



STAFF REPORT NOTICE OF AMENDMENT

10.

Toronto Public Library Board Procedural By-law

Date:	February 22, 2016
To:	Toronto Public Library Board
From:	City Librarian

Pursuant to section 46 of the Toronto Public Library Board Procedural By-law, notice of an amendment must be given to the Board in writing one regular or special meeting in advance.

A substantially revised version of the Toronto Public Library Board Procedural By-law (By-law) will be presented to the Board at its March 21, 2016 meeting for consideration. This revised version of the By-law will repeal and replace the existing By-law.

Much of the content of the proposed By-law is substantively similar to the current By-law. However, the language has been simplified in many provisions and the sections have been re-organized and reformatted for greater clarity. Many provisions that were unused or considered unnecessary have been removed based on advice from City Legal. These changes are being introduced to improve the efficiency and effectiveness of meetings and to make the By-law easier to use for Members.

The proposed amendments represent the first major revision of the By-law since 2008. To develop the proposed By-law, library staff consulted with Library Board members to understand their needs, reviewed practices in other libraries and then consulted with the City Clerk's Office and City Legal throughout the review. City Legal also performed a final review of the revised By-law in its entirety to ensure compliance with relevant legislation, including the *Public Libraries Act*.

Many of the provisions in the revised By-law are the same as those in the City's Procedural By-law, including sections updated for closer alignment. In some cases the Library's By-law differs to reflect the different legislative framework of the Library and the less formal nature of a Library Board with both councillors and citizen representatives.

The following charts list the substantive changes being proposed:

AMENDMENTS

Amended Section	Proposed Provision	Explanation
1(a)	<p>a. This By-law will be interpreted to be consistent with the following principles:</p> <ul style="list-style-type: none"> i. the majority of Members have the right to decide; ii. the minority of Members have the right to be heard; iii. all Members have the right to information to help make decisions, unless otherwise prevented by law; iv. members have a right to an efficient meeting; v. all Members have the right to be treated with respect and courtesy; and vi. all Members have equal rights, privileges and obligations, subject to additional rights, privileges and obligations granted to the Chair under this By-law. 	<u>Principles-based approach</u> Allows Chair to interpret the By-law and make rulings based on a set of principles. The Chair may still rely on Robert's Rules as a guide. Section reflects the principles in the City's Procedural By-law.
2(c)	c. Seven business days before a regular scheduled meeting.	<u>Agenda deadline</u> Amended to 7 business days from 6 clear days.
2(d)	d. Five business days before a regular scheduled meeting.	<u>Agenda Distribution</u> New definition added. Establishes when Members and the public may expect to see Board Meetings' materials. This is in alignment with the City's deadline.
2(q)	q. The City Librarian or delegate.	<u>Secretary</u> Adds "or delegate" to definition permitting other staff to perform Secretary duties.
6(a)	<p>a. The Chair:</p> <ul style="list-style-type: none"> i. represents the interests and decisions of the Board to outside parties at Library, government and community events; ii. serves as a member of all Committees by right of office; iii. will not commit the Board to any course of action unless directed by the Board; iv. establishes the Board agenda in consultation with the Secretary; v. will ensure the Board behaves consistently within its own rules; vi. will rule whether a motion or proposed amendment is in order; vii. will ensure meeting discussion content will be on those issues within the Board's jurisdiction; viii. will ensure deliberation will be fair, open and thorough, but also timely, orderly and kept to the point. 	<u>Duties of Chair</u> Added additional duties, including representing Board, ensures Board abides by procedural rules and conducts meetings fairly.

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6(b)	<p>b. The Vice-Chair:</p> <ul style="list-style-type: none"> i. represents the interests and decisions of the Board to outside parties at Library, government and community events in the absence of the Chair; 	<u>Duties of the Vice-Chair</u> Vice-Chair now assumes duties of Chair outside of meetings as well.
7(c)	<p>c. The Secretary or his or her designate will:</p> <ul style="list-style-type: none"> i. prepare, publish and distribute the agenda for regular meetings of the Board; ii. be present at all meetings of the Board and its Committees; 	<u>Secretary of the Board</u> Codifies secretary's role in publishing the agenda materials and supporting Board meetings.
9	<p>a. Special meetings of the Board may be held at any time:</p> <ul style="list-style-type: none"> i. at the call of the Chair; or ii. at the call of the Secretary subsequent to receipt of a petition signed by a majority of the Members requesting a special meeting. <p>b. There must be at least 24 hours' notice from issuance of the notice of special meeting and the time of the meeting.</p> <p>c. Notice to Members will be given by the Secretary in writing.</p>	<u>Special Meetings</u> Changes requirement to call a Special Meeting from the Chair or any two Members to the call of the Chair or the majority of Members. This is in alignment with the City's Procedural By-law. Notice only required in writing now. Reference to telephone notice removed because there is no record of notice when using telephone. 24-hour notice required instead of one clear day.
15	<p>a. The City Librarian may add new business to a meeting agenda before the agenda deadline;</p> <p>b. The City Librarian may also add new business to the agenda after the agenda deadline if it relates to an Urgent Matter and two thirds of all Board Members present approve of its introduction.</p>	<u>New Business From City Librarian</u> Changes "library officials" to City Librarian as new business would only be added with consent of the City Librarian.
16(a) 16(b)	<p>A member who wishes to bring a Main Motion before the Board will provide the Board with notice as follows:</p> <p>a. Notices of Motion by Board Members submitted before the Agenda Deadline must be in writing and in a form that the Secretary approves and be signed by the Board member moving it and the Board member who seconds it. No signatures are required for notices received via email, but the seconder's name must be included in the correspondence and the seconder must be copied on the email.</p> <p>b. Notice of Motion by Board Members after the Agenda Deadline, but before the Board meeting:</p> <ul style="list-style-type: none"> i. must be in writing and in a form that the Secretary approves and be signed by the Board member moving it and the Board member who seconds it. No signatures are required for notices 	<u>Notice of Motion</u> Notice by email requires that the seconder of the motion be copied.

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	<p>received via email, but the seconder's name must be included in the correspondence and the seconder must be copied on the email;</p> <p>ii. must relate to an Urgent Matter as determined by the Secretary and the Chair.</p> <p>If the Secretary and Chair do not agree that the Motion deals with an Urgent Matter, the Secretary will refer it to the next Board meeting and present a list of these Motions to the Board for information only.</p> <p>A Motion that fails to comply with the notice requirements in subsections (b) (i) and (ii) may be considered by the Board if a two-thirds majority of the Members present vote in favour of its introduction.</p>	
24(e)	<p>Made to delay a decision on a matter by postponing consideration of the matter:</p> <p>i. until, or within, some specified time or time period;</p> <p>ii. until a specified event happens; or</p> <p>iii. until a report or communication is presented.</p> <p>Members may only debate the merits of deferring the matter and the time frame for deferral.</p>	<u>Motion to Defer</u> Requires deferrals to be made to a specific time or event (i.e. cannot be indefinite).
24(g)	<p>iv. No matter will be reconsidered more than once in a twelve-month period, unless a new Board has been appointed following the previous decision.</p>	<u>Motion to Reconsider</u> Added opportunity to reconsider after appointment of a new Board. This is consistent with the City's Procedural By-law, which allows for reconsideration after a municipal election.
24(m)(ii)	<p>The Board cannot waive sections:</p> <ol style="list-style-type: none"> 1. (a) Principles 2. Definitions 3. Officers 4. Term of Chair and Vice Chair 5. Selection of Chair and Vice Chair 7. City Librarian and Secretary of the Board 8. (a) Scheduled Meetings of the Board 9. Special Meetings 10. Meetings Open to the Public 11. Closed Meetings 12. Quorum 13. Notification of Absence 15. New Business from City Librarian 16. New Business from Board Members 17. Conflict of Interest Disclosure 22. Procedural Rulings 23. Motions 24. (m) Motion to Waive By-Law Provisions 26 Voting on Motions 33 Amendment and Repeal. 	<u>Motion to Waive By-law Provisions</u> List of sections that can be waived updated on advice of Legal. Added: <ol style="list-style-type: none"> 1. (a) Principles 2. Definitions 4. Term of Chair and Vice Chair 5. Election of Chair and Vice Chair 13. Notification of Absence 22. Procedural Rulings 23. Motions Removed: <ol style="list-style-type: none"> 21. Rules of Debate

Amended Section	Proposed Provision	Explanation
29	<p>a. Any person wishing to make a presentation to the Board regarding an item for action or information on the agenda, with the exception of the Chair's report, communications, and the Board Resolutions report, except as provided under section 29 (b), will be heard by the Board provided:</p> <ul style="list-style-type: none"> i. A request to make a presentation is made to the Secretary, in writing by 12:00 p.m. on the business day prior to the Board meeting; ii. Include the name, address, telephone number and electronic mail address of the person or organization wishing to address the Board; iii. Include an outline of the submission to be made, and any relevant documentation; iv. The Chair in consultation with the Secretary may waive the above requirements if, in the Chair's opinion, there were extenuating circumstances or the presentation would no longer be relevant if made at another meeting. <p>b. The Board may hear a presentation about a matter not on the agenda with the approval of the Chair in consultation with the Secretary. Any request to present to the Board on a matter not on the agenda must:</p> <ul style="list-style-type: none"> i. pertain to matters within the Board's jurisdiction; ii. be received prior to the Agenda Deadline; iii. be in writing and sent to the Secretary; iv. include the name, address, telephone number and electronic mail address of the person or organization wishing to address the Board; v. include an outline of the submission to be made, and any relevant documentation. <p>The Chair and Secretary may agree to schedule the presentation on the agenda of the next Board meeting or another future meeting of the Board or a Committee of the Board. The Chair and Secretary may refer matters of Library administration or operations to the City Librarian.</p> <p>c. Each presentation is limited to five minutes (excluding questions from Board Members). This time may be reduced or extended at the discretion of the Chair.</p> <p>d. Presentations from groups or organizations shall have no more than three speakers. The number of speakers does not affect the total time limit for a presentation.</p> <p>e. Any person making a presentation to the Board shall</p>	<p><u>Public Presentations</u></p> <p>Distinct procedures for requests to make presentations on matters on the agenda versus not on the agenda. Presentations will be allowed that are related to matters on the agenda (with some noted exceptions) and requests are made by noon on the business before the meeting. For matters not on the agenda, a request must be made before the Agenda Deadline and the Chair has the discretion to grant or deny the request, and to hear the presentation at another meeting.</p>

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	<ul style="list-style-type: none"> i. only speak on the subject(s) for which they have received approval; ii. obey the rules of procedure and any decision of the Chair; iii. refrain from using offensive language; iv. refrain from speaking disrespectfully of another person. <p>f. Failure to abide by these rules is grounds for the Chair to conclude or curtail a presentation. If the Chair rules that the presentation is concluded, the person or persons appearing before the Board shall immediately withdraw.</p>	
30	<p>a. Communications may be made in writing addressed to the Board, to the Chair or to the Secretary.</p> <p>b. Communications must:</p> <ul style="list-style-type: none"> i. pertain to matters over which the Board has jurisdiction; ii. be in a legible hand-written or printed form; iii. contain a name, address and/or telephone number, and an electronic mail address if delivered by electronic mail; iv. contain a signature unless delivered by electronic mail; v. not contain offensive language. <p>c. All communications, including personal information and opinions contained in a communication, that the Board receives about a matter on the agenda becomes part of the public record, unless the Secretary determines the disclosure of personal information would contravene the Municipal Freedom of Information and Protection of Privacy Act. Communications that form part of the public record are available to the Board and to the public and may be distributed prior to, or during, the Board or Committee meeting.</p> <p>d. Communications that the Board receives about a matter on the agenda may be provided to the Board if received by the Secretary by 12:00 p.m. on the business day prior to the Board meeting. The Chair in consultation with the Secretary may waive these requirements if, in the Chair's opinion, there were extenuating circumstances.</p> <p>e. For communications about matters not on the agenda the Chair, with the recommendation of the Secretary may:</p> <ul style="list-style-type: none"> i. put the communication before the Board; 	<p><u>Communications</u></p> <p>Distinct procedures for communications related to matters on the agenda versus not on the agenda.</p> <p>Communications will be put before the Board if they pertain to a matter on the agenda if they are received by noon on the business day before the meeting. Otherwise the Chair has options to determine how the communication will be dealt with including having the communication answered by Library staff.</p>

Amended Section	Proposed Provision	Explanation
	<ul style="list-style-type: none"> <li data-bbox="412 266 1016 403">ii. allow the City Librarian to consider the communication and to report to the Board, or to a Committee, in response to the communication; or <li data-bbox="412 361 943 445">iii. allow the City Librarian to respond to the communication as the City Librarian deems appropriate. 	

DELETED SECTIONS

Current Section	Provisions Proposed for Deletion	Explanation
11	<p>In accordance with the Public Libraries Act, the Board will appoint individuals to the following positions:</p> <p>.1 Chief Executive Officer, who will also be deemed appointed to the position of Secretary of the Board;</p> <p>.2 Treasurer.</p>	<u>Appointees</u> Reiteration of legislative requirements within the Public Libraries Act.
13	<p>The Treasurer will receive, keep safely and account for all money of the Library and will open bank accounts, deposit money into those accounts and disburse funds as required by provincial and federal legislation, City and Library By-laws, and Board resolutions.</p>	<u>Treasurer</u> Reiteration of legislative requirements within the Public Libraries Act.
19(d)	<p>d. The Chair may deny a Member the right to speak on a particular topic if the Member is disruptive or persistently interrupts others.</p>	<u>Conduct of Members</u> Removes authority of Chair to deny a Member the right to speak on a specific issue. Disruptive behaviour warrants warning and then removal from the whole meeting and not the barring of discussion on a specific issue. This is consistent with the City's Procedural By-law.
24(b)(ii)	<p>Only two amendments at a time are allowed.</p>	<u>Motion to Amend</u> Eliminating limit of only two amendments at one time. This is consistent with the City's Procedural By-law.
24(c)(i)	<p>Only one amendment to the amendment is allowed at a time.</p>	<u>Motion to Amend the Amendment</u> Eliminating limit of only one amendment to an amendment. This is consistent with the City's Procedural By-law.
33(a)	<p>A motion may be:</p> <ul style="list-style-type: none"> • adopted, in which case it becomes a resolution • defeated • amended • deferred • read • reconsidered • referred • reopened • limited in terms of debate time • withdrawn. 	<u>Motions</u> This is covered in sections 24 and 25 of the revised By-law.

Current Section	Provisions Proposed for Deletion	Explanation
33 (a)	<p>Reopen:</p> <ul style="list-style-type: none"> • To resume consideration of a matter which has been postponed by being deferred • (Not to be confused with a motion to Reconsider) • Not debatable • May not be amended. 	<p><u>Motion to Reopen</u> With the elimination of motions to defer an item indefinitely, a motion to reopen is no longer required.</p>

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SIGNATURE

Vickery Bowles
City Librarian

ATTACHMENT

Attachment 1: Revised Procedural By-law