. These interactions, often refracted

through media coverage, can create uncertainty about who is influencing whom and how decisions are being made.

Another factor that clouds political accountability at City Hall is the degree of provincial control over municipal affairs. The Province sets election dates and service standards, limits the use of taxes, requires approval for certain asset sales, and uses conditional funding arrangements to force compliance in important policy areas. The result is that the City’s field of action is constrained. The reliance on fiscal transfers also breaches a basic principle of public finance: accountability is blurred when the level of government making the spending decisions is different from the one that raises the revenues.²⁶

The debate during the summer of 2011 about Toronto’s waterfront is an inelegant example of all of these factors at play. On a weekday radio show, Councillor Doug Ford announced a new Port Lands redevelopment strategy, featuring a Ferris wheel and megamall, to replace an existing waterfront plan for which contracts had already been

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awarded. Councillor Ford's strategy would have shifted responsibility for developing the Port Lands from Waterfront Toronto, a federal-provincial-municipal agency, to a lesser-known city property management agency, Toronto Port Lands Company (TPLC). The proposal, reportedly developed in consultation with foreign developers and endorsed by TPLC, subsequently received the mayor's support and approval at Executive Committee. Council rejected the new plan, opting to support a motion brokered at the last minute that committed to the acceleration of the existing Waterfront Toronto plan.²⁷

Regardless of the outcome, the process raised a number of accountability concerns. Councillors expressed displeasure with the abruptness of the announcement and the uncertainty about the origins of the proposal. Civic leaders complained about the lack of transparency and consultation. Federal and provincial officials were angered by the attempt to diminish their role. Developers who had signed agreements with Waterfront Toronto questioned the reliability of City contracts. Commenting on the local governance implications of the Port Lands issue, University of Toronto law professor Ed Morgan noted that the debate "centred not so much on the competing proposals for the lands, but on the comparative openness and closure of the consultation procedures."²⁸ This case, which featured ambiguity about political agendas, leadership, influences on policy processes, and intergovernmental interactions, demonstrates how complex the *political* accountability dynamic at City Hall can be.

Fault Line #3 – The Role of City Staff

The role of city staff and the nature of the influences they face is another area of debate. Since the establishment of modern municipal government, the leading view has been that the local administration should reflect a professionalism characterized by technical capacity, resistance to political pressures, and a commitment to the public interest. In the 19th and early 20th centuries, local government theorists believed that the municipal realm in Canada needed to be insulated from the corruption, nepotism, and inefficiency of party machine rule in some major American cities, as well as the patronage politics of parliamentary government.²⁹

This culture of professional service and political neutrality has traditionally provided a useful buffer against pressures in the municipal system. The experience and expertise of city staff members give them influence in shaping policy discussions and discretion in interpreting directions from

Council. Some even argue that staff – with their experience and technical capacity, control over information flows, and a very natural tendency to apply their values and preferences in their advice – can actually have too much influence over councillors in advancing or sidelining issues.³⁰

Others disagree, pointing out a range of systemic pressures that put staff in a compromising position. City staff face pressures in managing relationships, consultations, and negotiations with a large, varied, and demanding set of external stakeholders. At times, they also have to mediate interactions between elected officials and external advisors, such as during the 2011 *Core Service Review* undertaken by KPMG. At the same time, the working conditions at City Hall can be unforgiving. The Mayor's Fiscal Review Panel report, released in 2008, noted that since the city manager and senior staff report to Council as a whole, they essentially have "45 bosses" – each with unique priorities, perspectives, and ambitions. This situation, the report argued, "makes for an unwieldy, needlessly politicized and unpredictable system to say the least." The often unproductive and acrimonious debates in Council, councillors' tendency to intervene in administrative issues, and a general culture of incivility at

City Hall have been attributed to morale problems, inefficiency, and absenteeism among staff.³¹

Even more unsettling threats to the TPS's professionalism and neutrality emerged

in 2012. The highly publicized firing of TTC General Manager Gary Webster in early 2012, on the grounds that he had expressed opinions that ran counter to Mayor Ford's position on transit, raised concerns about the "politicization" of staff.³² At the time, Toronto Ombudsman Fiona Crean suggested that the decision – compounded by comments by Councillor Frank Di Giorgio that the bureaucracy should be taking positions "that are consistent with those adopted by the Mayor" – risked putting a "chill" on city staff that could result in the withholding of advice for fear of negative consequences.³³ This and other events prompted journalist John Lorinc to question whether the bureaucracy can still speak honestly, noting what he perceived as the "complete lack of candor that characterizes the way fearful senior officials conduct themselves these days."³⁴

The Ombudsman's *2011 Annual Report* expressed concern about the politicization of the public service and staff's difficulties in "speaking truth to power" – that is, in providing their best, honest advice. The report notes: "In the sphere of municipal governments – especially a government as large as Toronto – the space between legislator and public

servant is not adequately buffered. In fact, the space is razor thin and in jeopardy for public servants and good governance in general.”³⁵

While the Municipal Code outlines the roles and responsibilities of the city manager and other senior officials, and the City has a Charter of Expectations and Values and policies and frameworks to address conflict of interest, whistle blowing, and fraud prevention, there is no comprehensive, statutory expression of the rights, roles, and responsibilities of TPS staff. Crean’s report identified this gap, recommending that Council request that the Province enact a *Toronto Public Service Act* to strengthen the buffers between councillors, the public, and staff, and create greater clarity about the rules governing conduct at City Hall.³⁶ The *Act* would legally establish public service roles and responsibilities, leadership and management frameworks, and rights and duties of ethical conduct.³⁷

Others have pointed out that senior officials can be influenced by many factors beyond pressures from their political masters. Personal beliefs and values, career aspirations, or a desire to advance the interests of one’s department can all influence behaviour. Paul Thomas, a respected voice on Canadian public administration, suggests that creating buffers between the public service and political realms is very difficult in practice. Ultimately, he believes that public servants must be guided by the values of professional integrity and neutrality.³⁸ In the municipal context, Plunkett has similarly argued that “the complexity and controversial nature of some of the issues that emerge in any city of significant size make it impossible to maintain the separation between policy-making and administration.”³⁹

Observations and conclusions

The “fault lines” identified in the paper should not necessarily be understood as negatives. Is diffuse leadership a bad thing? Does a complex policy process inevitably hinder accountability? Does tension in the relationship between city staff and politicians produce bad policy? For each of these questions, the answer is a qualified no.

Leadership and accountability dynamics are complex and intertwined. In a system in which Council is supreme, political leadership will always be contested. The result is a messier decision-making process than citizens are used to at the federal and provincial levels, with issues brokered publicly (or behind closed doors) as a range of stakeholders jockey to influence the process. The City has taken important steps to put in place formal accountability policies and rules suitable for a large government. Despite all the heated rhetoric, tensions over the application of these rules or the adversarial role of the accountability officers are natural, and are common in parliamentary governments as well. But it remains difficult

for citizens to understand where political accountability for decisions and outcomes rests.

In Toronto, discussions of political leadership and accountability have inevitably turned in recent years to the division of powers between the mayor and Council. In the wake of the conflict of interest ruling against the mayor, urban thinker Richard Florida was the latest to argue that Toronto needs a more powerful mayor to address what he describes as the “leadership crisis” the City faces. There are compelling arguments to support “strong mayor” reforms.⁴⁰ The mayor would be better able to advance an ambitious and coherent citywide agenda. Florida argues that a more empowered role would also attract high-calibre candidates. At the same time, reforms could help address the political accountability gap that currently exists between the public’s expectations for the only member of Council they elect at large, and the powers the Mayor actually has to deliver on those expectations. For City staff, they could create a clearer reporting relationship with the mayor.

There are convincing counter-points as well. Local government is closest to citizens and councillors play an important role in representing the views of their communities in the policy process. Strong mayor reforms would inevitably diminish councillors’ influence. Reformers should also bear in mind that, under the existing system, Mayors Rob Ford and David Miller have had notable successes in advancing their policy agendas. Both academic literature and recent history suggest that a combination of public profile, political acuity, and a willingness to use the softer skills of persuasion and consensus-building can result in successful and effective leadership at City Hall, even without a strong mayor system. The division of powers is important, but so are leadership styles and political abilities. This debate raises a chicken-or-egg type question: is the system of governance a barrier, or are elected officials incapable of working effectively within the system?

What the fault lines identified here suggest is the need to find ways to increase citizens’ capacity to understand, interact with, and influence City Hall. There have been some laudable recent innovations, such as the City’s 311 service and the Open Data initiative, which provides interested observers with access to data sets on everything from budgeting to archaeological sites. But there are plenty of other ways in which local government can be made more accessible to residents. “The Fourth Wall,” a public art installation, presented a number of interesting civic reform proposals to increase participation and transparency, including more aesthetically appealing public notices, dedicated city staff support for residents’ groups, and more accessible Council meeting times.⁴¹ The City’s long-term planning processes present other avenues for participation. The Official Plan renewal process

began in 2012, creating the opportunity for a public dialogue about Toronto's land-use planning vision for the next five years.⁴² Other cities are also experimenting with ideas such as participatory budgeting and citizen-driven smartphone apps that can improve services and enhance engagement.

Turning to the role of staff, there is no way to objectively assess this issue of "politicization". But a public service's capacity to provide honest and impartial advice is inevitably affected in an environment in which the political terrain is contested and staff report to 45 bosses. History tells us that pressures on the public service ebb and flow. They generally rise when political tension is high and trust is low, such as during post-election transitions or when a political leader is challenged. Are pressures more intense today than in the past? It is difficult to say.

Regardless, there is a strong case to be made for a *Toronto Public Service Act* that would formally outline, in law, the roles and responsibilities of city staff, as well as the buffers and protections afforded them in their interactions with politicians. This seems a reasonable next step in the evolution of the City of Toronto as a government of increasing size and complexity. At the same time, federal and provincial experience shows that laws, policies, and frameworks can only do so much. The tension in the relationship is rooted in the informality of the working arrangements between politicians and public servants. Personalities, values, and relationships matter; legislation codifying rules and responsibilities will not change that fact.

Finally, it is important for citizens to recognize the "differentness" of government at City Hall. Toronto's governance system has evolved since the City's amalgamation in 1998 into a unique hybrid. The larger city has required the adoption of some of the trappings and accountability mechanisms of parliamentary government. Yet, unlike our opaque, highly centralized, and leader-dominated parliamentary institutions, City Hall has retained the openness and Council supremacy of the municipal model. There is no question that open meetings reveal some warts that Cabinet doors would otherwise conceal. Moreover, citizens should be genuinely troubled by recent events that raise concerns about the capacity of Council to govern effectively or conduct its business ethically. But there is something refreshing about the messiness of local democracy. The public has access to the local decision-making process in a way that it simply does not with federal and provincial governments. For the frustrated councillor, City Hall may well be dysfunctional these days, but the oligarchic Roman Senate is probably the wrong analogy.

Endnotes

- 1 "Quotable Quotes: City Council March 5 edition," Good Gravy Blog, TorontoSun.com, March 5, 2012.
- 2 Some large Canadian cities, such as Montreal and Vancouver, do have political parties.
- 3 For example, the ability to direct and hire senior city staff, to make some administrative decisions, etc. See Richard C. Tindal and Susan Nobes Tindal, *Local Government in Canada*, sixth edition, Nelson: 2004, 259–60, 263.
- 4 Richard Stren et al., "The Governance of Toronto: Challenges of Size and Complexity," University of Toronto Cities Centre: May 2012, 18; City of Toronto.
- 5 Governing Toronto Advisory Panel, "The City We Want – The Government We Need," City of Toronto, November 2005; City of Toronto, "Implementation of a New Council Governance Model for the Next Term of Council," Policy and Finance Committee Report 5, Clause 1, 17.
- 6 InsideToronto.com, "Ashton asked to leave mayor's executive committee," August 3, 2007.
- 7 Edward Keenan, "What kind of mayor does this city need," *The Grid*, July 4, 2012, <http://www.thegridto.com/city/politics/what-kind-of-a-mayor-does-this-city-need/>.
- 8 Mayor Ford's priorities are achieving customer service excellence; creating a transparent and accountable government; reducing the size and cost of government; and building a transportation city. City Budget 2012, Office of the Mayor: Operating Program Summary, 5. www.toronto.ca/budget2012/2012_budget_summary/pdf/operating/op12_mayor.pdf
- 9 Marci Macdonald, "The Incredible Shrinking Mayor," *Toronto Life*, May 2012, 52.
- 10 Royson James, "Mayor Ford fumbles as city staff deem subway funding risky and unworkable," *Toronto Star*, February 29, 2012.
- 11 Matt Elliott, "City Council Scorecard," Metro News, updated June 11, 2012, <http://metronews.ca/voices/ford-for-toronto/19721/council-scorecard/>.
- 12 Tess Kalinowski, "OneCity: Toronto Council buries TTC Chair Karen Stintz's transit plan," *Toronto Star*, July 11, 2012.
- 13 David Rider, "Ford ally joins experts in rejecting his Port Lands plan," *Toronto Star*, September 15, 2011; Don Peat, "Sale of TCHC homes gets the green light," *Toronto Sun*, October 9, 2012.
- 14 Andrew Sancton, "Mayors as political leaders," in *Leaders and Leadership in Canada*, eds. Maureen Mancuso et al., Oxford University Press: 1994, 186.
- 15 Tindal and Tindal, op. cit., 263.
- 16 Andrew Sancton, op. cit., 186.
- 17 James Lightbody, *City Politics, Canada*, Broadview Press: 2006, 90.

Personalities, values, and relationships matter; legislation codifying rules and responsibilities will not change that fact.

- 18 These include the *Municipal Conflict of Interest Act*, the *Municipal Elections Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, and the *Criminal Code of Canada*.
- 19 A list of City of Toronto ABCCs and special-purpose bodies can be found at <http://www.toronto.ca/abcc/directory-alphabetical.htm>.
- 20 Mayor's Fiscal Review Panel, "Blueprint for Fiscal Stability and Economic Prosperity – a Call to Action," City of Toronto, February 21, 2008, 44.
- 21 Joseph P. Pennachetti, "Reflections on Toronto's Fiscal Health and the Decade Ahead: A Discussion with the City Manager," presentation at the Institute on Municipal Finance and Governance, May 16, 2012, 13, 27. http://www.munkschool.utoronto.ca/imfg/uploads/198/imfg_version_14_pennachetti_final.pdf
- 22 City of Toronto, 2012 City Budget Summaries: www.toronto.ca/budget2012/2012_budget_summary/index.htm
- 23 For example, the City Manager's Office deliverables include coordinating a range of strategic priorities such as labour negotiations and transit planning.
- 24 In certain instances, the Integrity Commissioner, mandated with ensuring the ethical conduct of members of Council, made recommendations to Council to sanction councillors for misconduct that a majority of councillors voted to ignore. Donovan Vincent, "Council vote map: motion to pursue no integrity sanctions against Rob Ford," *Toronto Star*, February 8, 2012.
- 25 T. J. Plunkett, *City Management in Canada: The Role of the Chief Administrative Officer*, Institute of Public Administration of Canada: 1992, 45.
- 26 Enid Slack and Richard Bird, "Cities in Canadian Federalism," *Policy Options*, December 2007–January 2008, 76.
- 27 Tristin Hopper, "Councillors sink Fords' Port Lands plan," *National Post*, September 20, 2011.
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- 29 Richard C. Tindal and Susan Nobes Tindal, op. cit., 269-72; Warren Magnusson, "The City as the Hope of Democracy," in *Urban Affairs: Back on the Policy Agenda*, ed. Caroline Andrew, McGill-Queen's University Press: 2002, 333–34.
- 30 James Lightbody, op. cit., 280.
- 31 Mayor's Fiscal Review Panel, "Blueprint for Fiscal Stability and Economic Prosperity – a Call to Action," City of Toronto, February 21, 2008, 44–45.
- 32 Tess Kalinowski and Paul Moloney, "TTC's Gary Webster faces axe," *Toronto Star*, February 18, 2012.
- 33 David Rider, "TTC Chief Gary Webster's firing puts a chill on staff, says Toronto Ombudsman," *Toronto Star*, February 23, 2012.
- 34 John Lorinc, "Can bureaucracy speak honestly?" *Spacing* magazine, Summer 2012.
- 35 Office of the Toronto Ombudsman, *Annual Report 2011*, March 2012, 3.
- 36 There is a long tradition of this type of legislation at the federal and provincial levels. In Ottawa, the *Public Service Employment Act* establishes the employment framework and protections for federal public servants, and defines the core principles of merit, non-partisanship, fairness, and transparency. The *Act* empowers the Public Service Commission of Canada (PSC) with responsibility for overseeing the staffing of the core public service and ensuring its neutrality. Rules are in place on public servants' participation in political activities, the hiring of former political staff, and responsibilities vis-à-vis the political sphere. Canadian provinces and territories have similar legislative and institutional provisions.
- 37 Office of the Toronto Ombudsman, op. cit., 5.
- 38 Paul G. Thomas, "Political-administrative interface in Canada's public sector," *Optimum Online: The Journal of Public Sector Management* 38(2), 2008, 4.
- 39 T. J. Plunkett, op. cit., 49.
- 40 Richard Florida, "Toronto needs a muscular mayor," *Globe and Mail*, November 30, 2012.
- 41 Dave Meslin, "The Fourth Wall: Transforming City Hall," presentation for Urbanspace Gallery October 2011 to January 2012. http://www.thefourthwall.ca/4th_wall_letter.pdf
- 42 Joseph P. Pennachetti, "Reflections on Toronto's Fiscal Health and the Decade Ahead: A Discussion with the City Manager," presentation at the Institute on Municipal Finance and Governance May 16, 2012, 9, 59, 70. http://www.munkschool.utoronto.ca/imfg/uploads/198/imfg_version_14_pennachetti_final.pdf

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