



STAFF REPORT ACTION REQUIRED

10.

Toronto Public Library Board Procedural By-Law – Revisions

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| Date: | September 24, 2012 |
| To: | Toronto Public Library Board |
| From: | City Librarian |

SUMMARY

The purpose of this report is to recommend revisions to the Board Procedural By-Law.

The amendments are being proposed by the Board Chair, Councillor Paul Ainslie. The proposed changes to the By-law relate to notification of absences, meeting procedures concerning questioning and discussion, presentations to the Board and a procedure that is being introduced for the waiving of By-law provisions.

These changes are being introduced to support consistency with City Council procedures and to improve the efficiency of meetings.

RECOMMENDATIONS

The City Librarian recommends that the Toronto Public Library Board:

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

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 the financial impact statement and is in agreement with it.

DECISION HISTORY

Notice of the amendments to the Procedural By-Law was provided at the June 25, 2012 Board Meeting. The amendments are being proposed by the Board Chair, Councillor Paul Ainslie.

COMMENTS

The key changes to the By-law include the separation of questions from debate on matters before the Board and new limits for speakers addressing the Board. Another change consolidates information about motions into one section, Section 33. In addition, a procedure is being introduced for the waiving of By-law provisions.

There are additional changes to the Order of Precedence for the motions Refer, Defer, End Debate and Limit Debate in order to be consistent with Council procedures.

The proposed amendments are:

| | CURRENT | AMENDMENT | COMMENTS |
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| A | <p>26 Notification of absence</p> <p>.1 Members will notify the Secretary if they:</p> <ul style="list-style-type: none"> .1 will not be attending; .2 will be arriving late for; or .3 will be leaving early from; any meeting of the Board or a Committee. <p>.2 The Board will notify Council if any Member is absent from the meetings of the Board for three consecutive months if the absence is not authorized by a Board resolution.</p> | <p>Add : (between 26.1 and 26.2)</p> <p>The Secretary will advise the Board of any Member who will be absent from the meetings of the Board for three consecutive months and advise the Board of any explanation provided by the Member for such absence. The Board will then decide whether to authorize the Member's absence by Board resolution.</p> | <p><i>Public Libraries Act</i> s.13(c) disqualifies members if a board member is absent from the meetings of the board for three consecutive months without being authorized by a board resolution.</p> <p>This clause codifies current practice.</p> |
| B | <p>29 Meeting procedures</p> <p>.5 The Chair will:</p> <ul style="list-style-type: none"> .1 maintain a list of Members who have signalled the Chair that they wish to speak or ask questions; .2 recognize Members in the order in which they signalled that they wished to speak or ask questions. | <p>Merge 29.5.1 and 29.5.2</p> <p>.5 The Chair will maintain a list of Members who have signalled the Chair that they wish to speak or ask questions and recognize Members in the order in which they signalled that they wish to speak or ask questions</p> | |

| | CURRENT | AMENDMENT | COMMENTS |
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| C | 29 Meeting procedures | Add new subsection 29.6: .6 All questions on a matter, including questions of Library staff, must be finished before debate on the matter begins, except for questions to a Member who has made a motion and only to clarify the motion. | Adopts approach taken at City Council (Council Procedures s. 27-89M and 27-89G) to separate questioning from debate. |
| D | 33 Motions 36 Motion to Reconsider 47 Types of motions, 48 Other procedural rules 49 Order of precedence | Integrate sections 36, 47, 48 and 49 into main body of By-law into section 33 “Motions”. End Debate and Limit Debate are reversed and reordered. Defer and Refer reversed in order so Refer will be first in Order of precedence. See attached revised By-law at pages 23-28. | Makes the By-law more user friendly. Consistent with Council procedures. Consistent with Council procedures. |
| E | 40 Limits of speeches .1 All speakers are limited to five minutes, except that: .1 the Board or Committee, by resolution, may extend a speaker’s time to a maximum of fifteen minutes; | Amend s.40.1.1. .1 All speakers are limited to five minutes, except that: .1 the Board or Committee, by resolution, may extend a speaker’s time to a maximum of fifteen minutes or limit the time for all speakers at a meeting. | Gives greater flexibility for the Board. Helps with overall time management of meetings. City Council Procedures allow for public presentations at the Committee level with the ability to limit debate. |
| F | 42 Minutes of Meetings .1 The Secretary will keep minutes of all Board and Committee meetings. .2 The minutes will record: .1 the place, time and date of the meeting; .2 the name of the Chair, the Members present, and the Members absent; | Add s. 42.2.5 . 5 any declarations of a conflict of interest, including the Member’s name and the reason for the conflict of interest. . | Provisions added to reflect current practice. |

| | CURRENT | AMENDMENT | COMMENTS |
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| F | <p>.3 any correction to, and the adoption of, the minutes of the previous meeting</p> <p>.4 all resolutions.</p> <p>.3 Reference will be made in the minutes to an agenda item discussed in a Closed meeting.</p> <p>.4 The minutes will record that a motion was carried or defeated, with no count of the vote, unless the vote was recorded. For recorded votes, the Members' name and corresponding vote will be recorded in the minutes after the Chair has announced the results.</p> | <p>Amend s.42.3</p> <p>.3 Reference will be made in the minutes to an agenda item discussed in a Closed meeting and the reason why the discussion was closed to the public</p> | <p>Provisions added to reflect current practice.</p> |
| G | <p>There are no current provisions on waiving By-law provisions</p> | <p>Add s. 45</p> <p>Waiver of By-law provisions</p> <p>.1 Subject to Section 45.2 and 45.3 a motion to waive one of the Procedural By-law's rules on a one time basis will pass if a two-thirds majority of all Members vote for it.</p> <p>.2 A waiver cannot be contrary to the requirements of the Public Libraries Act or any other applicable legislation.</p> <p>.3 The Board cannot waive sections</p> <ul style="list-style-type: none"> • 10.1 Procedure for election of Chair and Vice-Chair • 11. Appointees • 12.1, 12.2, and 12.3.1 Secretary • 13 - Treasurer • 15.1 - Scheduled Meetings | <p>Proposal based on Council Procedures s. 27-8.</p> <p>"A. Two-thirds vote required to waive rules.</p> <p>Subject to Subsection B, a motion to waive one of the procedures By-law's rules on a one time basis will pass if two-thirds of the Council members present vote for it."</p> <p>Provides flexibility to Board in exceptional circumstances.</p> <p>Two-thirds majority of all Members is required, instead of Members present, in order to a) be internally consistent (e.g. s.19.4.2) and b) to ensure that waiver of rules carries more legitimacy.</p> |

| | CURRENT | AMENDMENT | COMMENTS |
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| | | <ul style="list-style-type: none"> • 16.1 - Special Meetings • 19 - Adding New Business to Library Board Meetings • 23 - Public Meetings • 24 - Closed Meetings • 25 - No disclosure of closed meeting deliberations • 27.1 - Quorum • 29 - Meeting Procedure • 32 - Conflict of Interest • 33.3a. - Types of motions: “Reopen” and “reconsideration” only • 34 - Voting • 45 – Waiver of By-law Provisions • 46 - By-law amendment | Roberts Rules s. 25 allows for the suspension of rules, so long as they are legal and respect basic member rights (e.g. to attend meetings, vote, etc...). Council’s waiver provision is consistent with this principle. |

Library staff and staff in the City Legal Division have reviewed the proposed amendments to ensure compliance with relevant legislation, including the Public Libraries Act, alignment with City Council Procedures and current practice at the Library Board.

CONTACT

Katherine Palmer; Director, Planning, Policy & E-Service Delivery; Tel: 416-395-5602;
Fax: 416-393-7083; Email: kpalmer@torontopubliclibrary.ca

SIGNATURE

Jane Pyper
City Librarian

ATTACHMENTS

Attachment 1: Revised Toronto Public Library Board Procedural By-law