

How Parliamentary Principles Guide City Boards like the Library Board

By John Elvidge, Director, City Clerk's Office Secretariat



Public appointees play a valuable role in the governance of City boards



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Thank You!

Terms of your appointment

- Appointed for the whole term until November 14, 2022 and until successors are appointed.
- You must continue to meet the eligibility requirements for appointment:
 - Resident of the City of Toronto
 - Canadian citizen (Public Libraries Act)
 - NOT a spouse or partner of a Member of City Council
 - NOT an employee of the City or one of its boards
- Public members are limited to two terms to a maximum of 8 years unless Council decides otherwise
- *You must notify the Clerk and the board secretary if your circumstances change*
- *Public Members must take a leave of absence from the board to seek elected or appointed office at the federal, provincial or municipal level*

What the City expects of you

Act with integrity

Foster equity,
diversity and
inclusion

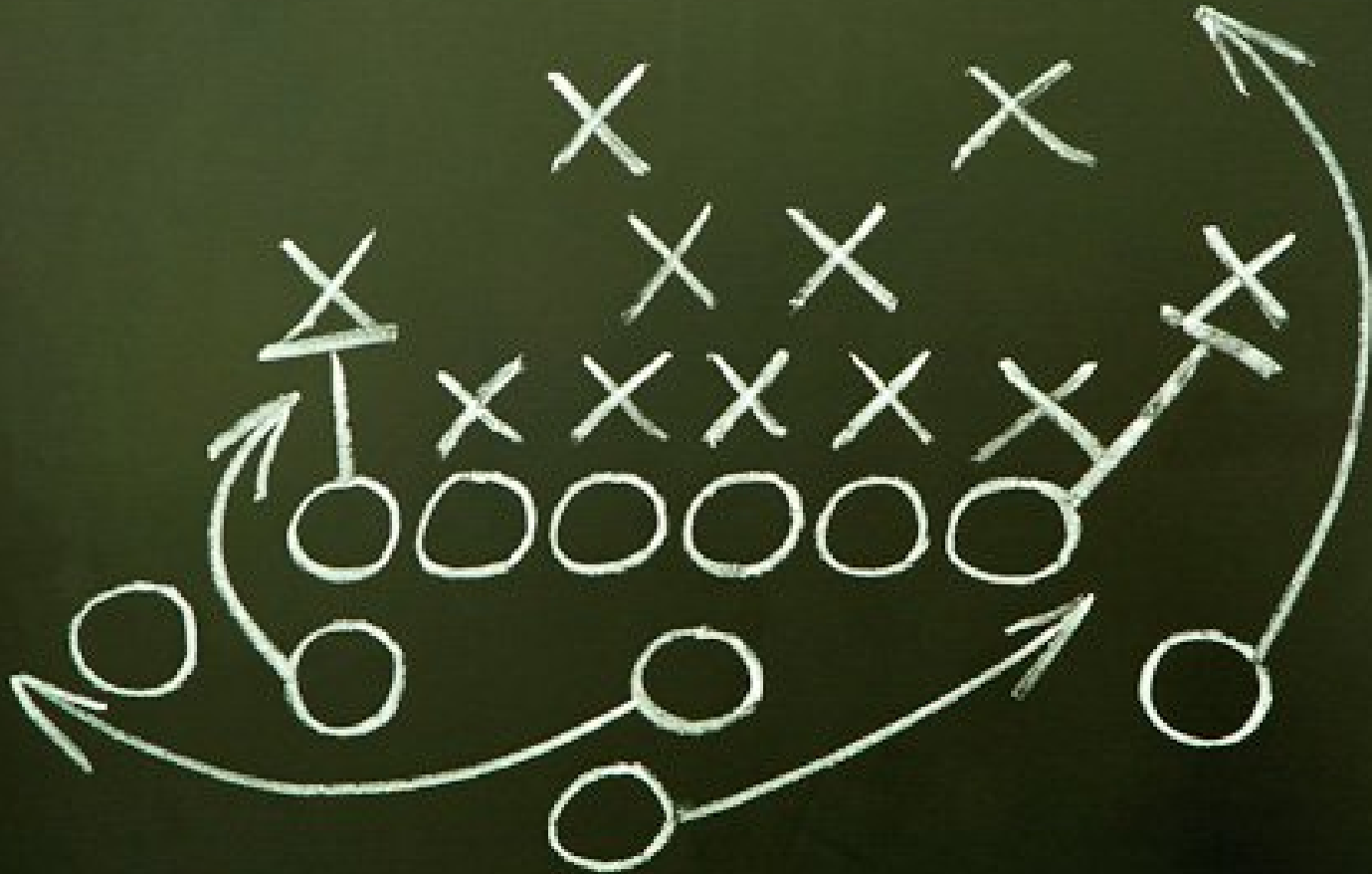
Serve the public
service well

Champion the
standards of public
service

How the Library Board is different than most other City boards

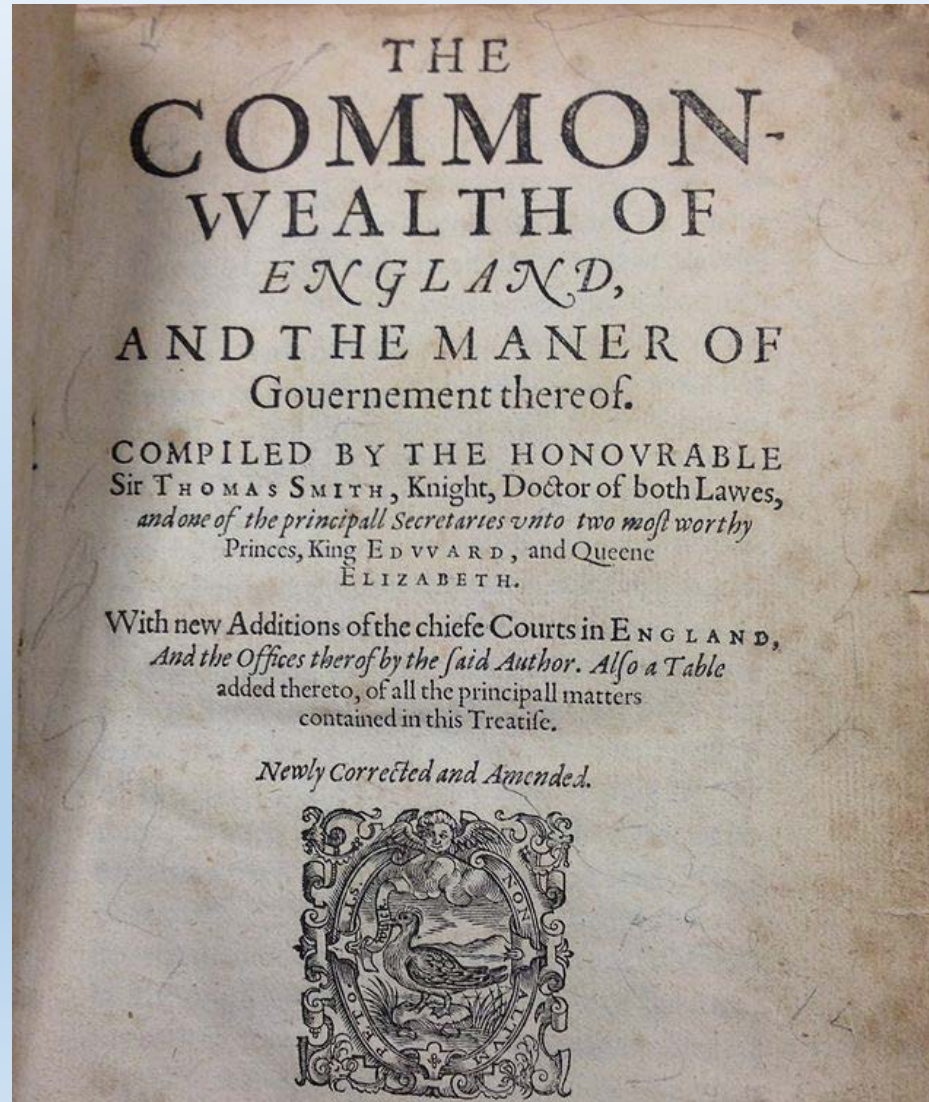
- Meetings are governed by Public Libraries Act, not COTA
- Additional reasons for closed meetings are not available to library boards
- The Code of Conduct for Board Members does not apply
- The Integrity Commissioner does not have jurisdiction over public members
- Board members are covered by MCIA, but not the advice-giving or investigative roles of the Integrity Commissioner

Parliamentary procedures are often considered confusing or arcane



Modern procedures are rooted in time-honoured principles

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John George Bourinot



- *“The great principles that lie at the basis of English parliamentary law have ... been always kept steadily in view by the Canadian legislatures; these are:*
 - To protect the minority and restrain the improvidence and tyranny of the majority,
 - to secure the transaction of public business in a decent and orderly manner,
 - to enable every member to express his opinions within those limits necessary to preserve decorum and prevent an unnecessary waste of time,
 - to give full opportunity for the consideration of every measure, and
 - to prevent any legislative action being taken heedlessly and upon sudden impulse”.

Mason's Manual of Legislative Procedure

- Body must have authority to act
- Body must make decisions in meetings
- Proper notice must be given to all
- Quorum must be present
- There must be a question upon which the body can make a decision
- Must be an opportunity for debate
- Question must be decided by a vote
- Majority is required to decide a question
- No fraud, trickery or deceptions
- Actions must be lawful and constitutional



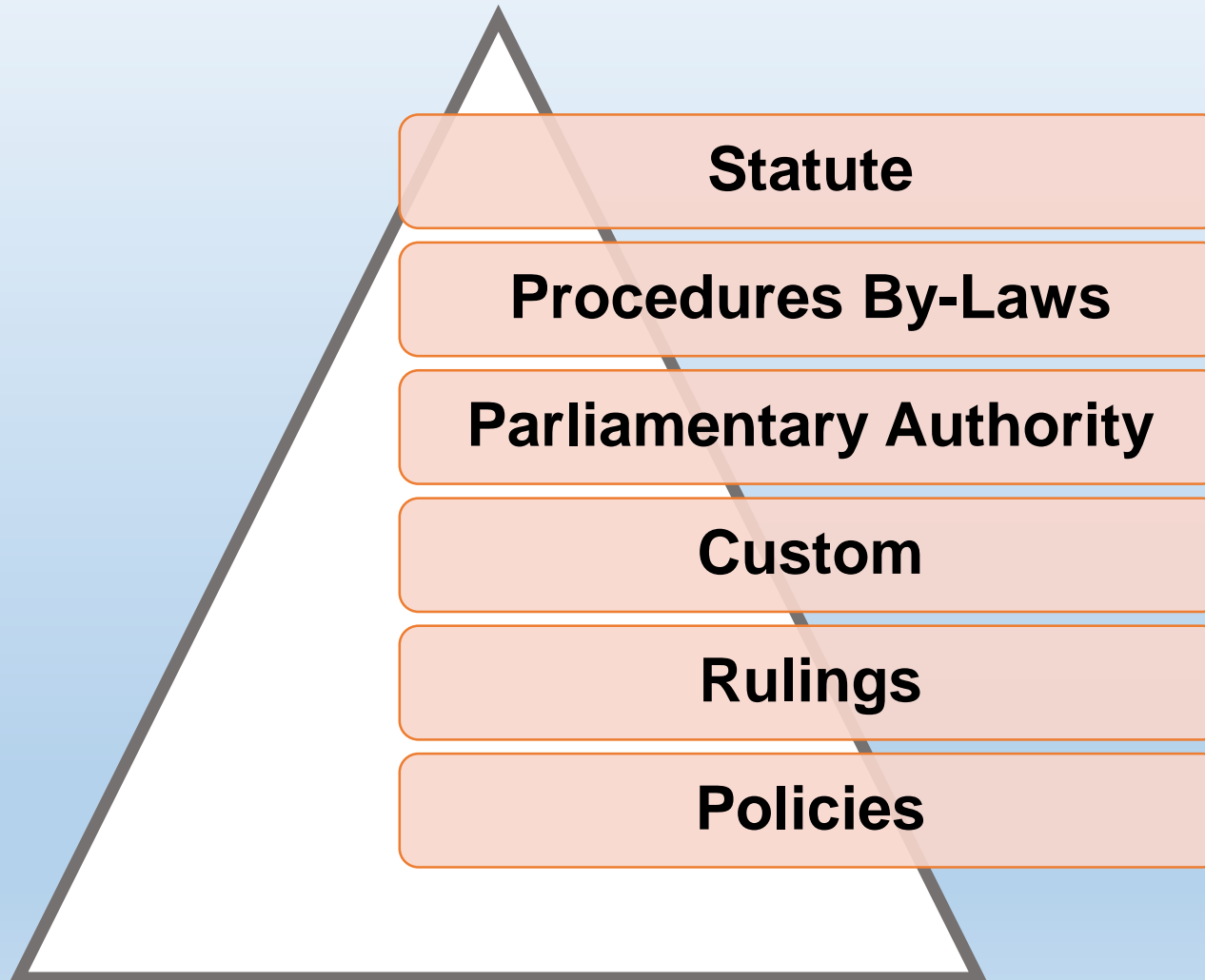
Principles of the City of Toronto Council Procedures

- The majority has the right to decide
- The minority has the right be heard
- All members have the right to information to make decisions, unless prevented by law
- Members have the right to an efficient meeting
- Members have the right to be treated with respect and courtesy
- Members have equal rights, privileges and obligations



A procedures by-law is part of a larger procedural framework

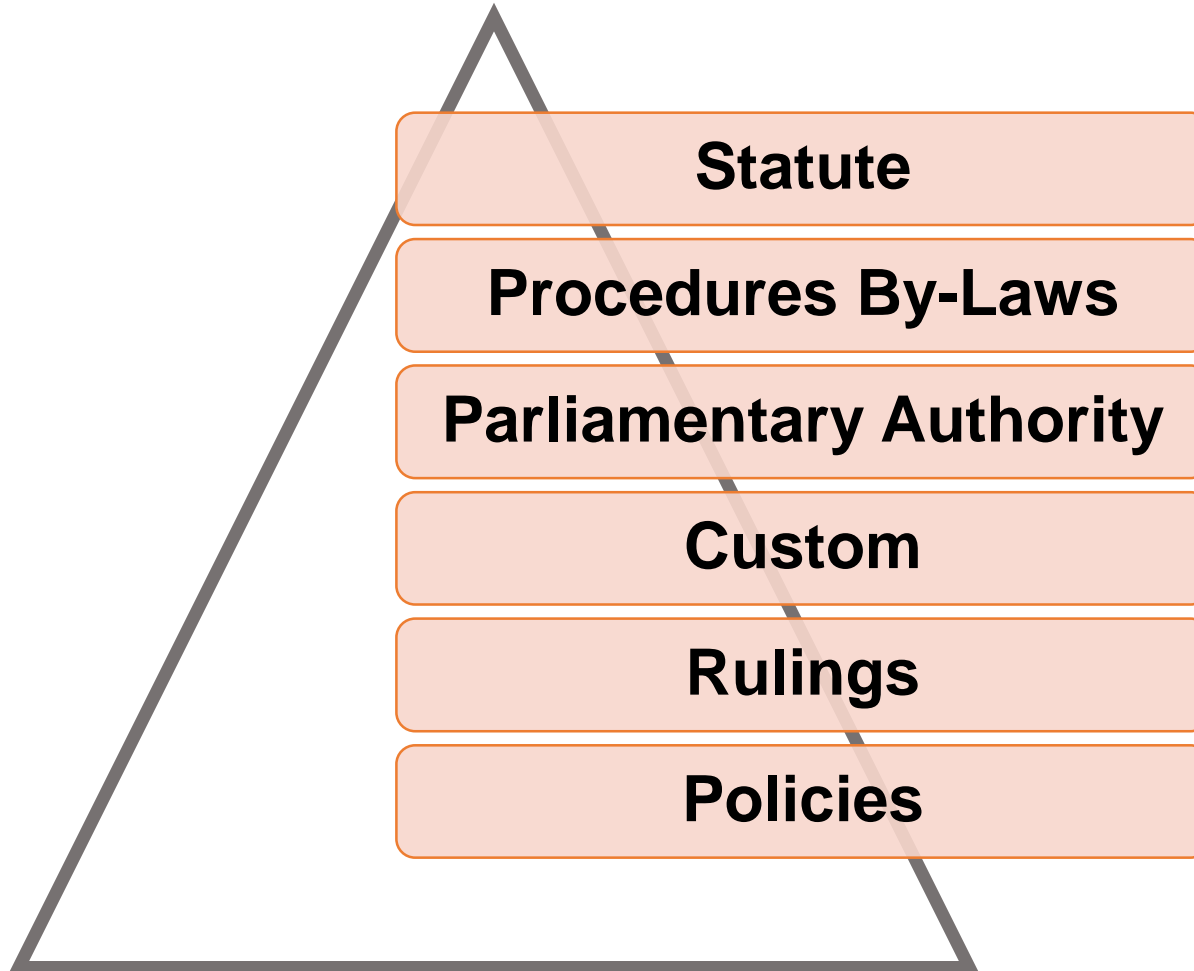
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Statutory Provisions

- A board shall hold regular meetings once a month for at least 10 months each year and at such other times as it considers necessary
- The chair or any two members of a board may summon a special meeting of the board by giving each member reasonable notice in writing, specifying the purpose for which the meeting is called.
- The presence of a majority of the board is necessary for the transaction of business at a meeting.
- The chair or acting chair of a board may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negative.
- The board chair may expel any person for improper conduct at a meeting.

Procedure by-laws are part of a larger procedural framework



Pay attention to open and closed meeting rules

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There is growing public scrutiny of open and closed meetings

Ont. ombudsman says municipal councils should face penalties for meeting in secret

What goes on behind closed doors? Are municipalities too secretive?

by Patrick Raftis

WELLINGTON CTY.

Mayor Joe Fontana, six councillors had 'illegal closed meeting:' Ombudsman Andre Marin

Ontario Ombudsman Andre Marin announce his latest investigation (PRESS)



By Mike Donachie
Metro London

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There is a narrow list of reasons that meetings can be closed

Reasons a meeting may be closed:

- the security of the property of the board;
- personal matters about an identifiable individual;
- a proposed or pending acquisition or disposition of land by the board;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting the board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a board or committee of a board may hold a closed meeting under another Act.

The Public Libraries Act imposes some conditions on closed sessions

- A meeting must be closed if the Board is exercising the powers of the head of the institution in an MFIPPA matter
- Before holding a meeting or part of a meeting that is to be closed to the public, a board or committee of the board shall state by resolution,
 - the fact of the holding of the closed meeting; and
 - the general nature of the matter to be considered at the closed meeting.
- A meeting shall not be closed to the public during the taking of a vote.
- A meeting may be closed to the public during a vote if the vote is for
 - a procedural matter or
 - for giving directions or instructions to officers, employees or agents of the board or committee of the board or persons retained by or under contract with the board.

Avoid some common mistakes

Pre-meeting
briefings for
board

Board “retreats”

Going for lunch
or dinner

Recessing to ask
staff questions or
“work things out”

Telephone or
electronic
meetings

Open meetings
in inaccessible
locations

Lengthy Closed
Session;
Perfunctory
Open Session

Best practices in handling confidential documents are reflected in the City's practices

- No such thing as a confidential reports, only public reports with confidential attachments
- Council adopts a motion regarding release of confidential information
- Follow through on the public release



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Release of Confidential Information

When City Council makes a decision involving confidential information, it also makes a decision about the release of the confidential information.

When confidential information is made public, the City Clerk adds it to the history of the item. You can search or browse the item to view the updated item.

[Subscribe to Release of Confidential Info](#)

Recently Released Pending Release

Date Released	Item Number	Title	Information Released
2019-02-28	2019.MM3.15	245-255 Sheppard Avenue West and 250-258 Bogert Avenue - Appeal of Local Planning Appeal Tribunal Decision - by Councillor John Filion, seconded by Councillor Gord Perks	The confidential instructions to staff in Confidential Attachment 1 to the report (February 26, 2019) City Solicitor.
2019-02-28	2019.MM3.12	1001 to 1037 The Queensway - Request for Direction regarding Local Planning Appeals Tribunal Appeal - by	The confidential instructions to staff in Confidential Attachment 1 to the report (February 25, 2019)

“The democratic legitimacy of municipal decisions does not spring solely from periodic elections, but also from a decision-making process that is transparent, accessible to the public, and mandated by law.

When a municipal government improperly acts with secrecy, this undermines the democratic legitimacy of its decision, and such decisions, even when intra vires, are less worthy of deference.”

Supreme Court of Canada
RSJ Holdings v. City of London

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