



STAFF REPORT ACTION REQUIRED

9.

Board Procedural By-law – Revisions

Date:	April 4, 2011
To:	Toronto Public Library Board
From:	City Librarian

SUMMARY

The purpose of this report is to recommend several revisions to the Board Procedural By-law. The main revision is to the Communications Section. In keeping with City Council practices, the contact information of individuals who write to the Board will become part of the public record unless the author of the correspondence requests that his or her personal information not be shared. The current practice is to make correspondence to the Board part of the public record with contact information redacted.

There are two housekeeping revisions: one change to the Scheduled Meetings Section which responds to recent amendments to the *Public Libraries Act* regarding the meeting schedule requirements and the other is a clarification to the procedure for the election of the Vice-Chair.

RECOMMENDATIONS

The City Librarian recommends that the Toronto Public Library Board:

1. approves the revised Toronto Public Library Board Procedural By-law (Attachment 1).

Implementation Points

Members of the public will be given notice that communications to the Board, including contact information of the author(s) of a communication, will be part of the public record unless requested otherwise.

FINANCIAL IMPACT

This report will have no financial impact beyond what has already been approved in the current year's budget.

The Director, Finance & Treasurer has reviewed this financial impact statement and is in agreement with it.

DECISION HISTORY

Notice of the amendments to the Procedural By-law was provided at the March 1, 2011 Board Meeting.

The revisions to the Scheduled Meetings Section are made as a result of changes to the *Public Libraries Act*. As reported to the Board at its January 18, 2010 meeting, the *Public Libraries Act* was amended by Bill 212 with the changes coming into effect on April 1, 2010. Among these amendments was a change to the Scheduled Meetings Section. The provincial government made this amendment in consideration of boards that were having difficulty meeting in the winter months.

COMMENTS

Communications to the Board

In keeping with the practice at City Council, and to enhance transparency, the Procedural By-law is being revised to make the personal contact information of people who write to the Board part of the public record. However, those who write to the Board can request that their personal information not be made public. Currently, contact information such as home or e-mail addresses are redacted in Board meeting materials.

The Board is permitted to make the contact information part of publicly available board meeting materials provided that members of the public are given notice that the personal contact information of those who correspond with the Board will become part of the public record. This is consistent with the *Municipal Freedom of Information and Protection of Privacy Act* and the *Public Libraries Act*. These procedures are contained in the Board Procedural By-law. The new provisions are found in Sections 20.5 and 20.6.

For its practices, City Council relies on the *City of Toronto Act* and Municipal Code Chapter 27. The new provisions to the Communications Section of the Board's Procedural By-law mirror those found in Municipal Code § 27-21 A and D.

Communications to the Board Must Not Contain Unparliamentary or Offensive Language

Adopting a similar approach to City Council procedures (Toronto Municipal Code Council Procedures: 27-21B(6)), communications to the Board must not contain unparliamentary or offensive language. This new requirement is stated in By-law Section 20.2.4.

At the meeting of the Board on March 1, 2011, the Board requested clarification of the wording in the By-law 'that communications not contain unparliamentarily or offensive language'. This wording is intended to be consistent with the existing language used in Section 30.2.1 "Conduct of Members" and Section 31.2.3 "Conduct of the Public". The wording in Section 30.2.1 offers additional context regarding the meaning and intent behind the use of unparliamentarily or offensive language:

A member will not use unparliamentary or offensive language, including any expressions or statements in debate or in questions that attribute false or undeclared motives to

another Member, charge another Member with being dishonest, be abusive or insulting or cause disorder.

The use of the term “unparliamentary language” and the associated definition has been a part of the Board’s Procedural By-law since 1998. This provision was included as part of the section on the conduct of members and conduct of the public. In order to be consistent in the expectations between written communications and conduct at meetings, this provision is recommended as an addition to Communications, Section 20.

The House of Commons Procedure and Practice explains "unparliamentary language" stating that "the use of offensive, provocative or threatening language in the House is strictly forbidden. Personal attacks, insults and obscenities are not in order (House of Commons Procedure and Practice, Second Edition, 2009, Rules Regarding Content of Speeches).

To respond to the request for clarification from the Board, a change is recommended to the definition for “Unparliamentary language” as follows

Unparliamentary language:

Words or expressions which a) are disrespectful, abusive or offensive or b) make unsubstantiated charges that a Member is being dishonest or attribute false or undeclared motives to a Member.

This change is reflected in the revised Procedural By-law in Section 1 “Definitions” on page 7.

Changes to Procedure for Election of Chair and Vice-Chair and Scheduled Meetings

The revision to Section 10 clarifies that the Chair is responsible, once elected, for the election of the Vice-Chair. This is not a change in current practice, but a clarification of wording.

As a result of Bill 212, the *Public Libraries Act* was amended, such that the *Act* no longer specifies the months of the year when board meetings are required to be held. The current Scheduled Meetings Section was adjusted to reflect this change to the *Act*. The Board meeting schedule has not changed.

This revision to the Procedural By-law was made in consultation with the City Clerk’s Office, and has been reviewed by the City Solicitor.

CONTACT

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SIGNATURE

Jane Pyper
City Librarian

ATTACHMENTS

Attachment 1: Revised Toronto Public Library Board Procedural By-law, dated April 4, 2011